

117TH CONGRESS
1ST SESSION

S. 2759

To restore honor to certain previously discharged members of the Armed Forces.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 20, 2021

Mr. SCHATZ (for himself, Ms. ERNST, and Mr. YOUNG) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To restore honor to certain previously discharged members of the Armed Forces.

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 “Restore Honor to Serv-
5 ice Members Act of 2021”.

6 **SEC. 2. TIGER TEAM FOR OUTREACH TO FORMER MEM-**
7 **BERS.**

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

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

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

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

14 (4) the Secretary of Defense should, wherever
15 possible, coordinate and conduct outreach to im-
16 pacted veterans through the veterans community
17 and networks, including through the Department of
18 Veterans Affairs and veterans service organizations,
19 to ensure that veterans understand the review proc-
20 esses that are available to them for upgrading mili-
21 tary records.

22 (b) ESTABLISHMENT OF TIGER TEAM.—

23 (1) IN GENERAL.—Not later than 60 days after
24 the date of the enactment of this Act, the Secretary
25 of Defense shall establish a team (commonly known

1 as a “tiger team” and referred to in this section as
2 the “Tiger Team”) responsible for conducting out-
3 reach to build awareness among former members of
4 the Armed Forces of the process established pursu-
5 ant to section 527 of the National Defense Author-
6 ization Act for Fiscal Year 2020 (Public Law 116–
7 92; 10 U.S.C. 1552 note) for the review of discharge
8 characterizations by appropriate discharge boards.
9 The Tiger Team shall consist of appropriate per-
10 sonnel of the Department of Defense assigned to the
11 Tiger Team by the Secretary for purposes of this
12 section.

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

20 (3) REPORT ON COMPOSITION.—Not later than
21 90 days after the date of the enactment of this Act,
22 the Secretary shall submit to Congress a report set-
23 ting forth the names of the personnel of the Depart-
24 ment assigned to the Tiger Team pursuant to this
25 subsection, including the positions to which assigned.

1 The report shall specify the name of the individual
2 assigned as Tiger Team Leader.

3 (c) DUTIES.—

4 (1) IN GENERAL.—The Tiger Team shall con-
5 duct outreach to build awareness among veterans of
6 the process established pursuant to section 527 of
7 the National Defense Authorization Act for Fiscal
8 Year 2020 for the review of discharge characteriza-
9 tions by appropriate discharge boards.

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

16 (A) The Secretary of Veterans Affairs.

17 (B) The Archivist of the United States.

18 (C) Representatives of veterans service or-
19 ganizations.

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

22 (3) INITIAL REPORT.—Not later than 210 days
23 after the date of the enactment of this Act, the Sec-
24 retary of Defense shall submit to Congress the fol-
25 lowing:

1 (A) A plan setting forth the following:

2 (i) A description of the manner in
3 which the Secretary, working through the
4 Tiger Team and in collaboration with ex-
5 ternal stakeholders described in paragraph
6 (2), shall identify individuals who meet the
7 criteria in section 527(b) of the National
8 Defense Authorization Act for Fiscal Year
9 2020 for review of discharge characteriza-
10 tion.

11 (ii) A description of the manner in
12 which the Secretary, working through the
13 Tiger Team and in collaboration with the
14 external stakeholders, shall improve out-
15 reach to individuals who meet the criteria
16 in section 527(b) of the National Defense
17 Authorization Act for Fiscal Year 2020 for
18 review of discharge characterization, in-
19 cluding through—

20 (I) obtaining contact information
21 on such individuals; and

22 (II) contacting such individuals
23 on the process established pursuant to
24 section 527 of the National Defense
25 Authorization Act for Fiscal Year

1 2020 for the review of discharge char-
2 acterizations.

3 (B) A description of the manner in which
4 the work described in clauses (i) and (ii) of sub-
5 paragraph (A) will be carried out, including an
6 allocation of the work among the Tiger Team
7 and the external stakeholders.

8 (C) A schedule for the implementation,
9 carrying out, and completion of the plan re-
10 quired under subparagraph (A).

11 (D) A description of the additional fund-
12 ing, personnel, or other resources of the De-
13 partment required to carry out the plan re-
14 quired under subparagraph (A), including any
15 modification of applicable statutory or adminis-
16 trative authorities.

17 (4) IMPLEMENTATION OF PLAN.—

18 (A) IN GENERAL.—The Secretary shall im-
19 plement and carry out the plan submitted under
20 subparagraph (A) of paragraph (3) in accord-
21 ance with the schedule submitted under sub-
22 paragraph (C) of that paragraph.

