

118TH CONGRESS
2D SESSION

S. RES. 824

Recognizing September 20, 2024, as “National LGBTQ+ Veterans Day”.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 18, 2024

Mr. MERKLEY (for himself, Mrs. MURRAY, Mr. BOOKER, Ms. HIRONO, Mr. BLUMENTHAL, Mr. DURBIN, Mr. BENNET, Mr. LUJÁN, Ms. WARREN, Mr. WYDEN, Mr. WHITEHOUSE, Mr. PADILLA, Mr. SANDERS, Ms. SMITH, Mr. SCHATZ, and Ms. DUCKWORTH) submitted the following resolution; which was referred to the Committee on Veterans’ Affairs

RESOLUTION

Recognizing September 20, 2024, as “National LGBTQ+ Veterans Day”.

Whereas lesbian, gay, bisexual, transgender, and queer (referred to in this preamble as “LGBTQ+”) veterans have honorably served in the Armed Forces in every war to which the United States was a party, beginning with the Revolutionary War;

Whereas LGBTQ+ veterans have served in the Armed Forces despite discriminatory policies based on who those veterans love or how those veterans identify;

Whereas, on April 27, 1953, President Dwight D. Eisenhower signed Executive Order 10450 (18 Fed. Reg. 2489; relating to security requirements for Government

employment), which declared “sexual perversion” and “treatment for serious mental or neurological disorders” to be security risks and grounds for denying Federal employment;

Whereas Executive Order 10450, eventually repealed by President Barack Obama in 2017, contributed to the “Lavender Scare” of the 1950s by banning gay and lesbian people from working in the Government, including in the Armed Forces, and was similarly applied to transgender people as early as 1960;

Whereas, beginning in 1963, Army medical standards disqualified people with “behavioral disorders”, which was defined to include transgender people, from service in the Army;

Whereas, for 30 years, beginning in the mid-1980s, Department of Defense regulations declared transgender people to be both physically and mentally disordered and abnormal and continued to disqualify transgender people from military service;

Whereas, in 1982, the Department of Defense implemented a policy stating that “homosexuality is incompatible with military service”, and between 1980 and 1990, an average of 1,500 military servicemembers were discharged every year on the basis of their sexual orientation;

Whereas, in 1993, as part of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1547), Congress enacted the “Don’t Ask, Don’t Tell” policy, which declared that the presence of gay, lesbian, and bisexual people in the Armed Forces was an “unacceptable risk” to morale, good order, discipline, and

unit cohesion, and required the Armed Forces to discharge servicemembers who—

(1) engaged in, attempted to engage in, or solicited “homosexual acts”;

(2) stated that they were homosexual or bisexual; or

(3) married or attempted to marry a same-sex partner;

Whereas the Department of Defense has acknowledged that 13,472 personnel were discharged from the Armed Forces under the “Don’t Ask, Don’t Tell” policy, and an additional 19,365 personnel were discharged between 1980 and 1993 under similar policies that targeted servicemembers based on sexual orientation;

Whereas the White House estimates that more than 100,000 servicemembers have been discharged from the Armed Forces for their sexual orientation or gender identity;

Whereas, on September 20, 2011, the “Don’t Ask, Don’t Tell” policy was officially repealed, 60 days after President Barack Obama approved its repeal on July 22, 2011, by signing the Don’t Ask, Don’t Tell Repeal Act of 2010 (10 U.S.C. 654 note; Public Law 111–321);

Whereas, on June 30, 2016, the Department of Defense announced an end to the ban on transgender servicemembers across all components of the Department of Defense;

Whereas, on July 26, 2017, President Donald J. Trump announced that transgender people would not be allowed to serve in the military;

Whereas, on January 25, 2021, President Joseph R. Biden signed Executive Order 14004 (86 Fed. Reg. 7471; relating to enabling all qualified Americans to serve their

country in uniform), which repealed the 2017 ban on transgender military servicemembers;

