



July 10, 2019

**Re: Amendment 399 (Rep. Speier) of the National Defense Authorization Act**

Dear Member of Congress:

We urge you to support amendment 399 of H.R. 2500 (Rep. Speier) to the National Defense Authorization Act (NDAA) for Fiscal Year 2020.<sup>1</sup> If the amendment is included in the NDAA, we urge you to vote in favor of the final passage of the NDAA.

This amendment will enshrine the bedrock principle that service members and those seeking to enlist in the armed services should be judged on their ability to meet the high standards that are expected of everyone wishing to serve in the military—not by an individual’s race, color, national origin, religion or sex (including gender identity and sexual orientation).

The amendment’s prohibition against discrimination is especially salient for transgender service members, many of whom have been serving openly for over three years. Transgender service members have fully demonstrated their fitness to serve. They have met, and often exceeded every standard the military demands of anyone seeking to serve in the armed forces. Transgender service members have proven they can run as fast as their peers, they have proven they can shoot as straight as their peers, they have proven they can deploy as often as their peers, and they have proven they are as courageous, reliable and loyal as their peers, if not more so. But the ban on open service ignores this demonstrated fitness to serve, and instead marks transgender people as unfit based on their gender identity, rather than whether they can meet the generally applicable standards expected of everyone. This is a baseless, wasteful, and counterproductive policy. And, it is deeply unjust.

As a result of the ban, many transgender people continue to experience harm. Many have had to defer their careers by being denied the ability to serve and many who are serving must hide who they are to avoid discrimination.

It is a matter of basic fairness and equality that service members be judged not on their gender identity, sexual orientation, sex, color of their skin, their religion, or their country of origin, but on their ability to meet the military’s high standards. This amendment will help end these harms and prevent further discrimination. We urge you to vote in support of the amendment. If amendment 399 is included in the NDAA, we urge you to support its passage during the floor vote.

Thank you for considering our views on this important issue. Please contact me at [sbuchert@lambdalegal.org](mailto:sbuchert@lambdalegal.org) should you have any questions or wish further information.

Very truly yours,

Sasha Buchert  
Senior Attorney  
Lambda Legal

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<sup>1</sup> [https://amendments-rules.house.gov/amendments/SPEIER\\_126\\_xml625191236373637.pdf](https://amendments-rules.house.gov/amendments/SPEIER_126_xml625191236373637.pdf)