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Gays in the Military - Executive Response and Background: Repeal of Mandatory Discharge of HIV+

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**Repeal of Mandatory Discharge
of HIV (+) Servicemembers (27)**

Kennedy

Cohen

Akaka

Bingaman

Boxer

Bradley

Chafee

Daschle

Dodd

Feingold

Feinstein

Glenn

Hatfield

Inouye

Kerrey

Kerry

Kohl

Lautenberg

Leahy

Levin

Lieberman

Mikulski

Mosley Braun

Murray

Sarbanes

Simon

Wellstone

Repeal
Legislation

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S.L.C.

104TH CONGRESS
2D SESSION

S. _____

IN THE SENATE OF THE UNITED STATES

Mr. KENNEDY (for himself, _____)
introduced the following bill; which was read twice and referred to the
Committee on _____

A BILL

To amend title 10, United States Code, to repeal the require-
ment to discharge or retire members of the Armed
Forces who are HIV-positive.

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. REPEAL OF REQUIREMENT FOR DISCHARGE**
4 **OR RETIREMENT OF HIV-POSITIVE MEMBERS**
5 **OF THE ARMED FORCES.**

6 (a) REPEAL.—(1) Section 1177 of title 10, United
7 States Code, relating to mandatory discharge or retire-
8 ment of members of the Armed Forces infected with HIV-
9 1 virus, is repealed.

**Repeal of Mandatory Discharge
of HIV (+) Servicemembers Bill**
Co-Sponsor Target List (29)

Baucus
Biden
Breaux
Bryan
Bumpers
Campbell
Conrad
Dorgan
Exon
Ford
Graham
Harkin
Hatch
Heflin
Hollings
Jeffords
Johnston
Kassebaum
Mack
Moynihan
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Snowe
Specter
Wyden

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H.L.C.

(Original signature of Member)104TH CONGRESS
2D SESSION**H. R.** _____

IN THE HOUSE OF REPRESENTATIVES

Mr. TORKILDSN (for himself, Ms. HARMAN, and Mr. DELLUMS) introduced the following bill; which was referred to the Committee on

A BILL

To repeal the requirement enacted in the National Defense Authorization Act for Fiscal Year 1996 for the mandatory discharge or retirement of any member of the Armed Forces who is HIV-positive.

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. REPEAL OF REQUIREMENT FOR DISCHARGE**
4 **OR RETIREMENT OF HIV-POSITIVE MEMBERS**
5 **OF THE ARMED FORCES.**

6 Section 567 of the National Defense Authorization
7 Act for Fiscal Year 1996 is repealed and the provisions

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H.L.C.

2

1 of section 1177 of title 10, United States Code (and the
2 item relating to that section in the table of sections at
3 the beginning of chapter 59 of such title), as amended by
4 that section 567, are hereby amended so as to read as
5 in effect on the day before the date of the enactment of
6 that Act.

Additional Original Co-Sponsors:

Morella
Shays
Gunderson
Studds
Campbell (CA)
Ward
DeLauro
Boehlert
Bilbray
Gilman
Pelosi
Abercrombie
Meehan
Maloney
Sabo
Yates
Gutierrez
Markey
Miller (CA)
Farr
Waxman
Deutsch
Waters
Rivers
Matsui
Brown (CA)
Ackerman
Furse
Schroeder
DeFazio
Martinez (CA)
Evans
Berman
Frank

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Rep. Peter G. Torkildsen

List of Original Co-Sponsors

Hinchey

Slaughter

Nadler

Olver

Stark

Kennedy (MA)

Gejdenson

NEW YORK TIMES **NATIONAL** FRIDAY, FEBRUARY 2, 1996

Bills Would Repeal Provision To Expel Troops With H.I.V.

By ERIC SCHMITT

WASHINGTON, Feb. 1 — A bipartisan effort in the House and Senate is under way to repeal a provision in a military budget bill that would force the Pentagon to discharge troops who have the virus that causes AIDS.

Republicans like Senator William S. Cohen of Maine and Representative Peter G. Torkildsen of Massachusetts along with many Democrats, including Senator Sam Nunn of Georgia, oppose the discharges.

Lawmakers will most likely introduce bills in the House and Senate in the next few days to eliminate the provision that would discharge within six months more than a thousand service members who are infected with H.I.V., the virus that causes AIDS.

"If Magic Johnson can play professional basketball after five years with H.I.V, then a dedicated American ought to be able to serve his or her country in a noncombat role," Mr. Torkildsen said in an interview.

Efforts to repeal the discharge provision have broad bipartisan support in the Senate, but face an uphill struggle in the House. The bill's author, Representative Robert K. Dornan, a California Republican who is seeking his party's Presidential nomination, refused to compromise his measure during a conference committee.

Currently, service members who are infected with H.I.V. are allowed to stay on active duty in this country as long as they are healthy and able.

The provision for the discharges is

included in the Pentagon's \$265 billion budget bill for the 1996 fiscal year, which began Oct. 1. President Clinton, who opposes the discharges, is nonetheless expected to sign the overall bill next week because the Pentagon supports most of its other provisions.

The White House has directed officials from the Defense, Justice and Veterans Affairs departments to recommend ways to repeal the discharge provision and insure that troops with H.I.V. and their families

An uphill battle in the House is seen to prevent more than 1,000 dismissals.

continue to receive full medical and disability payments.

Drafting the actual legislation to repeal the provision is short and straightforward. Devising a way for Congress to approve it is more difficult. "We're into tactics and timing, not issues of substance," one top Senate aide said.

Critics of discharge provision argue that it is discriminatory. They note that no attempt is being made to dismiss 4,000 other troops whose duties are restricted because of chronic but not debilitating illnesses like cancer and heart disease.