

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 1596  
OFFERED BY MR. TAKANO OF CALIFORNIA**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Commission on Equity  
3 and Reconciliation in the Uniformed Services Act”.

**4 SEC. 2. ESTABLISHMENT AND DUTIES.**

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

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

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

15 (A) Facts related to the history of policing  
16 LGBTQ sexual orientation and gender identity  
17 in the uniformed services.

1 (B) The effects of such policies on eligi-  
2 bility for, and access to, benefits under laws ad-  
3 ministered by the Secretary of Veterans Affairs  
4 on servicemembers who were discharged due to  
5 sexual orientation or gender identity.

6 (2) Hold public hearings in such cities of the  
7 United States as it finds appropriate, and do com-  
8 munity outreach and other public relations efforts in  
9 order to advertise such hearings and the opportunity  
10 to give testimony.

11 (3) Gather testimonies, written and oral, from  
12 LGBTQ servicemembers and veterans about their  
13 experiences, both anonymously and with names  
14 given.

15 (4) Examine the impacts that discriminatory  
16 policy and corresponding actions taken by the uni-  
17 formed services had on the physical and mental  
18 wellbeing of servicemembers.

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

24 (6) Examine disparate impact that policies tar-  
25 geting non-heterosexual or non-cisgender identity

1 and sexuality had on minority groups in the uni-  
2 formed services, particularly racial minorities and  
3 women.

4 (7) Examine the impacts that policing of non-  
5 heterosexual or non-cisgender sexuality and gender  
6 identity had on individuals who do not identify as  
7 LGBTQ but were nevertheless targeted due to per-  
8 ceived sexual orientation or gender identity.

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

12 (9) 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 discharge upgrades and amend-  
19 ments of military records may be streamlined  
20 through the Boards for Correction of Military  
21 Records, including improving the transparency  
22 and accessibility of records by the members of  
23 the Armed Forces to whom they pertain;

24 (C) how the service of LGBTQ individuals  
25 in the uniformed services may be made more

1 visible in materials distributed by the Secretary  
2 of Defense and the Secretary of Veterans Af-  
3 fairs;

4 (D) how diversity and inclusion policies of  
5 the Department of Defense may be revised, in-  
6 cluding how resources may be committed to di-  
7 versity training; and

8 (E) how healthcare and other benefits, fur-  
9 nished by such Secretaries to members of the  
10 uniformed services and veterans, will commit  
11 more resources to meeting the needs of LGBTQ  
12 patients, including improved data collection on  
13 LGBTQ patients, mental health counseling, and  
14 other medical necessities.

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

19 **SEC. 3. MEMBERSHIP.**

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

1           (1) One member appointed by the Chair of the  
2           Committee on Armed Services of the House of Rep-  
3           resentatives.

4           (2) One member appointed by the Ranking  
5           Member of the Committee on Armed Services of the  
6           House of Representatives.

7           (3) One member appointed by the Chair of the  
8           Committee on Veterans' Affairs of the House of  
9           Representatives.

10          (4) One member appointed by the Ranking  
11          Member of the Committee on Veterans' Affairs of  
12          the House of Representatives.

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

15          (6) One member appointed by the Ranking  
16          Member of the Committee on Armed Services of the  
17          Senate.

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

20          (8) One member appointed by the Ranking  
21          Member of the Committee on Veterans' Affairs of  
22          the Senate.

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

1           (10) Two members appointed by the Secretary  
2 of Veterans Affairs.

3           (11) One member appointed by the Secretary of  
4 Homeland Security.

5           (12) One member appointed by the Secretary of  
6 Commerce, for the purpose of representing the Na-  
7 tional Oceanic and Atmospheric Administration.

8           (13) One member appointed by the Secretary of  
9 Health and Human Services, for the purpose of rep-  
10 resenting the Public Health Service.

11       (b) QUALIFICATIONS.—All members of the Commis-  
12 sion shall be persons who are exceptionally qualified to  
13 serve on the Commission by virtue of their education,  
14 training, activism, or experience, particularly in the fields  
15 of advocating for LGBTQ members of the uniformed serv-  
16 ices.

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

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

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

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

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

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

10          (g) COMPENSATION.—

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

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

24           (3) TRAVEL EXPENSES.—Each member shall  
25           receive travel expenses, including per diem in lieu of

1 subsistence, in accordance with applicable provisions  
2 under subchapter I of chapter 57 of title 5, United  
3 States Code.

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

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

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

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



1 executive branch of the Government shall cooperate with the  
2 Commission with respect to such information and shall  
3 furnish all information requested by the Commission to  
4 the extent permitted by law.

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

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

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

21 (c) **EXPERTS AND CONSULTANTS.**—The Commission  
22 may procure the services of experts and consultants in ac-  
23 cordance with the provisions of section 3109(b) of title 5,  
24 United States Code, but at rates for individuals not to  
25 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 “cisgender” means a person  
21 whose internal gender identity matches, and presents  
22 itself in accordance with, the externally determined  
23 cultural expectations of the behavior and roles con-  
24 sidered appropriate for one’s sex as male or female,  
25 as defined by American Psychological Association.

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

4           (3) The term “uniformed services” has the  
5           meaning given such term in section 101 of title 10,  
6           United States Code.

Amend the title so as to read: “A bill to establish  
the Commission on Equity and Reconciliation in the Uni-  
formed Services.”.