23 (B) UPDATES.—Not less frequently than
24 once every 90 days after the submittal of the
25 report under paragraph (3), the Tiger Team

1 shall submit to Congress an update on the car-
2 rying out of the plan submitted under subpara-
3 graph (A) of that paragraph.

4 (5) FINAL REPORT.—Not later than 3 years
5 after the date of the enactment of this Act, the
6 Tiger Team shall submit to the Committees on
7 Armed Services of the Senate and the House of Rep-
8 resentatives a final report on the activities of the
9 Tiger Team under this subsection. The report shall
10 set forth the following:

11 (A) The number of individuals discharged
12 under Don't Ask, Don't Tell or a similar policy
13 prior to the enactment of Don't Ask, Don't
14 Tell.

15 (B) The number of individuals described in
16 subparagraph (A) who availed themselves of a
17 review of discharge characterization (whether
18 through discharge review or correction of mili-
19 tary records) through a process established
20 prior to the enactment of this Act.

21 (C) The number of individuals contacted
22 through outreach conducted pursuant to this
23 section.

24 (D) The number of individuals described in
25 subparagraph (A) who availed themselves of a

1 review of discharge characterization through the
2 process established pursuant to section 527 of
3 the National Defense Authorization Act for Fis-
4 cal Year 2020.

5 (E) The number of individuals described in
6 subparagraph (D) whose review of discharge
7 characterization resulted in a change of charac-
8 terization to honorable discharge.

9 (F) The total number of individuals de-
10 scribed in subparagraph (A), including individ-
11 uals also covered by subparagraph (E), whose
12 review of discharge characterization since Sep-
13 tember 20, 2011 (the date of repeal of Don't
14 Ask, Don't Tell), resulted in a change of char-
15 acterization to honorable discharge.

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

20 (d) ADDITIONAL REPORTS.—

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

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

7 (e) DON'T ASK, DON'T TELL DEFINED.—In this sec-
8 tion, the term “Don't Ask, Don't Tell” means section 654
9 of title 10, United States Code, as in effect before such
10 section was repealed pursuant to the Don't Ask, Don't
11 Tell Repeal Act of 2010 (Public Law 111–321).

12 **SEC. 3. RELIEF FOR IMPACTED FORMER MEMBERS.**

13 (a) REVIEW OF DISCHARGE.—

14 (1) IN GENERAL.—The Secretary of Defense
15 shall review and update existing guidance to ensure
16 that the appropriate discharge board for the military
17 departments concerned shall review a discharge
18 characterization of the covered member as required
19 under section 527 of the National Defense Author-
20 ization Act for Fiscal Year 2020 at the request of
21 a covered member, or their representative, notwith-
22 standing any requirements to provide documentation
23 necessary to initiate a review of a discharge charac-
24 terization.

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

10 (b) VETERANS BENEFITS.—

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

23 (2) RULE OF CONSTRUCTION.—Nothing in this
24 subsection shall be construed to authorize any ben-
25 efit to a covered member in connection with the

1 change of discharge characterization of the member
2 under section 527 of the National Defense Author-
3 ization Act for Fiscal Year 2020 (Public Law 116–
4 92; 10 U.S.C. 1552 note) for any period before the
5 effective date of the change of discharge character-
6 ization.

7 **SEC. 4. HISTORICAL REVIEWS.**

8 (a) IN GENERAL.—The Secretary of each military de-
9 partment shall ensure that oral historians of the depart-
10 ment, in coordination with the chief of the personnel divi-
11 sion for the military department concerned—

12 (1) review the facts and circumstances sur-
13 rounding the estimated 100,000 members of the
14 Armed Forces discharged from the Armed Forces
15 between World War II and September 2011 because
16 of the sexual orientation of the member, including
17 any use of ambiguous or misleading separation codes
18 and characterizations intended to disguise the dis-
19 criminatory basis of such members' discharge; and

20 (2) receive oral testimony of individuals who
21 personally experienced discrimination and discharge
22 because of the actual or perceived sexual orientation
23 of the individual so that such testimony may serve
24 as an official record of these discriminatory policies
25 and their impact on American lives.

1 (b) DEADLINE FOR COMPLETION.—Each Secretary
2 of a military department shall ensure that the oral histo-
3 rians concerned complete the actions required by sub-
4 section (a) by not later than two years after the date of
5 the enactment of this Act.

6 (c) USES OF INFORMATION.—Information obtained
7 through actions under subsection (a) shall be available to
8 members described in that paragraph for pursuit by such
9 members of a remedy under section 527 of the National
10 Defense Authorization Act for Fiscal Year 2020 in accord-
11 ance with regulations prescribed for such purpose by the
12 Secretary of the military department concerned.

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