

119TH CONGRESS  
2D SESSION

# S. 3691

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

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IN THE SENATE OF THE UNITED STATES

JANUARY 27, 2026

Mr. BLUMENTHAL introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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## 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”.

6       **SEC. 2. ESTABLISHMENT AND DUTIES.**

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

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

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

8 (A) Facts related to the history of policies  
9 regarding LGBTQ+ sexual orientation and  
10 gender identity in the uniformed services.

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

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

21 (3) Gather testimonies, written and oral, from  
22 LGBTQ+ servicemembers and veterans about their  
23 experiences, both anonymously and with names  
24 given.

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

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

10          (6) Examine how discriminatory practices con-  
11          tributed to suicidality and homelessness among  
12          LGBTQ+ veterans.

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

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

22          (9) Examine the impacts that discriminatory  
23          policies related to sexual orientation and gender  
24          identity have had on the dependents of  
25          servicemembers and veterans.

1           (10) Examine the immediate and long-term im-  
2           pacts that the denial, on the bases of policies and di-  
3           rectives of the Department of Defense and of the  
4           Department of Veteran Affairs, of medically nec-  
5           essary healthcare, including denial of treatments for  
6           gender dysphoria, has had on servicemembers and  
7           veterans.

8           (11) Examine and quantify the impacts that  
9           discriminatory policies and directives related to sex-  
10          ual orientation and gender identity from the Depart-  
11          ment of Defense have on force readiness, including  
12          the cost of retraining and replacing individuals who  
13          were separated from the uniformed services for rea-  
14          sons related to their real or perceived sexual orienta-  
15          tion or gender identity.

16          (12) Collect information on the effects of  
17          changes to individuals' demographic data (including  
18          gender markers), without the consent of the individ-  
19          uals, in databases and systems of the Department of  
20          Defense and the Department of Veterans Affairs  
21          (including the Defense Enrollment Eligibility Re-  
22          porting System).

23          (13) Collect information on—

24                  (A) the codes under which individuals were  
25                  separated from the uniformed services on the

1 basis of the individual's real or perceived sexual  
2 orientation or gender identity; and

3 (B) the effect that such codes had on the  
4 access of servicemembers and veterans to em-  
5 ployment and other benefits.

6 (14) Recommend appropriate ways to educate  
7 the American public about institutionalized and gov-  
8 ernment-sanctioned discrimination.

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

11 (A) how the Federal Government may offer  
12 an apology for enforcing discrimination that led  
13 to psychological, emotional, and physical harm  
14 to servicemembers and their families;

15 (B) how the Department of Defense may  
16 seek to properly compensate severed  
17 servicemembers for lost time, professional op-  
18 portunities, access to benefits, and other im-  
19 pacts, with compensation including backpay, re-  
20 instatement, benefits reinstatement, or other  
21 opportunities;

22 (C) how the Department of Defense and  
23 the Department of Veterans' Affairs can restore  
24 gender affirming services and care to

1 servicemembers, veterans, and other bene-  
2 ficiaries;

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

9 (E) how the service of LGBTQ+ individ-  
10 uals in the uniformed services may be made  
11 more visible in materials distributed by the Sec-  
12 retary of Defense and the Secretary of Veterans  
13 Affairs;

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

18 (G) how healthcare and other benefits, fur-  
19 nished by such Secretaries to members of the  
20 uniformed services and veterans, will commit  
21 more resources to meeting the needs of  
22 LGBTQ+ patients, including improved data  
23 collection on LGBTQ+ patients, mental health  
24 counseling, and other medical necessities; and

1           (H) how the Federal Government may ex-  
2           amine the issue of burial rights denied to mem-  
3           bers of the uniformed services and veterans who  
4           were prematurely discharged due to the dis-  
5           criminatory policies against them.

6           (16) The Commission shall submit a written re-  
7           port of its findings to Congress not later than one  
8           year after the date of the first meeting of the Com-  
9           mission.

10 **SEC. 3. MEMBERSHIP.**

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

15           (1) One member appointed by the Chair of the  
16 Committee on Armed Services of the House of Rep-  
17 resentatives.

18           (2) One member appointed by the Ranking  
19 Member of the Committee on Armed Services of the  
20 House of Representatives.

21           (3) One member appointed by the Chair of the  
22 Committee on Veterans' Affairs of the House of  
23 Representatives.

1           (4) One member appointed by the Ranking  
2 Member of the Committee on Veterans' Affairs of  
3 the House of Representatives.

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

6           (6) One member appointed by the Ranking  
7 Member of the Committee on Armed Services of the  
8 Senate.

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

11           (8) One member appointed by the Ranking  
12 Member of the Committee on Veterans' Affairs of  
13 the Senate.

14           (9) Two members appointed by the Secretary of  
15 Defense.

16           (10) Two members appointed by the Secretary  
17 of Veterans Affairs.

18           (11) One member appointed by the Secretary of  
19 Homeland Security.

20           (12) One member appointed by the Secretary of  
21 Commerce, for the purpose of representing the Na-  
22 tional Oceanic and Atmospheric Administration.