Whereas the Department of Defense and the Department of Veterans Affairs have taken steps to address the harms done to LGBTQ+ servicemembers and veterans under these discriminatory policies;

Whereas, in March 2021, the Secretary of Defense announced new policies to undo the President Trump-era rules banning transgender people from serving in the military;

Whereas those policies included a statement that the Defense Health Agency would develop clinical practice guidelines to support the medical treatment of servicemembers with gender dysphoria, a step that has not yet been completed;

Whereas, on June 19, 2021, the Secretary of Veterans Affairs announced that the Department of Veterans Affairs would remove the exclusion of gender-affirming surgery from the Veterans Affairs Medical Benefits package, but the Department of Veterans Affairs has yet to fulfill that promise;

Whereas, on September 20, 2021, the Secretary of Veterans Affairs issued the “Benefits Eligibility for Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ+) Former Service Members (VIEWS 5810856)” memorandum detailing how certain former servicemembers discharged under the “Don’t Ask, Don’t Tell” policy with “other than honorable” discharges could begin to access full veterans benefits;

Whereas, on September 20, 2023, the Deputy Secretary of Defense announced that the Department of Defense would proactively review the military records of certain

veterans discharged under the “Don’t Ask, Don’t Tell” policy to identify those who may be eligible for discharge upgrades;

Whereas, on April 25, 2024, the Department of Veterans Affairs posted a final rule eliminating the regulatory bar for “homosexual acts involving aggravating circumstances or other factors affecting the performance of duty” as an obstacle to benefits, which could help reduce the disparity that LGBTQ+ veterans face in applying for their benefits;

Whereas, on June 26, 2024, President Joseph R. Biden pardoned veterans who had been convicted in military courts for consensual sodomy between 1951 and 2013 under former article 125 of the Uniform Code of Military Justice; and

Whereas challenges still exist for LGBTQ+ servicemembers and veterans seeking equitable treatment in service and access to benefits: Now, therefore, be it

1 *Resolved*, That the Senate—

2 (1) recognizes September 20, 2024, as “National LGBTQ+ Veterans Day”;

3 (2) celebrates the contributions of lesbian, gay, 4
5 bisexual, transgender, and queer (referred to in this
6 resolution as “LGBTQ+”) servicemembers and veterans
7 who have served in the Armed Forces;

8 (3) regrets the harm done to LGBTQ+ 9
10 servicemembers and veterans under the “Don’t Ask,
11 Don’t Tell” policy and earlier policies, bans on
transgender servicemembers, and other policies that

1 discriminate based on sexual orientation and gender
2 identity;

3 (4) recognizes how “other than honorable” and
4 “dishonorable” discharges given to LGBTQ+
5 servicemembers on the basis of sexual orientation
6 and gender identity—

7 (A) prematurely terminated the careers of
8 LGBTQ+ servicemembers in the Armed
9 Forces;

10 (B) subjected LGBTQ+ servicemembers to
11 the trauma of investigations and criminal
12 charges;

13 (C) unfairly denied LGBTQ+
14 servicemembers the honor associated with mili-
15 tary service;

16 (D) deprived LGBTQ+ servicemembers of
17 benefits those servicemembers have earned and
18 deserve as veterans; and

19 (E) continue to cause LGBTQ+
20 servicemembers dignitary harm;

21 (5) urges the Department of Veterans Affairs
22 and the Department of Defense to—

23 (A) continue implementing policy changes
24 that restore justice and right historical wrongs

1 caused by past government-sponsored discrimi-
2 nation; and

3 (B) conduct further outreach for
4 LGBTQ+ veteran communities to ensure that
5 those discharged based on their sexual orienta-
6 tion and gender identity can receive their bene-
7 fits;

8 (6) urges the Department of Veterans Affairs
9 and the Department of Defense to ensure that
10 transgender veterans and servicemembers and their
11 families have access to the full range of health care,
12 including gender-affirming care; and

13 (7) urges the Department of Veterans Affairs
14 to remove the exclusion of gender-affirming surgery
15 from the Veterans Affairs Medical Benefits Package.

○