

Becerra	Engel	Lewis (CA)	Rooney	Shuler	Titus
Berkley	Eshoo	Linder	Ros-Lehtinen	Shuster	Tonko
Berman	Etheridge	Lipinski	Roskam	Simpson	Towns
Biggert	Farr	LoBiondo	Ross	Sires	Tsongas
Bilbray	Fattah	Loeb	Rothman (NJ)	Skelton	Turner
Bilirakis	Filner	Lofgren, Zoe	Roybal-Allard	Slaughter	Upton
Bishop (GA)	Flake	Lowey	Royce	Smith (NE)	Van Hollen
Bishop (NY)	Fleming	Lucas	Ruppersberger	Smith (NJ)	Velázquez
Bishop (UT)	Forbes	Luetkemeyer	Rush	Smith (TX)	Visclosky
Blackburn	Fortenberry	Lujan	Ryan (OH)	Smith (WA)	Walden
Blumenauer	Foster	Lummis	Ryan (WI)	Snyder	Walz
Blunt	Fox	Lungren, Daniel	Sánchez, Linda	Speier	Wasserman
Bocieri	Frank (MA)	E.	T.	Spratt	Schultz
Boehner	Franks (AZ)	Lynch	Sanchez, Loretta	Stark	Waters
Bono Mack	Frelinghuysen	Mack	Sarbanes	Stearns	Watson
Boozman	Fudge	Maffei	Scalise	Stupak	Watt
Boren	Gallely	Maloney	Schauer	Stutzman	Waxman
Boswell	Garamendi	Manzullo	Schiff	Sullivan	Weiner
Boucher	Garrett (NJ)	Markey (MA)	Schmidt	Sutton	Welch
Boustany	Gerlach	Marshall	Schock	Tanner	Westmoreland
Boyd	Giffords	Matheson	Schrader	Taylor	Whitfield
Brady (PA)	Gingrey (GA)	Matsui	Schwartz	Teague	Wilson (OH)
Brady (TX)	Gohmert	McCarthy (CA)	Scott (GA)	Terry	Wilson (SC)
Briley (IA)	Gonzalez	McCauley	Sensenbrenner	Thompson (CA)	Wittman
Bright	Goodlatte	McClintock	Serrano	Thompson (MS)	Wolf
Brown (GA)	Gordon (TN)	McCollum	Sessions	Thompson (PA)	Wu
Brown (SC)	Graves (GA)	McCotter	Sestak	Thornberry	Yarmuth
Brown, Corrine	Graves (MO)	McDermott	Shea-Porter	Tiaht	Young (AK)
Buchanan	Grayson	McGovern	Sherman	Tiberi	
Burgess	Green, Al	McHenry	Shimkus	Tierney	
Burton (IN)	Green, Gene	McIntyre			
Butterfield	Grijalva	McKeon	Ackerman	Halvorson	Paul
Buyer	Guthrie	McMahon	Berry	Herseth Sandlin	Pomeroy
Calvert	Gutierrez	McNerney	Bonner	Klein (FL)	Putnam
Camp	Hall (NY)	Meek (FL)	Brown-Waite,	Lee (NY)	Radanovich
Campbell	Hall (TX)	Meeks (NY)	Ginny	Lewis (GA)	Salazar
Cantor	Hare	Mica	Cardoza	Marchant	Schakowsky
Cao	Harman	Michaud	Davis (AL)	Markey (CO)	Scott (VA)
Capito	Harper	Miller (FL)	Davis (IL)	McCarthy (NY)	Shadegg
Capps	Hastings (FL)	Miller (MI)	Deutch	McMorris	Space
Capuano	Hastings (WA)	Miller (NC)	Fallin	Rodgers	Wamp
Carnahan	Heinrich	Miller, Gary	Granger	Melancon	Woolsey
Carney	Heller	Miller, George	Griffith	Owens	Young (FL)
Carson (IN)	Hensarling	Minnick			
Carter	Herger	Mitchell			
Cassidy	Higgins	Mollohan			
Castle	Hill	Moore (KS)			
Castor (FL)	Himes	Moore (WI)			
Chaffetz	Hinche	Moran (KS)			
Chandler	Hinojosa	Moran (VA)			
Childers	Hirono	Murphy (CT)			
Chu	Hodes	Murphy (NY)			
Clarke	Hoekstra	Murphy, Patrick			
Clay	Holden	Murphy, Tim			
Cleaver	Holt	Myrick			
Clyburn	Honda	Nadler (NY)			
Coble	Hoyer	Napolitano			
Coffman (CO)	Hunter	Neal (MA)			
Cohen	Inglis	Neugebauer			
Cole	Inslee	Nunes			
Conaway	Israel	Nye			
Connolly (VA)	Issa	Oberstar			
Conyers	Jackson (IL)	Obey			
Cooper	Jackson Lee	Olson			
Costa	(TX)	Olver			
Costello	Jenkins	Ortiz			
Courtney	Johnson (GA)	Pallone			
Crenshaw	Johnson (IL)	Pascarell			
Critz	Johnson, E. B.	Pastor (AZ)			
Crowley	Johnson, Sam	Paulsen			
Cuellar	Jones	Payne			
Culberson	Jordan (OH)	Pence			
Cummings	Kagen	Perlmutter			
Dahlkemper	Kanjorski	Perriello			
Davis (CA)	Kaptur	Peters			
Davis (KY)	Kennedy	Peterson			
Davis (TN)	Kildee	Petri			
DeFazio	Kilpatrick (MI)	Pingree (ME)			
DeGette	Kilroy	Pitts			
Delahunt	Kind	Platts			
DeLauro	King (IA)	Poe (TX)			
Dent	King (NY)	Polis (CO)			
Diaz-Balart, L.	Kingston	Posey			
Diaz-Balart, M.	Kirkpatrick (AZ)	Price (GA)			
Dicks	Kissell	Price (NC)			
Dingell	Kline (MN)	Quigley			
Djou	Kosmas	Rahall			
Doggett	Kratovil	Rangel			
Donnelly (IN)	Kucinich	Reed			
Doyle	Lamborn	Rehberg			
Dreier	Lance	Reichert			
Driehaus	Langevin	Reyes			
Duncan	Larsen (WA)	Richardson			
Edwards (MD)	Larson (CT)	Rodriguez			
Edwards (TX)	Latham	Roe (TN)			
Ehlers	LaTourette	Rogers (AL)			
Ellison	Latta	Rogers (KY)			
Ellsworth	Lee (CA)	Rogers (MI)			
Emerson	Levin	Rohrabacher			

