

**AMENDMENT TO H.R. 4016, AS REPORTED  
OFFERED BY MR. TAKANO OF CALIFORNIA**

At the end of the bill (before the short title), insert  
the following:

**1 SEC. \_\_\_\_ . COMMISSION ON EQUITY AND RECONCILIATION**  
**2 IN THE UNIFORMED SERVICES.**

**3 (a) ESTABLISHMENT AND DUTIES.—**

**4 (1) ESTABLISHMENT.—**There is established the  
**5 Commission on Equity and Reconciliation in the**  
**6 Uniformed Services (in this section referred to as**  
**7 the “Commission”).**

**8 (2) DUTIES.—**The Commission shall perform  
**9 the following duties:**

**10 (A) Identify and compile a corpus of docu-**  
**11 mentation on the policing of sexual orientation**  
**12 and gender identity in the uniformed services,**  
**13 from the beginning of World War II and on-**  
**14 ward. Such documentation shall include the fol-**  
**15 lowing:**

**16 (i) Facts related to the history of po-**  
**17licing LGBTQ sexual orientation and gen-**  
**18der identity in the uniformed services.**

1 (ii) The effects of such policies on eli-  
2 gibility for, and access to, benefits under  
3 laws administered by the Secretary of Vet-  
4 erans Affairs on servicemembers who were  
5 discharged due to sexual orientation or  
6 gender identity.

7 (B) Hold public hearings in such cities of  
8 the United States as it finds appropriate, and  
9 do community outreach and other public rela-  
10 tions efforts in order to advertise such hearings  
11 and the opportunity to give testimony.

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

16 (D) Examine the impacts that discrimina-  
17 tory policy and corresponding actions taken by  
18 the uniformed services had on the physical and  
19 mental wellbeing of servicemembers.

20 (E) Examine lasting impacts (including  
21 psychological, financial, and professional) that  
22 policies of the uniformed services have had on  
23 veterans and servicemembers who were dis-  
24 charged due to their sexual orientation and/or  
25 gender identity.

1 (F) Examine the disparate impact that  
2 policies targeting sexual and gender minorities  
3 has had on minority groups in the uniformed  
4 services, especially racial minorities and women.

5 (G) Examine the impacts that policing of  
6 sexual and gender minorities has had on indi-  
7 viduals who do not identify as LGBTQ but  
8 were nevertheless targeted due to perceived sex-  
9 ual orientation or gender identity.

10 (H) Recommend appropriate ways to edu-  
11 cate the American public about institutionalized  
12 and government-sanctioned discrimination.

13 (I) Recommend appropriate remedies to  
14 address the findings of the Commission, includ-  
15 ing—

16 (i) how the Federal Government may  
17 offer an apology for enforcing discrimina-  
18 tion that led to psychological, emotional,  
19 and physical harm to servicemembers and  
20 their families;

21 (ii) how discharge upgrades and  
22 amendments of military records may be  
23 streamlined through the Boards for Cor-  
24 rection of Military Records, including im-  
25 proving the transparency and accessibility

1 of records by the members of the Armed  
2 Forces to whom they pertain;

3 (iii) how the service of LGBTQ indi-  
4 viduals in the uniformed services may be  
5 made more visible in materials distributed  
6 by the Secretary of Defense and the Sec-  
7 retary of Veterans Affairs;

8 (iv) how diversity and inclusion poli-  
9 cies of the Department of Defense may be  
10 revised, including how resources may be  
11 committed to diversity training; and

12 (v) how healthcare and other benefits,  
13 furnished by such Secretaries to members  
14 of the uniformed services and veterans, will  
15 commit more resources to meeting the  
16 needs of LGBTQ patients, including im-  
17 proved data collection on LGBTQ patients,  
18 mental health counseling, and other med-  
19 ical necessities.

20 (J) The Commission shall submit a written  
21 report of its findings to Congress not later than  
22 one year after the date of the first meeting of  
23 the Commission.

24 (b) MEMBERSHIP.—

1           (1) IN GENERAL.—There shall be 15 members  
2           of the Commission, who shall be appointed not later  
3           than 30 days after the date of the enactment of this  
4           Act, and as follows:

5                   (A) One member appointed by the Chair of  
6                   the Committee on Armed Services of the House  
7                   of Representatives.

