

.....
(Original Signature of Member)

119TH 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 policies
9 regarding LGBTQ+ sexual orientation and
10 gender identity 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 how discriminatory practices con-
11 tributed to suicidality and homelessness among
12 LGBTQ+ veterans.

13 (7) Examine the disparate impact that policies
14 targeting sexual and gender minorities has had on
15 minority groups in the uniformed services, especially
16 racial minorities and women.

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

22 (9) Examine the impacts that discriminatory
23 policies related to sexual orientation and gender
24 identity have had on the dependents of
25 servicemembers and veterans.

1 (10) Examine the immediate and long-term im-
2 pacts that the denial, on the bases of policies and di-
3 rectives of the Department of Defense and of the
4 Department of Veteran Affairs, of medically nec-
5 essary health care, including denial of treatments for
6 gender dysphoria, has had on servicemembers and
7 veterans.

8 (11) Examine and quantify the impacts that
9 discriminatory policies and directives of the Depart-
10 ment of Defense related to sexual orientation and
11 gender identity have on force readiness, including
12 the cost of retraining and replacing individuals sepa-
13 rated from the Armed Forces for reasons related to
14 their real or perceived sexual orientation and/or gen-
15 der identity.

16 (12) Collect information on the effects of
17 changes to individuals' demographic data (including
18 gender markers)—

19 (A) in databases and systems of the De-
20 partment of Defense and the Department of
21 Veterans Affairs (including the Defense Enroll-
22 ment Eligibility Reporting System);

23 (B) without the consent of the individuals.

24 (13) Collect information on—

1 (A) the discharge and reentry codes under
2 which individuals were separated from the uni-
3 formed services on the basis of the individual's
4 real or perceived sexual orientation or gender
5 identity; and

6 (B) the effect that such codes had on the
7 access of servicemembers and veterans to em-
8 ployment and other benefits.

9 (14) Recommend appropriate ways to educate
10 the American public about institutionalized and gov-
11 ernment-sanctioned discrimination.

12 (15) Recommend appropriate remedies to ad-
13 dress the findings of the Commission, including—

14 (A) how the Federal Government may offer
15 an apology for enforcing discrimination that led
16 to psychological, emotional, and physical harm
17 to servicemembers and their families;

18 (B) how the Secretary of Defense may
19 seek to properly compensate separated
20 servicemembers—

21 (i) for lost time, professional opportu-
22 nities, access to benefits, and other im-
23 pacts; and

1 (ii) with compensation including back
2 pay, reinstatement, benefits reinstatement,
3 or other opportunities.

4 (C) how the Secretary of Defense and the
5 Secretary of Veterans Affairs can restore gen-
6 der affirming services and care to
7 servicemembers, veterans, and other bene-
8 ficiaries.

9 (D) how discharge upgrades and amend-
10 ments of military records may be streamlined
11 through the Boards for Correction of Military
12 Records, including improving the transparency
13 and accessibility of records by the members of
14 the Armed Forces to whom they pertain;

15 (E) how the service of LGBTQ+ individ-
16 uals in the uniformed services may be made
17 more visible in materials distributed by the Sec-
18 retary of Defense and the Secretary of Veterans
19 Affairs;

20 (F) how diversity and inclusion policies of
21 the Department of Defense may be revised, in-
22 cluding how resources may be committed to di-
23 versity training;

24 (G) how healthcare and other benefits, fur-
25 nished by such Secretaries to members of the

1 uniformed services and veterans, will commit
2 more resources to meeting the needs of
3 LGBTQ+ patients, including improved data
4 collection on LGBTQ+ patients, mental health
5 counseling, and other medical necessities; and

6 (H) how the Federal Government may ex-
7 amine the issue of burial rights denied to mem-
8 bers of the uniformed services and veterans who
9 were prematurely discharged due to the dis-
10 criminatory policies against such members and
11 such veterans.

12 (16) The Commission shall submit a written re-
13 port of its findings to Congress not later than one
14 year after the date of the first meeting of the Com-
15 mission.

16 **SEC. 3. MEMBERSHIP.**

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

21 (1) One member appointed by the Chair of the
22 Committee on Armed Services of the House of Rep-
23 resentatives.

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

4 (3) One member appointed by the Chair of the
5 Committee on Veterans' Affairs of the House of
6 Representatives.

7 (4) One member appointed by the Ranking
8 Member of the Committee on Veterans' Affairs of
9 the House of Representatives.

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

12 (6) One member appointed by the Ranking
13 Member of the Committee on Armed Services of the
14 Senate.

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

17 (8) One member appointed by the Ranking
18 Member of the Committee on Veterans' Affairs of
19 the Senate.

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

22 (10) Two members appointed by the Secretary
23 of Veterans Affairs.

24 (11) One member appointed by the Secretary of
25 Homeland Security.

1 (12) One member appointed by the Secretary of
2 Commerce, for the purpose of representing the Na-
3 tional Oceanic and Atmospheric Administration.

4 (13) One member appointed by the Secretary of
5 Health and Human Services, for the purpose of rep-
6 resenting the Public Health Service.

7 (b) QUALIFICATIONS.—All members of the Commis-
8 sion shall be persons who are exceptionally qualified to
9 serve on the Commission by virtue of their education,
10 training, activism, or experience, particularly in the fields
11 of advocating for LGBTQ+ members of the uniformed
12 services.

