

104TH CONGRESS
2D SESSION

H. R. 3925

To amend title 10, United States Code, to restore the regulations prohibiting service of homosexuals in the Armed Forces.

IN THE HOUSE OF REPRESENTATIVES

JULY 31, 1996

Mr. DORNAN (for himself, Mr. HUNTER, Mr. CHAMBLISS, Mr. STEARNS, and Mr. CRANE) introduced the following bill; which was referred to the Committee on National Security

A BILL

To amend title 10, United States Code, to restore the regulations prohibiting service of homosexuals in the Armed Forces.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. RESTORATION OF REGULATIONS PROHIBITING**
4 **SERVICE OF HOMOSEXUALS IN THE ARMED**
5 **FORCES.**

6 (a) **TERMINATION OF EXISTING ADMINISTRATIVE**
7 **POLICY.**—Effective on the date of the enactment of this
8 Act, the following measures of the executive branch are
9 rescinded and shall cease to be effective:

1 (1) The memorandum of the Secretary of De-
2 fense to the Secretaries of the military departments
3 and the Chairman of the Joint Chiefs of Staff dated
4 July 19, 1993, that stated its subject to be: “Policy
5 on Homosexual Conduct in the Armed Forces”.

6 (2) The four-page document entitled “Policy
7 Guidelines on Homosexual Conduct in the Armed
8 Forces” that was issued by the Secretary of Defense
9 as an attachment to the memorandum referred to in
10 paragraph (1).

11 (3) The revisions to Department of Defense di-
12 rectives 1332.30, 1332.14, and 1304.26 that were
13 directed to be made by the General Counsel of the
14 Department of Defense by memorandum dated Feb-
15 ruary 28, 1994, to the Director of Administration
16 and Management of the Department of Defense.

17 (b) REINSTATEMENT OF FORMER REGULATIONS.—
18 Immediately upon the enactment of this Act and effective
19 as of the date of the enactment of this Act—

20 (1) the Secretary of Defense shall reinstate the
21 regulations (including Department of Defense direc-
22 tives) of the Department of Defense regarding serv-
23 ice of homosexuals in the Armed Forces that were
24 in effect on January 19, 1993; and

1 (2) the Secretary of each military department
2 shall reinstate the regulations of that military de-
3 partment regarding service of homosexuals in the
4 Armed Forces that were in effect on January 19,
5 1993.

6 (c) REVISION PROHIBITED.—The regulations (in-
7 cluding Department of Defense directives) reinstated pur-
8 suant to subsection (b), insofar as they relate to the serv-
9 ice of homosexuals in the Armed Forces, may not be re-
10 vised except as specifically provided by a law enacted after
11 the enactment of this Act.

12 (d) RULE OF CONSTRUCTION.—In the case of a con-
13 flict between the regulations required to be prescribed by
14 subsection (b) and the provisions of section 654 of title
15 10, United States Code, or any other provision of law, the
16 requirements of such provision of law shall be given effect.

17 (e) RESTORATION OF QUESTIONING OF NEW EN-
18 TRANTS INTO MILITARY SERVICE.—(1) Not later than 90
19 days after the date of the enactment of this Act, the Sec-
20 retary of Defense shall issue instructions for the resump-
21 tion of questioning of potential new entrants into the
22 Armed Forces as to homosexuality in accordance with the
23 policy and practices of the Department of Defense as of
24 January 19, 1993 (as reinstated pursuant to subsection
25 (b)).

1 (2) Section 571(d) of the National Defense Author-
2 ization Act for Fiscal Year 1994 (Public Law 103–160;
3 107 Stat. 1673; 10 U.S.C. 654 note) is repealed.

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