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## Biden Policy on Transgender Troops Explained

### Overview:

The Biden administration has issued implementing guidelines for its policy on military service by transgender individuals, overturning the ban instituted in 2019 by the previous administration. While many observers refer to the Biden policy as “new,” the main takeaway is its near-complete continuity with not only the Obama policy of inclusion established in 2016, but also with Pentagon guidelines that were never removed even during the Trump-era ban. This is because, as a [previous Palm Center memo](#) explained, military regulations even under the ban “preserved the full catalog of inclusive policy measures developed under the Obama administration,” which continued to apply to those transgender troops who were “grandfathered” in under the inclusive policy. In short, the Trump Pentagon was forced to leave “all the necessary breadcrumbs to mark the way back to inclusive service,” and the Biden policy is virtually identical to the Obama policy.

### What the Biden Administration Did:

The Pentagon on March 31, 2021 [issued regulations](#) implementing fully inclusive service, consistent with President Biden’s January 25, 2021 [executive order](#) revoking the transgender ban and restoring inclusive policy. The regulations, which become effective April 30, 2021, update two DoD Instructions, [DoDI 6130.03, Volume 1](#) (“Medical Standards for Military Service: Appointment, Enlistment, or Induction”) and [DoDI 1300.28](#) (“In-Service Transition for Transgender Service Members”), that, together, now ensure that all transgender individuals who wish to serve and can meet military standards can do so in their self-identified gender.

### Continuity with Obama-Era Inclusive Policy:

The Biden policy is virtually identical to the policy formulated in 2016 under the Obama Pentagon. Its governing principle is that a single standard applies to all service members, and that decisions about transgender members will be made in a manner comparable to how they would be made for all other military members in similar circumstances. Specifically, as with the Obama policy, the updated policy:

- **(Retention)** Allows transgender people who are already serving and meet all military standards to continue serving regardless of gender identity.
- **(Accession)** Allows applicants who can meet all military standards to join the military and serve in their self-identified gender.
- **(Transition)** Allows service members to transition to their self-identified gender and follow the standards and requirements in place for that gender.

- **(Medical Care)** Allows transgender service members full access to military health care as mandated by [federal statute](#) for all members of the military, including medically necessary transition-related care.
- **(Non-Discrimination)** Continues to prohibit discrimination on the basis of gender identity.

The only changes the Biden policy made from the Obama policy involved narrowly targeted regulatory clarifications, such as making clear that the policy applies to ROTC and service academy cadets and midshipmen, broadening the contexts in which members can conduct the RLE (real life experience) phase of their gender transition, and updating terminology.

### By the Numbers:

- **14,700** transgender troops currently serve in the Active Component and Reserves, according to [Palm Center analysis](#) of DoD figures.
- [According to DoD](#), there are about **2,200** currently serving individuals who have been diagnosed with gender dysphoria and may be seeking or have had transition-related medical care.
- The financial costs of transgender-inclusive policy remain negligible. [DoD reported](#) that the total cost of transition-related care was about **\$3 million per year** over three years, which is less than **a hundredth of one percent** of DoD's annual health care budget. The military spends **\$41.6 million** annually on Viagra.
- The [VA has estimated](#) that, if it were to provide comprehensive, gender-confirming medical care for transgender veterans, the financial cost would be roughly **\$6 million per year** over a three-year period, which is less than a hundredth of one percent of the VA's annual medical budget.

### Key Developments:

- June 30, 2016: DoD under President Obama ends ban on transgender service members.
- July 26, 2017: President Trump [tweets](#) that DoD will reinstate a ban on transgender service.
- March 23, 2018: President Trump accepts [a plan](#) from then-Defense Secretary James Mattis targeting all 14,700 transgender troops for service restrictions, but court injunctions block the ban from being implemented.
- January 22, 2019: Supreme Court grants the administration's request to allow reinstatement of ban, while legal challenges continue.
- March 12, 2019: DoD issues [DTM 19-004](#), the regulation implementing the ban, which classifies transgender people's need to transition as [a "deficiency" and a "defect."](#)
- April 12, 2019: Trump ban goes into effect, amidst ongoing court challenges.
- January 25, 2021: President Biden issues [executive order](#) revoking the transgender ban and ensuring that all transgender individuals who wish to serve and can meet military standards are able to do so in their self-identified gender.
- March 31, 2021: Pentagon [issues regulations](#) implementing fully inclusive service, which become effective April 30, 2021.