

**AMENDMENT TO RULES COMMITTEE PRINT 118-36
OFFERED BY MRS. LORI CHAVEZ-DEREMER OF OREGON**

At the end of subtitle C of title V of division A, add the following:

**1 SEC. __. TIGER TEAM FOR OUTREACH TO FORMER
2 MEMBERS.**

3 (a) Establishment Of Tiger Team.—

4 (1) IN GENERAL.—Not later than 60 days after the date of the
5 enactment of this Act, the Secretary of Defense shall establish a
6 team (commonly known as a “tiger team” and referred to in this
7 section as the “Tiger Team”) responsible for conducting
8 outreach to build awareness among former members of the
9 Armed Forces of the process established pursuant to section
10 527 of the National Defense Authorization Act for Fiscal Year
11 2020 (Public Law 116-92; 10 U.S.C. 1552 note) for the review
12 of discharge characterizations by appropriate discharge boards.
13 The Tiger Team shall consist of appropriate personnel of the
14 Department of Defense assigned to the Tiger Team by the
15 Secretary for purposes of this section.

16 (2) TIGER TEAM LEADER.—One of the individuals assigned
17 to the Tiger Team under paragraph (1) shall be a senior-level
18 officer or employee of the Department who shall serve as the
19 lead official of the Tiger Team (in this section referred to as the
20 “Tiger Team Leader”) and who shall be accountable for the
21 activities of the Tiger Team under this section.

22 (3) REPORT ON COMPOSITION.—Not later than 90 days
23 after the date of the enactment of this Act, the Secretary shall

1 submit to Congress a report setting forth the names of the
2 personnel of the Department assigned to the Tiger Team
3 pursuant to this subsection, including the positions to which
4 such personnel are assigned. The report shall specify the name
5 of the individual assigned as Tiger Team Leader.

6 (b) Duties.—

7 (1) IN GENERAL.—The Tiger Team shall conduct outreach to
8 build awareness among veterans of the process established
9 pursuant to section 527 of the National Defense Authorization
10 Act for Fiscal Year 2020 for the review of discharge
11 characterizations by appropriate discharge boards.

12 (2) COLLABORATION.—In conducting activities under this
13 subsection, the Tiger Team Leader shall identify appropriate
14 external stakeholders with whom the Tiger Team shall work to
15 carry out such activities. Such stakeholders shall include the
16 following:

17 (A) The Secretary of Veterans Affairs.

18 (B) The Archivist of the United States.

19 (C) Representatives of veterans service organizations.

20 (D) Such other stakeholders as the Tiger Team Leader
21 considers appropriate.

22 (3) INITIAL REPORT.—Not later than 210 days after the date
23 of the enactment of this Act, the Secretary of Defense shall
24 submit to Congress the following:

25 (A) A plan setting forth the following:

26 (i) A description of the manner in which the

27 Secretary, working through the Tiger Team and in

1 collaboration with external stakeholders described
2 in paragraph (2), shall identify individuals who
3 meet the criteria in section 527(b) of the
4 National Defense Authorization Act for Fiscal Year
5 2020 for review of discharge characterization.

6 (ii) A description of the manner in which the
7 Secretary, working through the Tiger Team and in
8 collaboration with the external stakeholders, shall
9 improve outreach to individuals who meet the
10 criteria in section 527(b) of the National Defense
11 Authorization Act for Fiscal Year 2020 for review
12 of discharge characterization, including through—

13 (I) obtaining contact information on such
14 individuals; and

15 (II) contacting such individuals on the
16 process established pursuant to section 527
17 of the National Defense Authorization Act
18 for Fiscal Year 2020 for the review of
19 discharge characterizations.

20 (B) A description of the manner in which the work
21 described in clauses (i) and (ii) of subparagraph (A) will
22 be carried out, including an allocation of the work among
23 the Tiger Team and the external stakeholders.

24 (C) A schedule for the implementation, carrying out, and
25 completion of the plan required under subparagraph (A).

26 (D) A description of the additional funding, personnel, or
27 other resources of the Department required to carry out

1 the plan required under subparagraph (A), including any
2 modification of applicable statutory or administrative
3 authorities.

4 (4) IMPLEMENTATION OF PLAN.—

5 (A) IN GENERAL.—The Secretary shall implement and
6 carry out the plan submitted under subparagraph (A) of
7 paragraph (3) in accordance with the schedule submitted
8 under subparagraph (C) of that paragraph.

9 (B) UPDATES.—Not less frequently than once every 90
10 days after the submittal of the report under paragraph (3),
11 the Tiger Team shall submit to Congress an update on the
12 carrying out of the plan submitted under subparagraph
13 (A) of that paragraph.