## NOT VOTING—34

Ackerman	Halvorson	Paul
Berry	Herseth Sandlin	Pomeroy
Bonner	Klein (FL)	Putnam
Brown-Waite,	Lee (NY)	Radanovich
Ginny	Lewis (GA)	Salazar
Cardoza	Marchant	Schakowsky
Davis (AL)	Markey (CO)	Scott (VA)
Davis (IL)	McCarthy (NY)	Shadegg
Deutch	McMorris	Space
Fallin	Rodgers	Wamp
Granger	Melancon	Woolsey
Griffith	Owens	Young (FL)

□ 1340

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 2965, DON'T ASK, DON'T TELL REPEAL ACT OF 2010

Ms. PINGREE of Maine, from the Committee on Rules, submitted a privileged report (Rept. No. 111-681) on the resolution (H. Res. 1764) 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, which was referred to the House Calendar and ordered to be printed.

Ms. PINGREE of Maine. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1764 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### H. RES. 1764

*Resolved*, That upon adoption of this resolution it shall be in order to take from the Speaker's table 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, with the Senate amendment thereto, and to

consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a motion offered by the Majority Leader or his designee that the House concur in the Senate amendment with the amendment printed in the report of the Committee on Rules accompanying this resolution. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the Majority Leader and Minority Leader or their respective designees. The previous question shall be considered as ordered on the motion to final adoption without intervening motion.

The SPEAKER pro tempore (Ms. RICHARDSON). The gentlewoman from Maine is recognized for 1 hour.

Ms. PINGREE of Maine. Madam Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

#### GENERAL LEAVE

Ms. PINGREE of Maine. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous material into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maine?

There was no objection.

Ms. PINGREE of Maine. I yield myself such time as I may consume.

Madam Speaker, House Resolution 1764 provides for the consideration of the Senate amendment to H.R. 2965. The rule 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 the report of the Committee on Rules accompanying the resolution.

