

In the House of Representatives, U. S.,

December 15, 2010.

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 2965) entitled “An Act to amend the Small Business Act with respect to the Small Business Innovation Research Program and the Small Business Technology Transfer Program, and for other purposes.”, with the following

HOUSE AMENDMENT TO SENATE AMENDMENT:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Don’t Ask, Don’t Tell*
3 *Repeal Act of 2010”.*

4 ***SEC. 2. DEPARTMENT OF DEFENSE POLICY CONCERNING***
5 ***HOMOSEXUALITY IN THE ARMED FORCES.***

6 *(a) COMPREHENSIVE REVIEW ON THE IMPLEMENTA-*
7 *TION OF A REPEAL OF 10 U.S.C. 654.—*

8 *(1) IN GENERAL.—On March 2, 2010, the Sec-*
9 *retary of Defense issued a memorandum directing the*
10 *Comprehensive Review on the Implementation of a*
11 *Repeal of 10 U.S.C. 654 (section 654 of title 10,*
12 *United States Code).*

1 (2) *OBJECTIVES AND SCOPE OF REVIEW.*—*The*
2 *Terms of Reference accompanying the Secretary’s*
3 *memorandum established the following objectives and*
4 *scope of the ordered review:*

5 (A) *Determine any impacts to military*
6 *readiness, military effectiveness and unit cohe-*
7 *sion, recruiting/retention, and family readiness*
8 *that may result from repeal of the law and rec-*
9 *ommend any actions that should be taken in*
10 *light of such impacts.*

11 (B) *Determine leadership, guidance, and*
12 *training on standards of conduct and new poli-*
13 *cies.*

14 (C) *Determine appropriate changes to exist-*
15 *ing policies and regulations, including but not*
16 *limited to issues regarding personnel manage-*
17 *ment, leadership and training, facilities, inves-*
18 *tigations, and benefits.*

19 (D) *Recommend appropriate changes (if*
20 *any) to the Uniform Code of Military Justice.*

21 (E) *Monitor and evaluate existing legisla-*
22 *tive proposals to repeal 10 U.S.C. 654 and pro-*
23 *posals that may be introduced in the Congress*
24 *during the period of the review.*

1 (F) *Assure appropriate ways to monitor the*
2 *workforce climate and military effectiveness that*
3 *support successful follow-through on implementa-*
4 *tion.*

5 (G) *Evaluate the issues raised in ongoing*
6 *litigation involving 10 U.S.C. 654.*

7 (b) *EFFECTIVE DATE.*—*The amendments made by sub-*
8 *section (f) shall take effect 60 days after the date on which*
9 *the last of the following occurs:*

10 (1) *The Secretary of Defense has received the re-*
11 *port required by the memorandum of the Secretary*
12 *referred to in subsection (a).*

13 (2) *The President transmits to the congressional*
14 *defense committees a written certification, signed by*
15 *the President, the Secretary of Defense, and the*
16 *Chairman of the Joint Chiefs of Staff, stating each of*
17 *the following:*

18 (A) *That the President, the Secretary of De-*
19 *fense, and the Chairman of the Joint Chiefs of*
20 *Staff have considered the recommendations con-*
21 *tained in the report and the report's proposed*
22 *plan of action.*

23 (B) *That the Department of Defense has*
24 *prepared the necessary policies and regulations*

1 to exercise the discretion provided by the amend-
2 ments made by subsection (f).

3 (C) That the implementation of necessary
4 policies and regulations pursuant to the discre-
5 tion provided by the amendments made by sub-
6 section (f) is consistent with the standards of
7 military readiness, military effectiveness, unit
8 cohesion, and recruiting and retention of the
9 Armed Forces.

10 (c) *NO IMMEDIATE EFFECT ON CURRENT POLICY.*—
11 Section 654 of title 10, United States Code, shall remain
12 in effect until such time that all of the requirements and
13 certifications required by subsection (b) are met. If these
14 requirements and certifications are not met, section 654 of
15 title 10, United States Code, shall remain in effect.

16 (d) *BENEFITS.*—Nothing in this section, or the amend-
17 ments made by this section, shall be construed to require
18 the furnishing of benefits in violation of section 7 of title
19 1, United States Code (relating to the definitions of “mar-
20 riage” and “spouse” and referred to as the “Defense of Mar-
21 riage Act”).

22 (e) *NO PRIVATE CAUSE OF ACTION.*—Nothing in this
23 section, or the amendments made by this section, shall be
24 construed to create a private cause of action.

25 (f) *TREATMENT OF 1993 POLICY.*—

1 (1) *TITLE 10.*—Upon the effective date estab-
2 lished by subsection (b), chapter 37 of title 10, United
3 States Code, is amended—

4 (A) by striking section 654; and

5 (B) in the table of sections at the beginning
6 of such chapter, by striking the item relating to
7 section 654.

8 (2) *CONFORMING AMENDMENT.*—Upon the effec-
9 tive date established by subsection (b), section 571 of
10 the *National Defense Authorization Act for Fiscal*
11 *Year 1994 (10 U.S.C. 654 note)* is amended by strik-
12 ing subsections (b), (c), and (d).

Attest:

Clerk.

H.R. 2965

**HOUSE AMENDMENT TO
SENATE AMENDMENT**