

117TH CONGRESS
1ST SESSION

H. R. 5170

To amend title 38, United States Code, to extend to former members of the Armed Forces, discharged on the basis of sexual orientation or gender identity, certain benefits furnished by the Secretary of Veterans Affairs.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 3, 2021

Mr. PAPPAS (for himself, Mr. LEVIN of California, Miss RICE of New York, Mr. BROWN, Ms. SPEIER, Mr. TAKANO, Mr. CICILLINE, Mr. JOHNSON of Georgia, Ms. SCHAKOWSKY, Ms. PINGREE, Mr. COSTA, Mrs. CAROLYN B. MALONEY of New York, Ms. LOIS FRANKEL of Florida, Mr. GARCÍA of Illinois, Mr. HORSFORD, Mr. PETERS, Ms. TITUS, Ms. DEAN, Ms. LOFGREN, Mr. WELCH, Mr. LOWENTHAL, Ms. LEE of California, Ms. JACOBS of California, Ms. UNDERWOOD, Mr. KILMER, Mrs. HAYES, Mr. NADLER, Ms. PORTER, Mr. JONES, Mrs. KIRKPATRICK, Ms. BROWNLEY, Ms. MOORE of Wisconsin, Mr. AUCHINCLOSS, Mr. BOWMAN, Ms. SCANLON, Mrs. DEMINGS, Ms. MENG, Mr. TRONE, Ms. WILLIAMS of Georgia, Mr. MCGOVERN, Ms. HOULAHAN, Ms. ESHOO, Mr. SOTO, Mr. SEAN PATRICK MALONEY of New York, Mr. GREEN of Texas, Ms. KUSTER, and Ms. WEXTON) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to extend to former members of the Armed Forces, discharged on the basis of sexual orientation or gender identity, certain benefits furnished by the Secretary of Veterans Affairs.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Securing the Rights
3 our Veterans Earned Act” or the “SERVE Act”.

4 **SEC. 2. EXTENSION TO FORMER MEMBERS OF THE ARMED**
5 **FORCES, DISCHARGED ON THE BASIS OF SEX-**
6 **UAL ORIENTATION OR GENDER IDENTITY, OF**
7 **CERTAIN BENEFITS FURNISHED BY THE SEC-**
8 **RETARY OF VETERANS AFFAIRS.**

9 (a) HOSPITAL CARE AND MEDICAL SERVICES.—Sec-
10 tion 1710(a)(2) of title 38, United States Code, is amend-
11 ed—

12 (1) in the matter preceding subparagraph (A),
13 by striking “any veteran”;

14 (2) in subparagraph (A), by inserting “any vet-
15 eran” before “who has”;

16 (3) in subparagraph (B), by inserting “any vet-
17 eran” before “whose”;

18 (4) in subparagraphs (C), (D), and (E), by in-
19 serting “any veteran” before “who is”;

20 (5) in subparagraph (F)—

21 (A) by inserting “any veteran” before
22 “who was”; and

23 (B) by striking “; or” and inserting a
24 semicolon;

25 (6) in subparagraph (G)—

1 (A) by inserting “any veteran” before
2 “who is”; and

3 (B) by striking the period at the end and
4 inserting “; and”; and

5 (7) by adding at the end the following new sub-
6 paragraph:

7 “(H) a former member of the Armed Forces
8 who, by reason of sexual orientation or gender iden-
9 tity (including a diagnosis of gender dysphoria), re-
10 ceived—

11 “(i) an entry-level separation;

12 “(ii) a discharge under honorable condi-
13 tions; or

14 “(iii) a discharge under conditions other
15 than honorable.”.

16 (b) VET CENTER READJUSTMENT COUNSELING AND
17 RELATED MENTAL HEALTH SERVICES.—Section
18 1712A(a)(1)(C) of such title is amended by adding at the
19 end the following new clause:

20 “(viii) An individual described in section
21 1710(a)(2)(H) of this title.”.

22 (c) INTERMENT IN NATIONAL CEMETERIES.—Sec-
23 tion 2402(a) of such title is amended by adding at the
24 end the following new paragraph:

1 “(11) An individual described in section
2 1710(a)(2)(H) of this title.”.

3 (d) POST-9/11 EDUCATIONAL ASSISTANCE.—Section
4 3311(b) of such title is amended by adding at the end
5 the following new paragraph:

6 “(12) An individual described in section
7 1710(a)(2)(H) of this title.”.

8 (e) HOUSING LOANS.—Section 3702(a)(2) of such
9 title is amended by adding at the end the following new
10 subparagraph:

11 “(H) Each individual described in section
12 1710(a)(2)(H) of this title.”.

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