23           (13) One member appointed by the Secretary of  
24 Health and Human Services, for the purpose of rep-  
25 resenting the Public Health Service.



1       (b) QUALIFICATIONS.—All members of the Commis-  
2 sion shall be persons who are exceptionally qualified to  
3 serve on the Commission by virtue of their education,  
4 training, activism, or experience, particularly in the fields  
5 of advocating for LGBTQ+ members of the uniformed  
6 services.

7       (c) TERMS.—The term of office for members shall be  
8 for the life of the Commission. A vacancy in the Commis-  
9 sion shall not affect the powers of the Commission and  
10 shall be filled in the same manner in which the original  
11 appointment was made.

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

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

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

18       (e) QUORUM.—Eight members of the Commission  
19 shall constitute a quorum, but a lesser number may hold  
20 hearings.

21       (f) CHAIR AND VICE CHAIR.—The Commission shall  
22 elect a Chair and Vice Chair from among its members.  
23 The term of office for each shall be for the life of the  
24 Commission.

25       (g) COMPENSATION.—

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

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

14           (3) TRAVEL EXPENSES.—Each member shall  
 15 receive travel expenses, including per diem in lieu of  
 16 subsistence, in accordance with applicable provisions  
 17 under subchapter I of chapter 57 of title 5, United  
 18 States Code.

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

20           (a) HEARINGS AND SESSIONS.—The Commission  
 21 may, for the purpose of carrying out the provisions of this  
 22 Act, hold such hearings and sit and act at such times and  
 23 at such places in the United States, and request the at-  
 24 tendance and testimony of such witnesses and the produc-  
 25 tion of such books, records, correspondence, memoranda,

1 papers, and documents, as the Commission considers ap-  
2 propriate. The Commission may invoke the aid of an ap-  
3 propriate United States district court to require, by sub-  
4 poena or otherwise, such attendance, testimony, or pro-  
5 duction.

6 (b) POWERS OF SUBCOMMITTEES AND MEMBERS.—  
7 Any subcommittee or member of the Commission may, if  
8 authorized by the Commission, take any action which the  
9 Commission is authorized to take under this section.

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

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

21 (a) STAFF.—The Commission may, without regard to  
22 the civil service laws and regulations, appoint and fix the  
23 compensation of such personnel as the Commission con-  
24 sider appropriate.

1       (b) APPLICABILITY OF CERTAIN CIVIL SERVICE  
2 LAWS.—The personnel of the Commission may be ap-  
3 pointed without regard to the provisions of title 5, United  
4 States Code, governing appointments in the competitive  
5 service, and without regard to the provisions of chapter  
6 51 and subchapter III of chapter 53 of such title, relating  
7 to classification and General Schedule pay rates, except  
8 that the rate of basic pay of any employee of the Commis-  
9 sion may not exceed the rate of basic pay established for  
10 a position at level V of the Executive Schedule under sec-  
11 tion 5316 of such title.

12       (c) EXPERTS AND CONSULTANTS.—The Commission  
13 may procure the services of experts and consultants in ac-  
14 cordance with the provisions of section 3109(b) of title 5,  
15 United States Code, but at rates for individuals not to  
16 exceed the daily equivalent of the annual rate of basic pay  
17 established for a position at level V of the Executive  
18 Schedule under section 5316 of such title.

19       (d) ADMINISTRATIVE SUPPORT SERVICES.—The  
20 Commission may enter into agreements with the Adminis-  
21 trator of General Services for procurement of financial  
22 and administrative services necessary for the discharge of  
23 the duties of the Commission. Payment for such services  
24 shall be made by reimbursement from funds of the Com-

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

3 (e) CONTRACTS.—The Commission may—

4 (1) procure supplies, services, and property by  
5 contract in accordance with applicable laws and reg-  
6 ulations and to the extent or in such amounts as are  
7 provided in appropriations Acts; and

8 (2) enter into contracts with departments,  
9 agencies, and instrumentalities of the Federal Gov-  
10 ernment, State agencies, and private firms, institu-  
11 tions, and agencies, for the conduct of research or  
12 surveys, the preparation of reports, and other activi-  
13 ties necessary for the discharge of the duties of the  
14 Commission, to the extent or in such amounts as are  
15 provided in appropriations Acts.

16 **SEC. 6. TERMINATION.**

17 (a) IN GENERAL.—The Commission, and all the au-  
18 thorities of this title, shall terminate 90 days after the  
19 date on which the final report is submitted under section  
20 2.

21 (b) ADMINISTRATIVE ACTIVITIES BEFORE TERMI-  
22 NATION.—The Commission may use the 90-day period re-  
23 ferred to in subsection (a) for the purpose of concluding  
24 its activities, including providing testimony to committees

1 of Congress concerning its reports and disseminating the  
2 final report.

3 **SEC. 7. FUNDING.**

4 (a) IN GENERAL.—There is authorized to be appro-  
5 priated such sums as necessary to carry out this Act.

6 (b) DURATION.—Amounts made available to the  
7 Commission under subsection (a) shall remain available  
8 until the termination of the Commission.

9 **SEC. 8. DEFINITIONS.**

10 In this Act:

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

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

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