

118TH CONGRESS  
2D SESSION

# H. R. 7411

To amend the National Defense Authorization Act for Fiscal Year 2020 to improve reviews of characterizations of discharges of members of the Armed Forces on the basis of sexual orientation.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 20, 2024

Mrs. CHAVEZ-DEREMER (for herself, Mr. CISCOMANI, Mr. VAN ORDEN, Mr. MILLER of Ohio, Mr. TURNER, Ms. MALLIOTAKIS, Mr. DUARTE, Mr. CAREY, Mr. AMODEI, Mr. CALVERT, Mr. GARBARINO, Mrs. CAMMACK, and Ms. MACE) introduced the following bill; which was referred to the Committee on Armed Services

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## A BILL

To amend the National Defense Authorization Act for Fiscal Year 2020 to improve reviews of characterizations of discharges of members of the Armed Forces on the basis of sexual orientation.

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 “Recover Pride in Serv-  
5 ice Act”.

1 **SEC. 2. IMPROVEMENTS TO REVIEWS OF CHARACTERIZA-**  
2 **TIONS OF DISCHARGES OF MEMBERS OF THE**  
3 **ARMED FORCES ON THE BASIS OF SEXUAL**  
4 **ORIENTATION.**

5 (a) CLARIFICATION OF STANDARDS OF REVIEW.—  
6 Section 527 of the National Defense Authorization Act for  
7 Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 1552  
8 note) is amended—

9 (1) in subsection (a)—

10 (A) by redesignating paragraphs (1) and  
11 (2) as subparagraphs (A) and (B);

12 (B) by inserting “(1)” before “In accord-  
13 ance”; and

14 (C) by adding at the end the following new  
15 paragraphs:

16 “(2) Notwithstanding section 1552(a)(3)(B) of  
17 title 10, United States Code, the appropriate board  
18 may not require a covered member to submit any  
19 documentation as a condition precedent to a review  
20 under paragraph (1).”.

21 (b) ESTABLISHMENT OF OUTREACH UNIT; RE-  
22 PORTS.—Such section is further amended—

23 (1) by redesignating subsection (d) as sub-  
24 section (f); and

25 (2) by inserting, after subsection (c), the fol-  
26 lowing new subsections:

1 “(d) OUTREACH UNIT.—

2 “(1) ESTABLISHMENT.—Not later than 60 days  
3 after the date of the enactment of the Recover Pride  
4 in Service Act, the Secretary of Defense shall estab-  
5 lish an outreach unit.

6 “(2) UNIT COMMANDER.—The commander of  
7 the unit established under this subsection shall be an  
8 officer in a grade above O-3.

9 “(3) DUTIES.—The unit established under this  
10 subsection shall conduct outreach to inform covered  
11 members of the right to request a review under sub-  
12 section (a). In performing such outreach, the unit  
13 commander may coordinate with stakeholders includ-  
14 ing the following:

15 “(A) The Secretary of Veterans Affairs.

16 “(B) The Archivist of the United States.

17 “(C) Representatives of organizations rec-  
18 ognized by the Secretary of Veterans Affairs  
19 under section 5902 of title 38, United States  
20 Code.

21 “(D) Other individuals determined appro-  
22 priate by the unit commander.

23 “(4) REPORTING.—

24 “(A) INITIAL REPORT.—Not later than 60  
25 days after the date of the enactment of the Re-

1 cover Pride in Service Act, the Secretary of De-  
2 fense shall submit to the Committees on Armed  
3 Services of the Senate and House of Represent-  
4 atives a report identifying the unit commander  
5 and 30 members of the unit established under  
6 this subsection.

7 “(B) PLAN.—Not later than 60 days after  
8 the date of the enactment of the Recover Pride  
9 in Service Act, the Secretary shall submit to the  
10 Committees on Armed Services of the Senate  
11 and House of Representatives a plan regarding  
12 outreach to be conducted by such unit. Such  
13 plan shall include the following:

14 “(i) How the unit shall identify and  
15 contact covered members.

