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(Original Signature of Member)

118TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To establish the Commission on Equity and Reconciliation in the Uniformed Services.

\_\_\_\_\_  
IN THE HOUSE OF REPRESENTATIVES

Mr. TAKANO introduced the following bill; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To establish the Commission on Equity and Reconciliation in the Uniformed Services.

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 “Commission on Equity  
5 and Reconciliation in the Uniformed Services Act”.

6 **SEC. 2. ESTABLISHMENT AND DUTIES.**

7 (a) ESTABLISHMENT.—There is established the Com-  
8 mission on Equity and Reconciliation in the Uniformed  
9 Services (in this Act referred to as the “Commission”).

1 (b) DUTIES.—The Commission shall perform the fol-  
2 lowing duties:

3 (1) Identify and compile a corpus of docu-  
4 mentation on the policing of sexual orientation and  
5 gender identity in the uniformed services, from the  
6 beginning of World War II and onward. Such docu-  
7 mentation shall include the following:

8 (A) Facts related to the history of policing  
9 LGBTQ sexual orientation and gender identity  
10 in the uniformed services.

11 (B) The effects of such policies on eligi-  
12 bility for, and access to, benefits under laws ad-  
13 ministered by the Secretary of Veterans Affairs  
14 on servicemembers who were discharged due to  
15 sexual orientation or gender identity.

16 (2) Hold public hearings in such cities of the  
17 United States as it finds appropriate, and do com-  
18 munity outreach and other public relations efforts in  
19 order to advertise such hearings and the opportunity  
20 to give testimony.

21 (3) Gather testimonies, written and oral, from  
22 LGBTQ servicemembers and veterans about their  
23 experiences, both anonymously and with names  
24 given.

1           (4) Examine the impacts that discriminatory  
2 policy and corresponding actions taken by the uni-  
3 formed services had on the physical and mental  
4 wellbeing of servicemembers.

5           (5) Examine lasting impacts (including psycho-  
6 logical, financial, and professional) that policies of  
7 the uniformed services have had on veterans and  
8 servicemembers who were discharged due to their  
9 sexual orientation and/or gender identity.

10          (6) Examine the disparate impact that policies  
11 targeting sexual and gender minorities has had on  
12 minority groups in the uniformed services, especially  
13 racial minorities and women.

14          (7) Examine the impacts that policing of sexual  
15 and gender minorities has had on individuals who do  
16 not identify as LGBTQ but were nevertheless tar-  
17 geted due to perceived sexual orientation or gender  
18 identity.

19          (8) Recommend appropriate ways to educate  
20 the American public about institutionalized and gov-  
21 ernment-sanctioned discrimination.

22          (9) Recommend appropriate remedies to ad-  
23 dress the findings of the Commission, including—

24                (A) how the Federal Government may offer  
25 an apology for enforcing discrimination that led

1 to psychological, emotional, and physical harm  
2 to servicemembers and their families;

3 (B) how discharge upgrades and amend-  
4 ments of military records may be streamlined  
5 through the Boards for Correction of Military  
6 Records, including improving the transparency  
7 and accessibility of records by the members of  
8 the Armed Forces to whom they pertain;

9 (C) how the service of LGBTQ individuals  
10 in the uniformed services may be made more  
11 visible in materials distributed by the Secretary  
12 of Defense and the Secretary of Veterans Af-  
13 fairs;

14 (D) how diversity and inclusion policies of  
15 the Department of Defense may be revised, in-  
16 cluding how resources may be committed to di-  
17 versity training; and

18 (E) how healthcare and other benefits, fur-  
19 nished by such Secretaries to members of the  
20 uniformed services and veterans, will commit  
21 more resources to meeting the needs of LGBTQ  
22 patients, including improved data collection on  
23 LGBTQ patients, mental health counseling, and  
24 other medical necessities.

1           (10) The Commission shall submit a written re-  
2           port of its findings to Congress not later than one  
3           year after the date of the first meeting of the Com-  
4           mission.

5 **SEC. 3. MEMBERSHIP.**

6           (a) IN GENERAL.—There shall be 15 members of the  
7           Commission, who shall be appointed not later than 30  
8           days after the date of the enactment of this Act, and as  
9           follows:

10           (1) One member appointed by the Chair of the  
11           Committee on Armed Services of the House of Rep-  
12           resentatives.

