

**AMENDMENT TO THE RULES COMMITTEE PRINT  
FOR H.R. 1735  
OFFERED BY MR. PETERS OF CALIFORNIA**

At the end of title V (page 247, after line 20) insert the following:

**1 SEC. 596. SENSE OF CONGRESS REGARDING GAY, LESBIAN,  
2 AND BISEXUAL MILITARY PERSONNEL.**

**3 (a) FINDINGS.—**Congress makes the following find-  
**4 ings:**

**5 (1)** On February 28, 1994, Department of De-  
**6 fense Directive 1304.26** took effect, which prohibited  
**7 openly gay, lesbian, or bisexual individuals from**  
**8 serving in the United States military.**

**9 (2)** The directive was mandated by Public Law  
**10 103-160 (10 U.S.C. 654),** which prohibited individ-  
**11 uals who “demonstrated a propensity or intent to**  
**12 engage in homosexual acts”** from serving in the  
**13 United States Armed Forces** because their service  
**14 “would create an unacceptable risk to the high**  
**15 standards of morale, good order and discipline, and**  
**16 unit cohesion that are the essence of military capa-**  
**17 bility”.**

1           (3) During the period of enforcement of Don't  
2 Ask Don't Tell, more than 13,000 service personnel  
3 were discharged from the United States Armed  
4 Forces as a result of their sexual orientation.

5           (4) Pursuant to the Don't Ask Don't Tell Re-  
6 peal Act of 2010, President Barack Obama, Sec-  
7 retary of Defense Leon Panetta, and Chairman of  
8 the Joint Chiefs of Staff Admiral Mike Mullen sent  
9 a certification to Congress on July 22, 2011, which  
10 established September 20, 2011, as the end date for  
11 Don't Ask Don't Tell.

12           (5) Various legislative efforts were undertaken  
13 to delay implementation of the repeal of Don't Ask  
14 Don't Tell, such as the Military Readiness Act of  
15 2011, which required the Chief of Staff of the Army,  
16 the Chief of Naval Operations, the Commandant of  
17 the Marine Corps, and the Chief of Staff of the Air  
18 Force to each submit a written certification that re-  
19 peal of section 654 of title 10, United States Code,  
20 "would not degrade the readiness, effectiveness, co-  
21 hesion, and morale of combat arms units and per-  
22 sonnel of the Armed Force under the officer's juris-  
23 diction engaged in combat, deployed to a combat  
24 theater, or preparing for deployment to a combat  
25 theater".

1           (6) On December 18, 2010, Sen. John McCain  
2           stated that repeal of Don't Ask Don't Tell could  
3           “harm the battle effectiveness which is so vital to  
4           the survival of our young men and women in the  
5           military”.

6           (7) Since the implementation of the repeal of  
7           Don't Ask Don't Tell, there have been no decreases  
8           in recruitment rates and no resignations.

9           (b) SENSE OF CONGRESS.—It is the Sense of Con-  
10          gress that the repeal of section 654 of title 10, United  
11          States, Code has not degraded the readiness, effectiveness,  
12          cohesion, and morale of combat arms units and personnel  
13          of the Armed Forces, including those personnel engaged  
14          in combat, deployed to a combat theater, or preparing for  
15          deployment to a combat theater.

