Committee Amendment Proposed by Mr. Lieberman 1 At the appropriate place in title V, insert the fol-2 lowing: 3 SEC. [ARM10802]. DEPARTMENT OF DEFENSE POLICY CON-4 CERNING HOMOSEXUALITY IN THE ARMED 5 FORCES. 6 (a) Comprehensive Review on the Implementa-TION OF A REPEAL OF 10 U.S.C. § 654.— 7 8 (1) IN GENERAL.—On March 2, 2010, the Sec-9 retary of Defense issued a memorandum directing 10 the Comprehensive Review on the Implementation of 11 a Repeal of 10 U.S.C. § 654 (section 654 of title 10, 12 United States Code). 13 (2) Objectives and scope of review.—The 14 Terms of Reference accompanying the Secretary's 15 memorandum established the following objectives 16 and scope of the ordered review: 17 (A) Determine any impacts to military 18 readiness, military effectiveness and unit cohe-19 sion, recruiting/retention, and family readiness 20 that may result from repeal of the law and rec-21 ommend any actions that should be taken in 22 light of such impacts.

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1	(B) Determine leadership, guidance, and
2	training on standards of conduct and new poli-
3	cies.
4	(C) Determine appropriate changes to ex-
5	isting policies and regulations, including but not
6	limited to issues regarding personnel manage-
7	ment, leadership and training, facilities, inves-
8	tigations, and benefits.
9	(D) Recommend appropriate changes (if
10	any) to the Uniform Code of Military Justice.
11	(E) Monitor and evaluate existing legisla-
12	tive proposals to repeal 10 U.S.C. 654 and
13	proposals that may be introduced in the Con-
14	gress during the period of the review.
15	(F) Assure appropriate ways to monitor
16	the workforce climate and military effectiveness
17	that support successful follow-through on imple-
18	mentation.
19	(G) Evaluate the issues raised in ongoing
20	litigation involving 10 U.S.C. § 654.
21	(b) EFFECTIVE DATE.—The amendments made by
22	subsection (f) shall take effect only on the date on which
23	the last of the following occurs:

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1	(1) The Secretary of Defense has received the
2	report required by the memorandum of the Sec-
3	retary referred to in subsection (a).
4	(2) The President transmits to the congres-
5	sional defense committees a written certification,
6	signed by the President, the Secretary of Defense,
7	and the Chairman of the Joint Chiefs of Staff, stat-
8	ing each of the following:
9	(A) That the President, the Secretary of
10	Defense, and the Chairman of the Joint Chiefs
11	of Staff have considered the recommendations
12	contained in the report and the report's pro-
13	posed plan of action.
14	(B) That the Department of Defense has
15	prepared the necessary policies and regulations
16	to exercise the discretion provided by the
17	amendments made by subsection (f).
18	(C) That the implementation of necessary
19	policies and regulations pursuant to the discre-
20	tion provided by the amendments made by sub-
21	section (f) is consistent with the standards of
22	military readiness, military effectiveness, unit
23	cohesion, and recruiting and retention of the
24	Armed Forces.

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

7 (d) BENEFITS.—Nothing in this section, or the 8 amendments made by this section, shall be construed to 9 require the furnishing of benefits in violation of section 10 7 of title 1, United States Code (relating to the definitions 11 of "marriage" and "spouse" and referred to as the "De-12 fense of Marriage Act").

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

16 (f) TREATMENT OF 1993 POLICY.—

17 (1) TITLE 10.—Upon the effective date estab18 lished by subsection (b), chapter 37 of title 10,
19 United States Code, is amended—

20 (A) by striking section 654; and
21 (B) in the table of sections at the begin-

ning of such chapter, by striking the item relat-ing to section 654.

24 (2) CONFORMING AMENDMENT.—Upon the ef-25 fective date established by subsection (b), section

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1	571 of the National Defense Authorization Act for
2	Fiscal Year 1994 (10 U.S.C. 654 note) is amended
3	by striking subsections (b), (c), and (d).