

119TH CONGRESS
1ST SESSION

S. RES. 408

Recognizing September 20, 2025, as “National LGBTQ+ Servicemembers and Veterans Day”.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 18 (legislative day, SEPTEMBER 16), 2025

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

RESOLUTION

Recognizing September 20, 2025, as “National LGBTQ+ Servicemembers and Veterans Day”.

Whereas lesbian, gay, bisexual, transgender, and queer (referred to in this preamble as “LGBTQ+”) servicemembers and 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+ servicemembers and veterans have served in the Armed Forces despite discriminatory policies based on who they love or how they 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Whereas Executive Order 10450, eventually repealed by President Barack Obama in 2017, contributed to the “Lavender Scare” of the 1950s by banning gay and lesbian people from working in the Government, including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, les-

bian, 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;

Whereas, on January 27, 2025, President Donald J. Trump signed Executive Order 14183 (90 Fed. Reg. 8757; relating to prioritizing military excellence and readiness), which reinstated the ban on transgender servicemembers and directed the Department of Defense to end its usage of pronouns and prevent transgender people from using facilities that align with their gender identity;

Whereas, on February 7, 2025, the Secretary of Defense issued a memorandum halting all gender-affirming medical procedures for servicemembers;

Whereas, on February 26, 2025, the Department of Defense announced that transgender and nonbinary servicemembers are “no longer eligible for military serv-

ice” and “will be processed for separation from military service”;

Whereas, on March 17, 2025, the Department of Veterans Affairs announced that it will no longer offer gender-affirming hormone therapy to veterans who were not already receiving such care; 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, 2025, as “Na-
3 tional LGBTQ+ Servicemembers and Veterans
4 Day”;

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

9 (3) regrets the harm done to LGBTQ+
10 servicemembers and veterans under the “Don’t Ask,
11 Don’t Tell” policy and earlier policies, bans on
12 transgender servicemembers, and other policies that
13 discriminate based on sexual orientation and gender
14 identity;

15 (4) recognizes how “other than honorable” and
16 “dishonorable” discharges given to LGBTQ+
17 servicemembers on the basis of sexual orientation
18 and gender identity—

1 (A) prematurely terminated the careers of
2 LGBTQ+ servicemembers in the Armed
3 Forces;

4 (B) subjected LGBTQ+ servicemembers to
5 the trauma of investigations and criminal
6 charges;

7 (C) unfairly denied LGBTQ+
8 servicemembers the honor associated with mili-
9 tary service;

10 (D) deprived LGBTQ+ servicemembers of
11 benefits those servicemembers have earned and
12 deserve as veterans; and

13 (E) continue to cause LGBTQ+
14 servicemembers dignitary harm;

15 (5) urges the Department of Veterans Affairs
16 and the Department of Defense—

17 (A) to implement policy changes that re-
18 store justice and right wrongs caused by past
19 and present government-sponsored discrimina-
20 tion; and

21 (B) to conduct further outreach to
22 LGBTQ+ service member and veteran commu-
23 nities to ensure that those discharged based on
24 their sexual orientation and gender identity can
25 receive their benefits;

1 (6) urges the Department of Veterans Affairs
2 and the Department of Defense to ensure that
3 transgender veterans and servicemembers and their
4 families have access to the full range of health care,
5 including gender-affirming care; and

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

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