

AMENDMENT TO
RULES COMMITTEE PRINT 117-13
OFFERED BY MR. POCAN OF WISCONSIN

At the end of subtitle H of title V, add the following:

1 **SEC. ____ . RESTORING HONOR TO SERVICE MEMBERS.**

2 (a) SENSE OF CONGRESS.—It is the sense of Con-
3 gress that—

4 (1) the mission of the Department of Defense
5 is to provide the military forces needed to deter war
6 and to protect the security of the United States;

7 (2) expanding outreach to veterans impacted by
8 Don't Ask, Don't Tell or a similar policy prior to the
9 enactment of Don't Ask, Don't Tell is important to
10 closing a period of history harmful to the creed of
11 integrity, respect, and honor of the military;

12 (3) the Department is responsible for providing
13 for the review of a veteran's military record before
14 the appropriate discharge review board or, when
15 more than 15 years has passed, board of correction
16 for military or naval records; and

17 (4) the Secretary of Defense should, wherever
18 possible, coordinate and conduct outreach to im-
19 pacted veterans through the veterans community

1 and networks, including through the Department of
2 Veterans Affairs and veterans service organizations,
3 to ensure that veterans understand the review proc-
4 esses that are available to them for upgrading mili-
5 tary records.

6 (b) TIGER TEAM FOR OUTREACH TO FORMER MEM-
7 BERS.—

8 (1) IN GENERAL.—Not later than 60 days after
9 the date of the enactment of this Act, the Secretary
10 of Defense shall establish a team (commonly known
11 as a “tiger team” and referred to in this section as
12 the “Tiger Team”) responsible for conducting out-
13 reach to build awareness among former members of
14 the Armed Forces of the process established pursu-
15 ant to section 527 of the National Defense Author-
16 ization Act for Fiscal Year 2020 (Public Law 116–
17 92; 10 U.S.C. 1552 note) for the review of discharge
18 characterizations by appropriate discharge boards.
19 The Tiger Team shall consist of appropriate per-
20 sonnel of the Department of Defense assigned to the
21 Tiger Team by the Secretary for purposes of this
22 section.

23 (2) TIGER TEAM LEADER.—One of the persons
24 assigned to the Tiger Team under paragraph (1)
25 shall be a senior-level officer or employee of the De-

1 partment who shall serve as the lead official of the
2 Tiger Team (in this section referred to as the “Tiger
3 Team Leader”) and who shall be accountable for the
4 activities of the Tiger Team under this section,

5 (3) REPORT ON COMPOSITION.—Not later than
6 90 days after the date of the enactment of this Act,
7 the Secretary shall submit to Congress a report set-
8 ting forth the names of the personnel of the Depart-
9 ment assigned to the Tiger Team pursuant to this
10 subsection, including the positions to which assigned.
11 The report shall specify the name of the individual
12 assigned as Tiger Team Leader.

13 (c) DUTIES.—

14 (1) IN GENERAL.—The Tiger Team shall con-
15 duct outreach to build awareness among veterans of
16 the process established pursuant to section 527 of
17 the National Defense Authorization Act for Fiscal
18 Year 2020 for the review of discharge characteriza-
19 tions by appropriate discharge boards.

20 (2) COLLABORATION.—In conducting activities
21 under this subsection, the Tiger Team Leader shall
22 identify appropriate external stakeholders with
23 whom the Tiger Team shall work to carry out such
24 activities. Such stakeholders shall include the fol-
25 lowing:

1 (A) The Secretary of Veterans Affairs.

2 (B) The Archivist of the United States.

3 (C) Representatives of veterans service or-
4 ganizations.

5 (D) Such other stakeholders as the Tiger
6 Team Leader considers appropriate.

7 (3) INITIAL REPORT.—Not later than 210 days
8 after the date of the enactment of this Act, the Sec-
9 retary of Defense shall submit to Congress the fol-
10 lowing:

11 (A) A plan setting forth the following:

12 (i) A description of the manner in
13 which the Secretary, working through the
14 Tiger Team and in collaboration with ex-
15 ternal stakeholders described in paragraph
16 (2), shall identify individuals who meet the
17 criteria in section 527(b) of the National
18 Defense Authorization Act for Fiscal Year
19 2020 for review of discharge characteriza-
20 tion.

21 (ii) A description of the manner in
22 which the Secretary, working through the
23 Tiger Team and in collaboration with the
24 external stakeholders, shall improve out-
25 reach to individuals who meet the criteria

1 in section 527(b) of the National Defense
2 Authorization Act for Fiscal Year 2020 for
3 review of discharge characterization, in-
4 cluding through—

5 (I) obtaining contact information
6 on such individuals; and

7 (II) contacting such individuals
8 on the process established pursuant to
9 section 527 of the National Defense
10 Authorization Act for Fiscal Year
11 2020 for the review of discharge char-
12 acterizations.

13 (B) A description of the manner in which
14 the work described in clauses (i) and (ii) of sub-
15 paragraph (A) will be carried out, including an
16 allocation of the work among the Tiger Team
17 and the external stakeholders.

18 (C) A schedule for the implementation,
19 carrying out, and completion of the plan re-
20 quired under subparagraph (A).

21 (D) A description of the additional fund-
22 ing, personnel, or other resources of the De-
23 partment required to carry out the plan re-
24 quired under subparagraph (A), including any

1 modification of applicable statutory or adminis-
2 trative authorities.

3 (4) IMPLEMENTATION OF PLAN.—

4 (A) IN GENERAL.—The Secretary shall im-
5 plement and carry out the plan submitted under
6 subparagraph (A) of paragraph (3) in accord-
7 ance with the schedule submitted under sub-
8 paragraph (C) of that paragraph.

