

PROVIDING FOR CONSIDERATION OF THE SENATE AMENDMENT TO THE BILL (H.R. 2965) 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

DECEMBER 15, 2010.—Referred to the House Calendar and ordered to be printed

Ms. PINGREE, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 1764]

The Committee on Rules, having had under consideration House Resolution 1764, by a record vote of 6 to 2, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for the consideration of the Senate amendment to H.R. 2965, the SBIR/STTR Reauthorization Act of 2009 (Don't Ask, Don't Tell Repeal Act of 2010). The resolution makes in order a motion offered by the Majority Leader or his designee that the House concur in the Senate amendment to H.R. 2965 with the amendment printed in this report. The resolution provides one hour of debate on the motion equally divided and controlled by the Majority Leader and Minority Leader or their respective designees. The resolution waives all points of order against consideration of the motion except those arising under clause 10 of rule XXI. The resolution provides that the Senate amendment and the motion shall be considered as read.

EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of the motion (except those arising under clause 10 of rule XXI) includes a waiver of clause 7 of rule XVI, which prohibits nongermane amendments.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 513

Date: December 15, 2010.

Measure: Senate amendment to H.R. 2965.

Motion by: Mr. Dreier.

Summary of motion: To report an open rule.

Results: Defeated 2–6.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Perlmutter—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Sessions—Yea.

Rules Committee record vote No. 514

Date: December 15, 2010.

Measure: Senate amendment to H.R. 2965.

Motion by: Mr. Dreier.

Summary of motion: To make in order and waive all points of order for a substitute amendment offered by Ranking Member McKeon or his designee.

Results: Defeated 2–6.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Perlmutter—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Sessions—Yea.

Rules Committee Record Vote No. 515

Date: December 15, 2010.

Measure: Senate amendment to H.R. 2965.

Motion by: Mr. Hastings of Florida.

Summary of motion: To report the rule.

Results: Adopted 6–2.

Vote by Members: McGovern—Yea; Hastings (FL)—Yea; Matsui—Yea; Perlmutter—Yea; Pingree—Yea; Polis—Yea; Dreier—Nay; Sessions—Nay.

SUMMARY OF HOUSE AMENDMENT

The amendment enables repeal of the military’s “Don’t Ask, Don’t Tell” policy. It sets out several requirements before repeal can take place. These include: (1) receipt of the recommendations of the Pentagon’s Comprehensive Review Working Group on how to implement a repeal of DADT (which Congress received on November 30) and (2) a certification by the Secretary of Defense, Chairman of the Joint Chiefs and President that repeal is first, consistent with military readiness, military effectiveness, unit cohesion and recruiting, and second, that the DoD has prepared the necessary policies and regulations to implement its repeal. It would also include a 60-day period after certification before the repeal took effect.

TEXT OF HOUSE AMENDMENT

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

SECTION 1. SHORT TITLE.

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

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

(a) **COMPREHENSIVE REVIEW ON THE IMPLEMENTATION OF A REPEAL OF 10 U.S.C. 654.**—

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

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

(A) Determine any impacts to military readiness, military effectiveness and unit cohesion, recruiting/retention, and family readiness that may result from repeal of the law and recommend any actions that should be taken in light of such impacts.

(B) Determine leadership, guidance, and training on standards of conduct and new policies.

(C) Determine appropriate changes to existing policies and regulations, including but not limited to issues regarding personnel management, leadership and training, facilities, investigations, and benefits.

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

(E) Monitor and evaluate existing legislative proposals to repeal 10 U.S.C. 654 and proposals that may be introduced in the Congress during the period of the review.

(F) Assure appropriate ways to monitor the workforce climate and military effectiveness that support successful follow-through on implementation.

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

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

(1) The Secretary of Defense has received the report required by the memorandum of the Secretary referred to in subsection (a).

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

(A) That the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff have considered the recommendations contained in the report and the report’s proposed plan of action.

(B) That the Department of Defense has prepared the necessary policies and regulations to exercise the discretion provided by the amendments made by subsection (f).

(C) That the implementation of necessary policies and regulations pursuant to the discretion provided by the amendments made by subsection (f) is consistent with the standards of military readiness, military effectiveness, unit cohesion, and recruiting and retention of the Armed Forces.

(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.

(d) BENEFITS.—Nothing in this section, or the amendments made by this section, shall be construed to require the furnishing of benefits in violation of section 7 of title 1, United States Code (relating to the definitions of “marriage” and “spouse” and referred to as the “Defense 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.

(f) TREATMENT OF 1993 POLICY.—

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

(A) by striking section 654; and

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

(2) CONFORMING AMENDMENT.—Upon the effective date established by subsection (b), section 571 of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 654 note) is amended by striking subsections (b), (c), and (d).