

111TH CONGRESS
2D SESSION

H. RES. 1090

Recognizing the hearing of the Committee on Armed Services of the Senate on the Don't Ask, Don't Tell policy, and the testimony of Secretary of Defense Robert M. Gates and Admiral Michael G. Mullen at the hearing, as an important first step in permitting gay and lesbian Americans to serve openly in the Armed Forces and expressing the sense of the House of Representatives that the policy should be repealed in 2010.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 22, 2010

Mr. HASTINGS of Florida (for himself, Mr. MORAN of Virginia, Ms. SPEIER, Mr. FARR, Mr. GRIJALVA, Mr. HONDA, Mr. GUTIERREZ, Ms. PINGREE of Maine, Ms. BERKLEY, Ms. WATSON, Mr. FRANK of Massachusetts, Ms. KILPATRICK of Michigan, Ms. CHU, Mr. FILNER, Mrs. CHRISTENSEN, Ms. RICHARDSON, Ms. ROYBAL-ALLARD, Mr. ISRAEL, Mr. HINCHEY, Mr. BERMAN, Mr. DINGELL, Mr. CUMMINGS, Ms. JACKSON LEE of Texas, Mr. TOWNS, Mr. LEWIS of Georgia, Mr. MICHAUD, and Mr. POLIS of Colorado) submitted the following resolution; which was referred to the Committee on Armed Services

RESOLUTION

Recognizing the hearing of the Committee on Armed Services of the Senate on the Don't Ask, Don't Tell policy, and the testimony of Secretary of Defense Robert M. Gates and Admiral Michael G. Mullen at the hearing, as an important first step in permitting gay and lesbian Americans to serve openly in the Armed Forces and expressing the sense of the House of Representatives that the policy should be repealed in 2010.

Whereas there are an estimated 66,000 members of the Armed Forces who are gay or lesbian and approximately one million veterans who are gay or lesbian;

Whereas these brave men and women serve in the Armed Forces as highly trained linguists, aviators, medics, and soldiers and are involved in valuable operations that have nothing to do with their sexual orientation and everything to do with protecting American lives and advancing the national security interests of the United States;

Whereas the current policy concerning homosexuality in the Armed Forces, which is referred to as the Don't Ask, Don't Tell policy and is codified as section 654 of title 10, United States Code, continues to hurt members of the Armed Forces, runs counter to the values exemplified by the Armed Forces, and threatens national security;

Whereas in 2009, 428 members of the Armed Forces were discharged or released as a result of application of the Don't Ask, Don't Tell policy, at the estimated cost of over \$12 million;

Whereas since the Don't Ask, Don't Tell policy was implemented in 1994, more than 13,000 members have been discharged or released solely as a consequence of their sexual orientation;

Whereas President Obama called for the repeal of the Don't Ask, Don't Tell policy during his 2010 State of the Union address and pledged to work with military leaders this year "to finally repeal the law that denies gay Americans the right to serve the country they love because of who they are";

Whereas the Committee on Armed Services of the Senate held a hearing on the Don't Ask, Don't Tell policy on

February 2, 2010, and heard testimony from Defense Secretary Robert M. Gates and Admiral Michael G. Mullen, Chairman of the Joint Chiefs of Staff;

Whereas Secretary Gates declared his full support for the repeal of the Don't Ask, Don't Tell policy;

Whereas Admiral Mullen stated the following: "My personal belief is that allowing homosexuals to serve openly would be the right thing to do. I cannot escape being troubled by the fact that we have in place a policy which forces young men and women to lie about who they are in order to defend their fellow citizens. For me, it comes down to integrity—theirs as individuals and ours as an institution.";

Whereas Admiral Mullen is the highest ranking military officer in American history to publically support permitting gay and lesbian Americans to serve openly in the Armed Forces;

Whereas Secretary Gates, working in close consultation with Admiral Mullen, has appointed a high-level working group within the Department of Defense, led by Pentagon General Counsel Jeh Johnson and General Carter Ham, to review issues regarding the proper implementation of a repeal of the Don't Ask, Don't Tell policy;