13 (c) TERMS.—The term of office for members shall be
14 for the life of the Commission. A vacancy in the Commis-
15 sion shall not affect the powers of the Commission and
16 shall be filled in the same manner in which the original
17 appointment was made.

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

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

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

1 (e) QUORUM.—Eight members of the Commission
2 shall constitute a quorum, but a lesser number may hold
3 hearings.

4 (f) CHAIR AND VICE CHAIR.—The Commission shall
5 elect a Chair and Vice Chair from among its members.
6 The term of office for each shall be for the life of the
7 Commission.

8 (g) COMPENSATION.—

9 (1) IN GENERAL.—Each member of the Com-
10 mission may be compensated at a rate not to exceed
11 the daily equivalent of the annual rate of basic pay
12 in effect for a position at level IV of the Executive
13 Schedule under section 5315 of title 5, United
14 States Code, for each day during which that member
15 is engaged in the actual performance of the duties
16 of the Commission.

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

22 (3) TRAVEL EXPENSES.—Each member shall
23 receive travel expenses, including per diem in lieu of
24 subsistence, in accordance with applicable provisions

1 under subchapter I of chapter 57 of title 5, United
2 States Code.

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

4 (a) HEARINGS AND SESSIONS.—The Commission
5 may, for the purpose of carrying out the provisions of this
6 Act, hold such hearings and sit and act at such times and
7 at such places in the United States, and request the at-
8 tendance and testimony of such witnesses and the produc-
9 tion of such books, records, correspondence, memoranda,
10 papers, and documents, as the Commission considers ap-
11 propriate. The Commission may invoke the aid of an ap-
12 propriate United States district court to require, by sub-
13 poena or otherwise, such attendance, testimony, or pro-
14 duction.

15 (b) POWERS OF SUBCOMMITTEES AND MEMBERS.—
16 Any subcommittee or member of the Commission may, if
17 authorized by the Commission, take any action which the
18 Commission is authorized to take under this section.

19 (c) OBTAINING OFFICIAL DATA.—The Commission
20 may acquire directly from the head of any department,
21 agency, or instrumentality of the executive branch of the
22 Federal Government, available information which the
23 Commission considers useful in the discharge of its duties.
24 All departments, agencies, and instrumentalities of the ex-
25 ecutive branch of the Government shall cooperate with the

1 Commission with respect to such information and shall
2 furnish all information requested by the Commission to
3 the extent permitted by law.

4 **SEC. 5. ADMINISTRATIVE PROVISIONS.**

5 (a) STAFF.—The Commission may, without regard to
6 the civil service laws and regulations, appoint and fix the
7 compensation of such personnel as the Commission con-
8 siderers appropriate.

9 (b) APPLICABILITY OF CERTAIN CIVIL SERVICE
10 LAWS.—The personnel of the Commission may be ap-
11 pointed without regard to the provisions of title, United
12 States Code, governing appointments in the competitive
13 service, and without regard to the provisions of chapter
14 51 and subchapter III of chapter 53 of such title, relating
15 to classification and General Schedule pay rates, except
16 that the rate of basic pay of any employee of the Commis-
17 sion may not exceed the rate of basic pay established for
18 a position at level V of the Executive Schedule under sec-
19 tion 5316 of such title.

20 (c) EXPERTS AND CONSULTANTS.—The Commission
21 may procure the services of experts and consultants in ac-
22 cordance with the provisions of section 3109(b) of title 5,
23 United States Code, but at rates for individuals not to
24 exceed the daily equivalent of the annual rate of basic pay

1 established for a position at level V of the Executive
2 Schedule under section 5316 of such title.

3 (d) ADMINISTRATIVE SUPPORT SERVICES.—The
4 Commission may enter into agreements with the Adminis-
5 trator of General Services for procurement of financial
6 and administrative services necessary for the discharge of
7 the duties of the Commission. Payment for such services
8 shall be made by reimbursement from funds of the Com-
9 mission in such amounts as may be agreed upon by the
10 Chairman of the Commission and the Administrator.

11 (e) CONTRACTS.—The Commission may—

12 (1) procure supplies, services, and property by
13 contract in accordance with applicable laws and reg-
14 ulations and to the extent or in such amounts as are
15 provided in appropriations Acts; and

16 (2) enter into contracts with departments,
17 agencies, and instrumentalities of the Federal Gov-
18 ernment, State agencies, and private firms, institu-
19 tions, and agencies, for the conduct of research or
20 surveys, the preparation of reports, and other activi-
21 ties necessary for the discharge of the duties of the
22 Commission, to the extent or in such amounts as are
23 provided in appropriations Acts.

1 **SEC. 6. TERMINATION.**

2 (a) IN GENERAL.—The Commission, and all the au-
3 thorities of this title, shall terminate 90 days after the
4 date on which the final report is submitted under section
5 2.

6 (b) ADMINISTRATIVE ACTIVITIES BEFORE TERMI-
7 NATION.—The Commission may use the 90-day period re-
8 ferred to in subsection (a) for the purpose of concluding
9 its activities, including providing testimony to committees
10 of Congress concerning its reports and disseminating the
11 final report.

12 **SEC. 7. FUNDING.**

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

15 (b) DURATION.—Amounts made available to the
16 Commission under subsection (a) shall remain available
17 until the termination of the Commission.

18 **SEC. 8. DEFINITIONS.**

19 In this Act:

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

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