

118TH CONGRESS
1ST SESSION

H. R. 5610

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

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 20, 2023

Mr. TAKANO (for himself, Ms. JACOBS, Ms. NORTON, Mr. MCGARVEY, Mr. POCAN, Mr. ESPAILLAT, Ms. WILLIAMS of Georgia, Mr. DOGGETT, Mr. MCGOVERN, Ms. WILD, Ms. WASSERMAN SCHULTZ, and Ms. LEE of Pennsylvania) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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”.

1 **SEC. 2. ESTABLISHMENT AND DUTIES.**

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

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

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

12 (A) Facts related to the history of policing
13 LGBTQ sexual orientation and gender identity
14 in the uniformed services.

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

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

25 (3) Gather testimonies, written and oral, from
26 LGBTQ servicemembers and veterans about their

1 experiences, both anonymously and with names
2 given.

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

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

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

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

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

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

1 (A) how the Federal Government may offer
2 an apology for enforcing discrimination that led
3 to psychological, emotional, and physical harm
4 to servicemembers and their families;

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

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

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

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

1 LGBTQ patients, mental health counseling, and
2 other medical necessities.

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

7 **SEC. 3. MEMBERSHIP.**

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

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

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

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

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

24 (5) One member appointed by the Chair of the
25 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.

○