8                   (B) One member appointed by the Rank-  
9                   ing Member of the Committee on Armed Serv-  
10                  ices of the House of Representatives.

11                  (C) One member appointed by the Chair of  
12                  the Committee on Veterans' Affairs of the  
13                  House of Representatives.

14                  (D) One member appointed by the Rank-  
15                  ing Member of the Committee on Veterans' Af-  
16                  fairs of the House of Representatives.

17                  (E) One member appointed by the Chair of  
18                  the Committee on Armed Services of the Sen-  
19                  ate.

20                  (F) One member appointed by the Ranking  
21                  Member of the Committee on Armed Services of  
22                  the Senate.

23                  (G) One member appointed by the Chair of  
24                  the Committee on Veterans' Affairs of the Sen-  
25                  ate.

1 (H) One member appointed by the Rank-  
2 ing Member of the Committee on Veterans' Af-  
3 fairs of the Senate.

4 (I) Two members appointed by the Sec-  
5 retary of Defense.

6 (J) Two members appointed by the Sec-  
7 retary of Veterans Affairs.

8 (K) One member appointed by the Sec-  
9 retary of Homeland Security.

10 (L) One member appointed by the Sec-  
11 retary of Commerce, for the purpose of rep-  
12 resenting the National Oceanic and Atmos-  
13 pheric Administration.

14 (M) One member appointed by the Sec-  
15 retary of Health and Human Services, for the  
16 purpose of representing the Public Health Serv-  
17 ice.

18 (2) QUALIFICATIONS.—All members of the  
19 Commission shall be persons who are exceptionally  
20 qualified to serve on the Commission by virtue of  
21 their education, training, activism, or experience,  
22 particularly in the fields of advocating for LGBTQ  
23 members of the uniformed services.

24 (3) TERMS.—The term of office for members  
25 shall be for the life of the Commission. A vacancy

1 in the Commission shall not affect the powers of the  
2 Commission and shall be filled in the same manner  
3 in which the original appointment was made.

4 (4) FIRST MEETING.—The President shall call  
5 the first meeting of the Commission not later than  
6 30 days after the later of the following:

7 (A) The date of the enactment of this Act.

8 (B) The date of the enactment of an Act  
9 that makes appropriations to carry out this sec-  
10 tion.

11 (5) QUORUM.—Eight members of the Commis-  
12 sion shall constitute a quorum, but a lesser number  
13 may hold hearings.

14 (6) CHAIR AND VICE CHAIR.—The Commission  
15 shall elect a Chair and Vice Chair from among its  
16 members. The term of office for each shall be for the  
17 life of the Commission.

18 (7) COMPENSATION.—

19 (A) IN GENERAL.—Each member of the  
20 Commission may be compensated at a rate not  
21 to exceed the daily equivalent of the annual rate  
22 of basic pay in effect for a position at level IV  
23 of the Executive Schedule under section 5315  
24 of title 5, United States Code, for each day dur-

1           ing which that member is engaged in the actual  
2           performance of the duties of the Commission.

3           (B) FEDERAL EMPLOYEES.—A member of  
4           the Commission who is a full-time officer or  
5           employee of the United States or a Member of  
6           Congress shall receive no additional pay, allow-  
7           ances, or benefits by reason of the member's  
8           service to the Commission.

9           (C) TRAVEL EXPENSES.—Each member  
10          shall receive travel expenses, including per diem  
11          in lieu of subsistence, in accordance with appli-  
12          cable provisions under subchapter I of chapter  
13          57 of title 5, United States Code.

14       (c) POWERS OF THE COMMISSION.—

15          (1) HEARINGS AND SESSIONS.—The Commis-  
16          sion may, for the purpose of carrying out the provi-  
17          sions of this section, hold such hearings and sit and  
18          act at such times and at such places in the United  
19          States, and request the attendance and testimony of  
20          such witnesses and the production of such books,  
21          records, correspondence, memoranda, papers, and  
22          documents, as the Commission considers appro-  
23          priate. The Commission may invoke the aid of an  
24          appropriate United States district court to require,



1 by subpoena or otherwise, such attendance, testi-  
2 mony, or production.