Whereas the mandate of this working group is to thoroughly, objectively, and methodically examine all aspects of these issues and report its findings and recommendations to Congress in the form of an implementation plan by the end of 2010;

Whereas the working group will reach out to the force to authoritatively understand their views and attitudes about the impacts of repeal, undertake a thorough examination

of all the changes to the department's regulations and policies that may have to be made, and examine the potential impacts of a change in law on military effectiveness;

Whereas Secretary Gates has directed the Department of Defense to quickly review the regulations used to implement the current Don't Ask, Don't Tell policy and, within 45 days, present him with recommended changes to those regulations that would enforce the policy in a more human and fair manner within existing law;

Whereas the Department of Defense will ask the RAND Corporation to update its 1993 study on the impacts of allowing homosexuals to serve openly in the Armed Forces;

Whereas top leadership is critical to the successful implementation of a repeal plan, however, full and final repeal of section 654 of title 10, United States Code, remains up to Congress;

Whereas the 1993 RAND study recommended that changes to the Don't Ask, Don't Tell policy be "decided upon and implemented as quickly as possible";

Whereas several studies suggest that the repeal of section 654 of title 10, United States Code, can be implemented more quickly than indicated by Secretary Gates and Admiral Mullen;

Whereas the Subcommittee on Personnel Management of the Committee on Armed Services of the House of Representatives will hold a hearing regarding the Don't Ask, Don't Tell policy on March 3, 2010, and the Committee on Armed Services of the Senate intends to hold additional hearings regarding the policy;

Whereas in his testimony, Secretary Gates stated that the working group will need to “engage men and women in uniform and their families” in order to assess their views regarding the effects of repeal of the Don’t Ask, Don’t Tell policy and implementation of the repeal;

Whereas current members of the Armed Forces, regardless of their sexual orientation, have valuable insight to share with military leaders and Congress regarding the Don’t Ask, Don’t Tell policy and any repeal implementation plan;

Whereas the discriminatory nature of section 654 of title 10, United States Code, prevents members of the Armed Forces from speaking openly, and both the Armed Forces and Congress will need a way to obtain information from members to move forward with implementing repeal; and

Whereas all avenues to allow members of the Armed Forces to participate in the upcoming Congressional hearings, and to protect them from retribution for doing so, need to be explored: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) recognizes the hearing of the Committee on
3 Armed Services of the Senate on the Don’t Ask,
4 Don’t Tell policy, and the testimony of Secretary of
5 Defense Robert M. Gates and Admiral Michael G.
6 Mullen at the hearing, as an important first step in
7 bringing about the repeal of the Don’t Ask, Don’t
8 Tell policy concerning homosexuality in the Armed
9 Forces and in permitting gay and lesbian Americans
10 to serve openly in the Armed Forces;

1 (2) expresses the sense of the House of Rep-
2 resentatives that the Don't Ask, Don't Tell policy, as
3 codified in section 654 of title 10, United States
4 Code, should be repealed in 2010 and that repeal
5 legislation should be promptly brought to a vote in
6 the Senate and House of Representatives;

7 (3) expresses the hope that President Obama
8 will continue his leadership on this issue;

9 (4) urges the Pentagon working group to de-
10 liver a repeal implementation plan to Congress as
11 soon as possible while ensuring that the needs and
12 concerns of members of the Armed Forces are taken
13 into consideration;

14 (5) pledges to do its part to move the repeal
15 planning and implementation process forward on a
16 timeline that is best for all members of the Armed
17 Forces; and

18 (6) strongly recommends that the Committee on
19 Armed Services of the Senate and the Subcommittee
20 on Personnel Management of the Committee on
21 Armed Services of the House of Representatives in-
22 clude members of the Armed Forces, regardless of
23 their sexual orientation, in the upcoming hearings
24 regarding the Don't Ask, Don't Tell policy.

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