

REPEAL OF “DON’T ASK, DON’T TELL” (DADT): QUICK REFERENCE GUIDE¹

On December 22, 2010, the President signed legislation that led to the repeal of DADT. The legislation provides that repeal would take effect 60 days after the President, Secretary, and Chairman certify to Congress that the Armed Forces are prepared to implement repeal in a manner that is consistent with the standards of military readiness, military effectiveness, unit cohesion, and recruiting and retention of the Armed Forces. This certification occurred July 22, 2011, and the repeal of DADT occurred on September 20, 2011. Repeal led to some changes in policies, but many of our policies required no change as they are sexual orientation neutral. It remains the policy of DoD not to ask Service members or applicants about their sexual orientation, to treat all members with dignity and respect, and to maintain good order and discipline.

ACCESSIONS AND SEPARATIONS POLICIES

The Services will no longer separate Service members under DADT. Service members who had an approved separation date forecasted after repeal that was based solely on DADT will have that separation cancelled. The Services have ceased all pending investigations, discharges, and administrative proceedings commenced solely under DADT.

Statements about sexual orientation are no longer a bar to military service.

Former Service members discharged under DADT may apply for re-entry, and will be evaluated according to the same standards as all other applicants for re-entry. The Services will continue to use existing policy and procedures to determine the appropriate rank and time-in grade credit awarded. Time-in-service will be awarded.

STANDARDS OF CONDUCT

Existing standards of conduct continue to apply to all Service members regardless of sexual orientation. All Service members are responsible for upholding and maintaining the high standards of the U.S. military at all times and in all places.

MORAL AND RELIGIOUS CONCERNS

There are no changes regarding Service members’ exercise of religious beliefs, nor are there any changes to policies concerning the Chaplain Corps of the Military Departments and their duties. The Chaplain Corps’ First Amendment freedoms and their duty to care for all have not changed. All Service members will continue to serve with others who may hold different views and beliefs, and they will be expected to treat everyone with respect.

PERSONAL PRIVACY

The creation of separate bathroom facilities or living quarters based on sexual orientation is prohibited, and Commanders may not establish practices that physically segregate Service members according to sexual orientation. Consistent with current policy, Commanders will continue to maintain the discretion to alter berthing or billeting assignments in accordance with Service policy in the interest of maintaining morale, good order and discipline, consistent with performance of the mission.

BENEFITS

Service members continue to have some benefits for which they may designate beneficiaries, regardless of sexual orientation. Eligibility for a number of other benefits is restricted by applicable statutes, including DOMA. In connection with DADT repeal, DoD is engaged in a careful and deliberate review of the possibility of extending eligibility benefits, if legally permitted, to other individuals, including same-sex partners. A list of currently available member-designated benefits is located at http://www.defense.gov/dadt_repeal

EQUAL OPPORTUNITY

Sexual orientation will not be considered along with race, color, religion, sex, and national origin as a class under the Military Equal Opportunity (MEO) program and will not be dealt with through the MEO complaint process. All Service members, regardless of sexual orientation, are entitled to an environment free from personal, social, or institutional barriers that prevent Service members from rising to the highest level of responsibility possible. Harassment or abuse based on sexual orientation is unacceptable and will be dealt with through command or inspector general channels.

DUTY ASSIGNMENT

There are no changes to duty assignment policies. All Service members will continue to be eligible for world-wide assignment without consideration of sexual orientation. Service members assigned to duty, or otherwise serving in countries in which homosexual conduct is prohibited or restricted, will abide by the guidance provided to them by their local commanders.

COLLECTION AND RETENTION OF SEXUAL ORIENTATION DATA

Sexual orientation is a personal and private matter. DoD components, including the Services are not authorized to request, collect, or maintain information about the sexual orientation of Service members except when it is an essential part of an otherwise appropriate investigation or other official action.

RELEASE FROM SERVICE COMMITMENTS

There will be no new policy to allow for release from service commitments for Service members who are opposed to repeal of DADT or to serving with gay and lesbian Service members.