3 (2) POWERS OF SUBCOMMITTEES AND MEM-  
4 BERS.—Any subcommittee or member of the Com-  
5 mission may, if authorized by the Commission, take  
6 any action which the Commission is authorized to  
7 take under this section.

8 (3) OBTAINING OFFICIAL DATA.—The Commis-  
9 sion may acquire directly from the head of any de-  
10 partment, agency, or instrumentality of the executive  
11 branch of the Federal Government, available infor-  
12 mation which the Commission considers useful in the  
13 discharge of its duties. All departments, agencies,  
14 and instrumentalities of the executive branch of the  
15 Government shall cooperate with the Commission  
16 with respect to such information and shall furnish  
17 all information requested by the Commission to the  
18 extent permitted by law.

19 (d) ADMINISTRATIVE PROVISIONS.—

20 (1) STAFF.—The Commission may, without re-  
21 gard to the civil service laws and regulations, ap-  
22 point and fix the compensation of such personnel as  
23 the Commission considers appropriate.

24 (2) APPLICABILITY OF CERTAIN CIVIL SERVICE  
25 LAWS.—The personnel of the Commission may be

1 appointed without regard to the provisions of title,  
2 United States Code, governing appointments in the  
3 competitive service, and without regard to the provi-  
4 sions of chapter 51 and subchapter III of chapter 53  
5 of such title, relating to classification and General  
6 Schedule pay rates, except that the rate of basic pay  
7 of any employee of the Commission may not exceed  
8 the rate of basic pay established for a position at  
9 level V of the Executive Schedule under section 5316  
10 of such title.

11 (3) EXPERTS AND CONSULTANTS.—The Com-  
12 mission may procure the services of experts and con-  
13 sultants in accordance with the provisions of section  
14 3109(b) of title 5, United States Code, but at rates  
15 for individuals not to exceed the daily equivalent of  
16 the annual rate of basic pay established for a posi-  
17 tion at level V of the Executive Schedule under sec-  
18 tion 5316 of such title.

19 (4) ADMINISTRATIVE SUPPORT SERVICES.—The  
20 Commission may enter into agreements with the Ad-  
21 ministrator of General Services for procurement of  
22 financial and administrative services necessary for  
23 the discharge of the duties of the Commission. Pay-  
24 ment for such services shall be made by reimburse-  
25 ment from funds of the Commission in such

1 amounts as may be agreed upon by the Chairman of  
2 the Commission and the Administrator.

3 (5) CONTRACTS.—The Commission may—

4 (A) procure supplies, services, and prop-  
5 erty by contract in accordance with applicable  
6 laws and regulations and to the extent or in  
7 such amounts as are provided in appropriations  
8 Acts; and

9 (B) enter into contracts with departments,  
10 agencies, and instrumentalities of the Federal  
11 Government, State agencies, and private firms,  
12 institutions, and agencies, for the conduct of re-  
13 search or surveys, the preparation of reports,  
14 and other activities necessary for the discharge  
15 of the duties of the Commission, to the extent  
16 or in such amounts as are provided in appro-  
17 priations Acts.

18 (e) TERMINATION.—

19 (1) IN GENERAL.—The Commission, and all the  
20 authorities of this title, shall terminate 90 days after  
21 the date on which the final report is submitted  
22 under subsection (a).

23 (2) ADMINISTRATIVE ACTIVITIES BEFORE TER-  
24 MINATION.—The Commission may use the 90-day  
25 period referred to in paragraph (1) for the purpose

1 of concluding its activities, including providing testi-  
2 mony to committees of Congress concerning its re-  
3 ports and disseminating the final report.

4 (f) FUNDING.—

5 (1) IN GENERAL.—There is authorized to be  
6 appropriated such sums as necessary to carry out  
7 this section.

8 (2) DURATION.—Amounts made available to  
9 the Commission under paragraph (1) shall remain  
10 available until the termination of the Commission.

11 (g) DEFINITIONS.—In this section:

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

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