The rule provides 1 hour of debate on the motion, equally divided and controlled by the majority leader and the minority leader or their designees. The rule waives all points of order against any consideration of the motion except those arising under clause 10 of rule XXI. The rule provides that the Senate amendment and the motion shall be considered as read.

Madam Speaker, the time has come to repeal Don't Ask, Don't Tell. We have all heard the arguments, the studies have been done, the hearings have been held. The men and women of the armed services have spoken and their leaders have weighed in. There are no more excuses not to repeal this misguided and harmful policy. There is no more reason to delay this any longer.

Madam Speaker, for gay military personnel, how much longer do we ask them to serve in silence? How many more hearings and how much more testimony are we going to ask for before we finally hear what the men and women of the armed services have just said: Just because someone is gay doesn't make them any less of a soldier, an airman, or a marine. How many more times can we just turn our

heads and pretend we don't see the damage this policy has done to our military's readiness? And how many more competent, talented, and patriotic men and women will be kicked out of the service before this misguided and harmful policy is forever banned?

The results of the comprehensive study of the attitudes of military personnel are clear and unequivocal. It is right here.

When they were asked about the actual experience of serving in a unit with a coworker who they believed was gay or lesbian, 92 percent of the military personnel stated that the unit's ability to work together was "very good," "good," or "neither good nor poor."

When they were asked about having a servicemember in their immediate unit who said he or she was gay and how that would affect the unit's ability to work together to get the job done, 70 percent of servicemembers predicted it would have a positive, mixed, or absolutely no effect.

And it is not just the men and women who make up our Armed Forces who are urging Congress to repeal Don't Ask, Don't Tell; our Nation's military leaders also believe it needs to come to an end.

Admiral Mike Mullen, the Chairman of the Joint Chiefs of Staff, said, "I would not recommend repeal of this law if I did not believe in my soul that it was the right thing to do for our military, for our Nation, and for our collective honor."

General George Casey, the Chief of Staff of the Army, agreed. He said repeal would not keep us from "accomplishing our worldwide missions, including combat operations."

And Admiral Gary Roughead, Chief of Naval Operations, said it simply: Repeal "will not fundamentally change who we are and what we do."

Madam Speaker, it wasn't that long ago that women were not allowed to serve in combat. When we debated ending that ban, the critics predicted that if women were allowed in combat, that discipline would dissolve and unit cohesion would crumble.

□ 1350

The arguments against allowing women to serve in combat were exactly the same thing they are saying today about allowing openly gay men and women to serve. But after two wars where women have served ably and bravely alongside their male counterparts, none of the grim predictions came true. Discipline has not suffered and our military remains the most powerful and effective in the world.

But those two wars have taken their toll on recruitment and retention. Our military is stretched thin, and the last thing we should be doing is kicking out skilled men and women who volunteered to fight for our country. The last thing we should be doing is telling troops that we have spent hundreds of thousands of dollars to train that we

don't need your services anymore. And the last thing we should be doing is saying that no matter how brave you are, no matter how dedicated you are, no matter how patriotic you are, if you are gay, we don't want you to wear the uniform of the United States.

Don't Ask, Don't Tell threatens our national security. It wastes precious resources, and it goes against the values that our military embodies: integrity, honesty, and loyalty.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I thank my good friend, Ms. PINGREE from Maine, for the time and I yield myself such time as I may consume.

Madam Speaker, we find ourselves back on the House floor with yet another closed rule. In fact, we haven't seen a single open rule during this entire 111th Congress. I never thought that I would see that, Madam Speaker, an entire Congress pass without a single open rule.

Just 3 hours ago, the Rules Committee was meeting on the underlying legislation before us today. This is the fifth rule since the election that will deny the minority the basic right even to a motion to recommit; in other words, one alternative piece of legislation which, when we were in the majority, we wrote into the rules that the minority would have that right. And since the election last month, this majority has brought five, with this piece of legislation, five bills to the floor with a rule denying even that right to the minority—a motion to recommit.

The underlying legislation repealing the so-called Don't Ask, Don't Tell policy is important and should be considered carefully and thoroughly by all Members of this House. As a matter of fact, Madam Speaker, when I spoke on this issue on this House floor in May of this year, I said and I reiterate what I said at that time: Sexual preference should not even be a point of reference when judging individuals.