13           (2) One member appointed by the Ranking  
14           Member of the Committee on Armed Services of the  
15           House of Representatives.

16           (3) One member appointed by the Chair of the  
17           Committee on Veterans' Affairs of the House of  
18           Representatives.

19           (4) One member appointed by the Ranking  
20           Member of the Committee on Veterans' Affairs of  
21           the House of Representatives.

22           (5) One member appointed by the Chair of the  
23           Committee on Armed Services of the Senate.

1           (6) One member appointed by the Ranking  
2 Member of the Committee on Armed Services of the  
3 Senate.

4           (7) One member appointed by the Chair of the  
5 Committee on Veterans' Affairs of the Senate.

6           (8) One member appointed by the Ranking  
7 Member of the Committee on Veterans' Affairs of  
8 the Senate.

9           (9) Two members appointed by the Secretary of  
10 Defense.

11           (10) Two members appointed by the Secretary  
12 of Veterans Affairs.

13           (11) One member appointed by the Secretary of  
14 Homeland Security.

15           (12) One member appointed by the Secretary of  
16 Commerce, for the purpose of representing the Na-  
17 tional Oceanic and Atmospheric Administration.

18           (13) One member appointed by the Secretary of  
19 Health and Human Services, for the purpose of rep-  
20 resenting the Public Health Service.

21           (b) QUALIFICATIONS.—All members of the Commis-  
22 sion shall be persons who are exceptionally qualified to  
23 serve on the Commission by virtue of their education,  
24 training, activism, or experience, particularly in the fields

1 of advocating for LGBTQ members of the uniformed serv-  
2 ices.

3 (c) TERMS.—The term of office for members shall be  
4 for the life of the Commission. A vacancy in the Commis-  
5 sion shall not affect the powers of the Commission and  
6 shall be filled in the same manner in which the original  
7 appointment was made.

8 (d) FIRST MEETING.—The President shall call the  
9 first meeting of the Commission not later than 30 days  
10 after the later of the following:

11 (1) The date of the enactment of this Act.

12 (2) The date of the enactment of an Act that  
13 makes appropriations to carry out this Act.

14 (e) QUORUM.—Eight members of the Commission  
15 shall constitute a quorum, but a lesser number may hold  
16 hearings.

17 (f) CHAIR AND VICE CHAIR.—The Commission shall  
18 elect a Chair and Vice Chair from among its members.  
19 The term of office for each shall be for the life of the  
20 Commission.

21 (g) COMPENSATION.—

22 (1) IN GENERAL.—Each member of the Com-  
23 mission may be compensated at a rate not to exceed  
24 the daily equivalent of the annual rate of basic pay  
25 in effect for a position at level IV of the Executive

1 Schedule under section 5315 of title 5, United  
2 States Code, for each day during which that member  
3 is engaged in the actual performance of the duties  
4 of the Commission.

5 (2) FEDERAL EMPLOYEES.—A member of the  
6 Commission who is a full-time officer or employee of  
7 the United States or a Member of Congress shall re-  
8 ceive no additional pay, allowances, or benefits by  
9 reason of the member's service to the Commission.

10 (3) TRAVEL EXPENSES.—Each member shall  
11 receive travel expenses, including per diem in lieu of  
12 subsistence, in accordance with applicable provisions  
13 under subchapter I of chapter 57 of title 5, United  
14 States Code.

15 **SEC. 4. POWERS OF THE COMMISSION.**

16 (a) HEARINGS AND SESSIONS.—The Commission  
17 may, for the purpose of carrying out the provisions of this  
18 Act, hold such hearings and sit and act at such times and  
19 at such places in the United States, and request the at-  
20 tendance and testimony of such witnesses and the produc-  
21 tion of such books, records, correspondence, memoranda,  
22 papers, and documents, as the Commission considers ap-  
23 propriate. The Commission may invoke the aid of an ap-  
24 propriate United States district court to require, by sub-

1 poena or otherwise, such attendance, testimony, or pro-  
2 duction.