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

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

22 (A) The number of individuals discharged
23 under Don't Ask, Don't Tell or a similar policy
24 prior to the enactment of Don't Ask, Don't
25 Tell.

1 (B) The number of individuals described in
2 subparagraph (A) who availed themselves of a
3 review of discharge characterization (whether
4 through discharge review or correction of mili-
5 tary records) through a process established
6 prior to the enactment of this Act.

7 (C) The number of individuals contacted
8 through outreach conducted pursuant to this
9 section.

10 (D) The number of individuals described in
11 subparagraph (A) who availed themselves of a
12 review of discharge characterization through the
13 process established pursuant to section 527 of
14 the National Defense Authorization Act for Fis-
15 cal Year 2020.

16 (E) The number of individuals described in
17 subparagraph (D) whose review of discharge
18 characterization resulted in a change of charac-
19 terization to honorable discharge.

20 (F) The total number of individuals de-
21 scribed in subparagraph (A), including individ-
22 uals also covered by subparagraph (E), whose
23 review of discharge characterization since Sep-
24 tember 20, 2011 (the date of repeal of Don't

1 Ask, Don't Tell), resulted in a change of char-
2 acterization to honorable discharge.

3 (6) TERMINATION.—On the date that is 60
4 days after the date on which the final report re-
5 quired by paragraph (5) is submitted, the Secretary
6 shall terminate the Tiger Team.

7 (d) ADDITIONAL REPORTS.—

8 (1) REVIEW.—The Secretary of Defense shall
9 conduct a review of the consistency and uniformity
10 of the reviews conducted pursuant to section 527 of
11 the National Defense Authorization Act for Fiscal
12 Year 2020.

13 (2) REPORTS.—Not later than 270 days after
14 the date of the enactment of this Act, and each year
15 thereafter for a four-year period, the Secretary shall
16 submit to Congress a report on the reviews under
17 paragraph (1). Such reports shall include any com-
18 ments or recommendations for continued actions.

19 (e) REVIEW OF DISCHARGE.—

20 (1) IN GENERAL.—The Secretary of Defense
21 shall review and update existing guidance to ensure
22 that the appropriate discharge board for the military
23 departments concerned shall review a discharge
24 characterization of the covered member as required
25 under section 527 of the National Defense Author-

1 ization Act for Fiscal Year 2020 at the request of
2 a covered member, or their representative, notwith-
3 standing any requirements to provide documentation
4 necessary to initiate a review of a discharge charac-
5 terization.

6 (2) EXCEPTION.—The appropriate discharge
7 board for the military departments concerned shall
8 not be required to initiate a request for a review of
9 a discharge as described in paragraph (1) if there is
10 evidence available to the discharge board that is un-
11 related to the material request of the covered mem-
12 ber or their representative but that would have rea-
13 sonably substantiated the military department’s dis-
14 charge decision.

15 (f) VETERANS BENEFITS.—

16 (1) EFFECTIVE DATE OF CHANGE OF CHARAC-
17 TERIZATION FOR VETERANS BENEFITS.—For pur-
18 poses of the provision of benefits to which veterans
19 are entitled under the laws administered by the Sec-
20 retary of Veterans Affairs to a covered member
21 whose discharge characterization is changed pursu-
22 ant to section 527 of the National Defense Author-
23 ization Act for Fiscal Year 2020 (Public Law 116–
24 92; 10 U.S.C. 1552 note), the date of discharge of
25 the member from the Armed Forces shall be deemed

1 to be the effective date of the change of discharge
2 characterization under that section.

3 (2) RULE OF CONSTRUCTION.—Nothing in this
4 subsection shall be construed to authorize any ben-
5 efit to a covered member in connection with the
6 change of discharge characterization of the member
7 under section 527 of the National Defense Author-
8 ization Act for Fiscal Year 2020 (Public Law 116–
9 92; 10 U.S.C. 1552 note) for any period before the
10 effective date of the change of discharge character-
11 ization.

12 (g) HISTORICAL REVIEWS.—

13 (1) IN GENERAL.—The Secretary of each mili-
14 tary department shall ensure that oral historians of
15 the department, in coordination with the chief of the
16 personnel division for the military department con-
17 cerned—

18 (A) review the facts and circumstances
19 surrounding the estimated 100,000 members of
20 the Armed Forces discharged from the Armed
21 Forces between World War II and September
22 2011 because of the sexual orientation of the
23 member, including any use of ambiguous or
24 misleading separation codes and characteriza-

1 tions intended to disguise the discriminatory
2 basis of such members' discharge; and

3 (B) receive oral testimony of individuals
4 who personally experienced discrimination and
5 discharge because of the actual or perceived
6 sexual orientation of the individual so that such
7 testimony may serve as an official record of
8 these discriminatory policies and their impact
9 on American lives.

10 (2) DEADLINE FOR COMPLETION.—Each Sec-
11 retary of a military department shall ensure that the
12 oral historians concerned complete the actions re-
13 quired by paragraph (1) by not later than two years
14 after the date of the enactment of this Act.

15 (3) USES OF INFORMATION.—Information ob-
16 tained through actions under paragraph (1) shall be
17 available to members described in that paragraph for
18 pursuit by such members of a remedy under section
19 527 of the National Defense Authorization Act for
20 Fiscal Year 2020 in accordance with regulations
21 prescribed for such purpose by the Secretary of the
22 military department concerned.

23 (h) DON'T ASK, DON'T TELL DEFINED.—In this sec-
24 tion, the term “Don't Ask, Don't Tell” means section 654
25 of title 10, United States Code, as in effect before such

- 1 section was repealed pursuant to the Don't Ask, Don't
- 2 Tell Repeal Act of 2010 (Public Law 111-321).