14 (5) FINAL REPORT.—Not later than 3 years after the date of
15 the enactment of this Act, the Tiger Team shall submit to the
16 Committees on Armed Services of the Senate and the House of
17 Representatives a final report on the activities of the Tiger Team
18 under this subsection. The report shall set forth the following:

19 (A) The number of individuals discharged under former
20 section 654 or a similar policy prior to the enactment of
21 former section 654.

22 (B) The number of individuals described in subparagraph
23 (A) who availed themselves of a review of discharge
24 characterization (whether through discharge review or
25 correction of military records) through a process
26 established prior to the enactment of this Act.

27 (C) The number of individuals contacted through

1 outreach conducted pursuant to this section.

2 (D) The number of individuals described in subparagraph
3 (A) who availed themselves of a review of discharge
4 characterization through the process established pursuant
5 to section 527 of the National Defense Authorization Act
6 for Fiscal Year 2020.

7 (E) The number of individuals described in subparagraph
8 (D) whose review of discharge characterization resulted
9 in a change of characterization to honorable discharge.

10 (F) The total number of individuals described in
11 subparagraph (A), including individuals also covered by
12 subparagraph (E), whose review of discharge
13 characterization since September 20, 2011, resulted in a
14 change of characterization to honorable discharge.

15 (6) TERMINATION.—On the date that is 60 days after the date
16 on which the final report required by paragraph (5) is
17 submitted, the Secretary shall terminate the Tiger Team.

18 (c) Additional Reports.—

19 (1) REVIEW.—The Secretary of Defense shall conduct a
20 review of the consistency and uniformity of the reviews
21 conducted pursuant to section 527 of the National Defense
22 Authorization Act for Fiscal Year 2020.

23 (2) REPORTS.—Not later than 270 days after the date of the
24 enactment of this Act, and each year thereafter for a four-year
25 period, the Secretary of Defense shall submit to Congress a
26 report on the reviews under paragraph (1). Such reports shall
27 include any comments or recommendations for continued

1 actions.

2 (d) Former Section 654 Defined.—In this section, the term “former
3 section 654” means section 654 of title 10, United States Code, as
4 in effect before such section was repealed pursuant to Public Law
5 11-321 (10 U.S.C. 654 note).

6 **SEC. __. RELIEF FOR IMPACTED FORMER MEMBERS.**

7 (a) Review Of Discharge.—

8 (1) IN GENERAL.—The Secretary of Defense shall review and
9 update existing guidance to ensure that the appropriate
10 discharge board for the military departments concerned shall
11 review a discharge characterization of the covered member as
12 required under section 527 of the National Defense
13 Authorization Act for Fiscal Year 2020 at the request of a
14 covered member, or their representative, notwithstanding any
15 requirements to provide documentation necessary to initiate a
16 review of a discharge characterization.

17 (2) EXCEPTION.—The appropriate discharge board for the
18 military departments concerned shall not be required to initiate
19 a request for a review of a discharge as described in paragraph
20 (1) if there is evidence available to the discharge board that is
21 unrelated to the material request of the covered member or the
22 representative of the covered member but that would have
23 reasonably substantiated the discharge decision of the military
24 department.

25 **SEC. __. PROACTIVE UPGRADE OF DISCHARGES.**

26 (a) In General.—The Department of Defense shall upgrade all
27 discharges based solely on account of sexual orientation to an

1 honorable discharge.

2 (b) Section 527 of the National Defense Authorization Act for
3 Fiscal Year 2020 (Public Law 116-92; 10 U.S.C. 1552) is
4 amended—

5 (1) by striking paragraph (b) and inserting the following:

6 “(b) No correction may be made under subsection (a)(1) unless
7 a claimant (or claimant’s heir, spouse, or legal representative)
8 or the Secretary concerned files a request for correction. The
9 Secretary concerned may file a request for correction of a
10 military record of their own accord or if the request is made on
11 behalf of a group, members, or former members of the Armed
12 Forces who were harmed by the error or injustice being
13 claimed. A board established under subsection (a)(1) may
14 excuse a failure to file within three years after discovery if it
15 finds it to be in the interest of justice, and may not impose a
16 year limit from when the claimed error or injustice occurred or
17 was discovered as it relates to individuals discharge on the basis
18 of sexual orientation.”;

19 (2) by inserting after subparagraph (a)(3)(A) the following:

20 “(i) There must be established a procedure within each military
21 department to upgrade all discharges based solely on sexual
22 orientation, without requiring affected veterans to request such
23 an upgrade.”; and

24 (3) by inserting after subparagraph (a)(3)(D) the following:

25 “(i) Any requests for reconsideration denied prior to January 1,
26 2025, regarding a claim pertaining to a discharge based on
27 sexual orientation, must be revisited by the respective board.”.

- 1 (c) No later than five years after the date of the enactment of this
- 2 Act, the Secretary of Defense shall have approved the upgrades of
- 3 all such discharges which were based on sexual orientation.
- 4 (d) The Secretary of Defense shall provide Congress an annual
- 5 report on the progress of these upgraded discharges.