16 “(ii) An allocation of responsibilities  
17 among the unit and external stakeholders  
18 for executing the plan.

19 “(iii) A schedule for the implementa-  
20 tion, execution, and completion of the plan,  
21 along with any necessary funding, per-  
22 sonnel, or resources required for its suc-  
23 cessful implementation.

24 “(C) PROGRESS REPORTS.—Not less than  
25 every 90 days after the submission of the plan

1 under subparagraph (B), the commander of  
2 such unit shall submit to the Committees on  
3 Armed Services of the Senate and House of  
4 Representatives a report on the activities of the  
5 unit during the preceding 90 days.

6 “(D) FINAL REPORT.—Not later than  
7 three years after the date of the enactment of  
8 the Recover Pride in Service Act, the Secretary  
9 of Defense shall submit to the Committees on  
10 Armed Services of the Senate and House of  
11 Representatives a final report on the unit. Such  
12 report shall include the following:

13 “(i) The number of covered members.

14 “(ii) The number of covered members  
15 contacted through the outreach efforts of  
16 the unit.

17 “(iii) The number of covered members  
18 who requested a review under subsection  
19 (a) before and after the date of the enact-  
20 ment of the Recover Pride in Service Act.

21 “(iv) The number of covered members  
22 described in clause (iii), whose discharge  
23 characterization was upgraded to honor-  
24 able.

1                   “(v) The number of former members  
2                   of the Armed Forces whose discharge char-  
3                   acterizations have been upgraded to honor-  
4                   able since September 20, 2011.

5                   “(5) TERMINATION.—The unit shall terminate  
6                   upon submission of the final report under paragraph  
7                   (4)(D).

8                   “(e) REPORTS.—The Secretary of Defense shall sub-  
9                   mit to the Committees on Armed Services of the Senate  
10                  and House of Representatives four annual reports on the  
11                  determination of the Secretary regarding the consistency  
12                  of reviews under subsection (a). The first such report shall  
13                  be due not later than one year after the date of the enact-  
14                  ment of the Recover Pride in Service Act.”.

15   **SEC. 3. PROACTIVE UPGRADE OF DISCHARGES.**

16                  (a) IN GENERAL.—The Department of Defense shall  
17                  upgrade all discharges based solely on account of sexual  
18                  orientation to an honorable discharge.

19                  (b) Section 527 of the National Defense Authoriza-  
20                  tion Act for Fiscal Year 2020 (Public Law 116–92; 10  
21                  U.S.C. 1552) is amended—

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

24                         “(b) No correction may be made under subsection  
25                         (a)(1) unless a claimant (or claimant’s heir, spouse, or

1 legal representative) or the Secretary concerned files a re-  
2 quest for correction. The Secretary concerned may file a  
3 request for correction of a military record of their own  
4 accord or if the request is made on behalf of a group,  
5 members, or former members of the Armed Forces who  
6 were harmed by the error or injustice being claimed. A  
7 board established under subsection (a)(1) may excuse a  
8 failure to file within three years after discovery if it finds  
9 it to be in the interest of justice, and may not impose a  
10 year limit from when the claimed error or injustice oc-  
11 curred or was discovered as it relates to individuals dis-  
12 charged on the basis of sexual orientation.”;

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

15                       “(i) There must be established a pro-  
16                       cedure within each military department to  
17                       upgrade all discharges based solely on sex-  
18                       ual orientation, without requiring affected  
19                       veterans to request such an upgrade.”; and

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

22                       “(i) Any request for reconsideration  
23                       denied prior to January 1, 2025, regarding  
24                       a claim pertaining to a discharge based on

1                   sexual orientation, must be revisited by the  
2                   respective board.”.

3           (c) No later than five years after the date of the en-  
4 actment of this Act, the Secretary of Defense shall have  
5 approved the upgrade of all discharges which were based  
6 on sexual orientation.

7           (d) The Secretary of Defense shall provide Congress  
8 an annual report on the progress of upgraded discharges.

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