

118TH CONGRESS  
1ST SESSION

# H. R. 5054

To amend title 10, United States Code, to prohibit discrimination in the  
Armed Forces.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 27, 2023

Ms. STRICKLAND (for herself, Ms. ESCOBAR, Ms. SEWELL, Mr. HORSFORD, Ms. TOKUDA, Mr. VEASEY, Ms. MCCLELLAN, Ms. NORTON, Mr. CARSON, Ms. SÁNCHEZ, Mr. ESPAILLAT, Ms. ADAMS, and Mrs. TORRES of California) introduced the following bill; which was referred to the Committee on Armed Services

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## A BILL

To amend title 10, United States Code, to prohibit  
discrimination in the Armed Forces.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Equal and Uniform  
5 Treatment in the Military Act” or the “EQUITY Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1           (1) Women, Black, Native American, and  
2           LGBTQIA+ Americans have served in the Armed  
3           Forces since the Revolutionary War.

4           (2) In 1948, 16 years before the enactment of  
5           the Civil Rights Act (Public Law 88–352; 78 Stat.  
6           241), which desegregated civilian spaces, President  
7           Truman issued Executive Order 9981, which allowed  
8           Black members of the Armed Forces to serve side-  
9           by-side with white members.

10          (3) In 1948, President Truman signed the  
11          Women’s Armed Services Integration Act (Public  
12          Law 80–625; 62 Stat. 356) into law, officially allow-  
13          ing women to serve as full, permanent members of  
14          each Armed Force.

15          (4) In 1967, President Johnson signed into law  
16          Public Law 90–130, which authorized the promotion  
17          of women to the ranks of general and flag officers.

18          (5) In 1972, women were allowed to command  
19          units that included men.

20          (6) In 1982, the Department of Defense In-  
21          struction 1332.14, “Enlisted Administrative Separations”,  
22          banned homosexual individuals from serving  
23          in the Armed Forces.

24          (7) In 1993, President Clinton signed into law  
25          the National Defense Authorization Act for Fiscal

1 Year 1994 (Public Law 103–16), which enacted sec-  
2 tion 654 of title 10, United States Code, “Policy  
3 concerning homosexuality in the armed forces”, com-  
4 monly known as “Don’t Ask, Don’t Tell”.

5 (8) In 2011, President Obama signed into law  
6 the “Don’t Ask, Don’t Tell Repeal Act of 2010”, al-  
7 lowing homosexual members to openly serve in the  
8 Armed Forces.

9 (9) In 2015, the last remaining policy restric-  
10 tions on women serving in direct combat roles were  
11 removed.

12 (10) In 2021, President Biden issued Executive  
13 Order 13988, which rescinded the policy that prohib-  
14 ited transgender individuals from serving in the  
15 Armed Forces.

16 (11) It should be the policy of the United  
17 States that every member of the Armed Forces has  
18 the right to serve, advance, and be evaluated based  
19 on only individual merit, fitness, capability, and per-  
20 formance, in an environment free of discrimination  
21 on the basis of race, color, national origin, religion,  
22 sex, gender identity, or sexual orientation.

23 **SEC. 3. NONDISCRIMINATION IN THE ARMED FORCES.**

24 Chapter 49 of title 10, United States Code, is amend-  
25 ed by inserting after section 985 the following new section:

1 **“§ 986. Prohibition on discrimination**

2 “(a) PROHIBITION.—(1) Subject to paragraph (2),  
3 discrimination within the Department of Defense against  
4 an individual on the basis of race, color, religion, sex, na-  
5 tional origin, gender identity, or sexual orientation, is pro-  
6 hibited.

7 “(2) A qualification established or applied regarding  
8 eligibility for service in an armed force shall take into ac-  
9 count only the ability of an individual to meet—

10 “(A) general occupational standards for mili-  
11 tary service; and

12 “(B) the particular military occupational spe-  
13 cialty.

14 “(b) DEFINITIONS.—In this section:

15 “(1) The term ‘gender identity’ means the gen-  
16 der-related identity, appearance, mannerisms, or  
17 other gender-related characteristics of an individual,  
18 regardless of the individual’s designated sex at birth.

19 “(2) The term ‘sex’ includes—

20 “(A) a sex stereotype;

21 “(B) pregnancy, childbirth, or a related  
22 medical condition; and

23 “(C) sex characteristics, including intersex  
24 traits.

25 “(3) The term ‘sex stereotype’ includes—

1           “(A) stereotypical notions of masculinity or  
2 femininity;

3           “(B) an expectation of how an individual  
4 represents or communicates their gender to oth-  
5 ers through behavior, clothing, hairstyle, activ-  
6 ity, voice, mannerism, or body characteristic;

7           “(C) the expectation that an individual will  
8 consistently identify with only one gender; and

9           “(D) an expectation regarding the appro-  
10 priateness of a role for a certain sex.”.

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