3 (b) POWERS OF SUBCOMMITTEES AND MEMBERS.—

4 Any subcommittee or member of the Commission may, if  
5 authorized by the Commission, take any action which the  
6 Commission is authorized to take under this section.

7 (c) OBTAINING OFFICIAL DATA.—The Commission  
8 may acquire directly from the head of any department,  
9 agency, or instrumentality of the executive branch of the  
10 Federal Government, available information which the  
11 Commission considers useful in the discharge of its duties.  
12 All departments, agencies, and instrumentalities of the ex-  
13 ecutive branch of the Government shall cooperate with the  
14 Commission with respect to such information and shall  
15 furnish all information requested by the Commission to  
16 the extent permitted by law.

17 **SEC. 5. ADMINISTRATIVE PROVISIONS.**

18 (a) STAFF.—The Commission may, without regard to  
19 the civil service laws and regulations, appoint and fix the  
20 compensation of such personnel as the Commission con-  
21 siders appropriate.

22 (b) APPLICABILITY OF CERTAIN CIVIL SERVICE  
23 LAWS.—The personnel of the Commission may be ap-  
24 pointed without regard to the provisions of title, United  
25 States Code, governing appointments in the competitive

1 service, and without regard to the provisions of chapter  
2 51 and subchapter III of chapter 53 of such title, relating  
3 to classification and General Schedule pay rates, except  
4 that the rate of basic pay of any employee of the Commis-  
5 sion may not exceed the rate of basic pay established for  
6 a position at level V of the Executive Schedule under sec-  
7 tion 5316 of such title.

8 (c) EXPERTS AND CONSULTANTS.—The Commission  
9 may procure the services of experts and consultants in ac-  
10 cordance with the provisions of section 3109(b) of title 5,  
11 United States Code, but at rates for individuals not to  
12 exceed the daily equivalent of the annual rate of basic pay  
13 established for a position at level V of the Executive  
14 Schedule under section 5316 of such title.

15 (d) ADMINISTRATIVE SUPPORT SERVICES.—The  
16 Commission may enter into agreements with the Adminis-  
17 trator of General Services for procurement of financial  
18 and administrative services necessary for the discharge of  
19 the duties of the Commission. Payment for such services  
20 shall be made by reimbursement from funds of the Com-  
21 mission in such amounts as may be agreed upon by the  
22 Chairman of the Commission and the Administrator.

23 (e) CONTRACTS.—The Commission may—

24 (1) procure supplies, services, and property by  
25 contract in accordance with applicable laws and reg-

1       ulations and to the extent or in such amounts as are  
2       provided in appropriations Acts; and

3           (2) enter into contracts with departments,  
4       agencies, and instrumentalities of the Federal Gov-  
5       ernment, State agencies, and private firms, institu-  
6       tions, and agencies, for the conduct of research or  
7       surveys, the preparation of reports, and other activi-  
8       ties necessary for the discharge of the duties of the  
9       Commission, to the extent or in such amounts as are  
10      provided in appropriations Acts.

11 **SEC. 6. TERMINATION.**

12       (a) IN GENERAL.—The Commission, and all the au-  
13      thorities of this title, shall terminate 90 days after the  
14      date on which the final report is submitted under section  
15      2.

16       (b) ADMINISTRATIVE ACTIVITIES BEFORE TERMI-  
17      NATION.—The Commission may use the 90-day period re-  
18      ferred to in subsection (a) for the purpose of concluding  
19      its activities, including providing testimony to committees  
20      of Congress concerning its reports and disseminating the  
21      final report.

22 **SEC. 7. FUNDING.**

23       (a) IN GENERAL.—There is authorized to be appro-  
24      priated such sums as necessary to carry out this Act.

1 (b) DURATION.—Amounts made available to the  
2 Commission under subsection (a) shall remain available  
3 until the termination of the Commission.

4 **SEC. 8. DEFINITIONS.**

5 In this Act:

6 (1) The term “servicemember” has the meaning  
7 given such term in section 101 of the  
8 Servicemembers Civil Relief Act (50 U.S.C. 3911).

9 (2) The term “uniformed services” has the  
10 meaning given such term in section 101 of title 10,  
11 United States Code.