This is an important issue. Unfortunately, the congressional majority has not even held a hearing in the Armed Services Committee since the Pentagon released their findings of this recent survey. Members of the House on both sides of the aisle support our men and women in uniform. Ensuring the best equipment, improving quality of life for soldiers and their families, and doing everything we can to increase pay are issues of the utmost importance.

For 48 consecutive years, Congress has provided the necessary oversight by passing the Defense authorization bill always in a bipartisan manner. This record of effective congressional review is in jeopardy as we proceed along with what could be the final week of this Congress. I think the majority continues to give insufficient seriousness to even important issues such as this by closing the process.

The repeal of Don't Ask, Don't Tell is not a policy decision to be taken light-

ly. The Defense Department, at the urging of Congress, spent 10 months collecting and analyzing survey responses from the men and women in our Armed Forces. I believe that analysis, nearly 15,000 pages in length, including the direct comments of our troops, should be the most important factor in considering this legislation, in considering how we vote on this legislation.

The Department of Defense released the results of their survey on November 30, just over 2 weeks ago. Now the majority is asking Congress to move forward in a manner that denies the committees of jurisdiction any review, that denies input from the membership of this House, that takes the product of the Speaker and the author of the legislation and forces the House to vote on it without any ability to offer alternatives, not even a motion to recommit.

I think we do a disservice to this body when we do not debate and deliberate with transparency. That lack of transparency has been standard procedure for the past 4 years. Obviously, we should not expect this congressional majority to change in its final weeks, but that will change in the next Congress.

I reserve the balance of my time.

Ms. PINGREE of Maine. Madam Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. POLIS), a member of the Rules Committee.

Mr. POLIS. Madam Speaker, I thank the gentlelady from Maine, and I rise today in support of the repeal of the Don't Ask, Don't Tell policy. This resolution would ensure that the military has the ability to implement the recommendation from its recently completed study.

Don't Ask, Don't Tell is the only law in the country that requires people to be dishonest or be fired if they choose to be honest. It is a law that not only is hurtful to the men and women who put themselves at risk serving in our Armed Forces, but it is a law that is hurtful to our national security.

A recent study found that 8 out of 10 Americans support repealing the law. Regardless of their political party, people recognize that on the battlefield, it doesn't matter if a soldier is gay or straight. What matters is they get the job done and protect our country.

Now, it is important to remember that we already debated and voted on this issue early this summer. We passed an amendment with the same repeal language for the defense authorization bill. At that time, there were some Members on both sides of the aisle who weren't yet ready to support this repeal. They wanted to see an extensive report by the military that was scheduled to come out December 1. It came out one day earlier.

I personally didn't feel we needed to see that report. I was already convinced this would not be a threat to military readiness and would, in fact, enhance military readiness due in part

to the fact that we have discharged over 13,000 people from our military—after taxpayer money went for their training—for reasons totally unrelated to their performance, not to mention countless others who didn't reenlist or left the military because of this policy.

But I do understand that many Members of this body from both sides of the aisle, including the chairman of the committee of jurisdiction, wanted to see that report in December. Well, the report has come out, and it is very clear with regard to the fact that—no surprise to me, but hopefully of consolation to those who were concerned—this change in policy does not represent a threat to the security of this country. And, in fact, there were several practical suggestions about how to implement this change.

In addition, the Chairman of the Joint Chiefs and the Secretary of Defense have been very clear that they want to see this policy legislatively repealed. Why? Because repeal of this policy is inevitable. It is a question of when, not if. There are already several court orders in various stages of appeal, and the military feels that to plan for it with us in this legislative process is better for military readiness than running the greater risk of having an instant court order, an on-or-off-again court order, which is also a possibility, which would prevent the regular military planning process from going forward. The sooner we act, the better. Despite our differences, it is clear that leaving it up to the courts is the wrong way to go about it.

In 1993, the passage of Don't Ask, Don't Tell was the result of a political process, not a military one. Today, we can rectify that, remove the statutory requirement and allow the military to do the right thing to improve military readiness and enhance the protection of our country.

□ 1400

Let us be on the right side of history and finally move forward with repealing Don't Ask, Don't Tell today.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I yield 4 minutes to my friend from Georgia, Dr. GINGREY.

Mr. GINGREY of Georgia. Madam Speaker, I thank the gentleman for yielding, and I rise in strong opposition to the rule providing for the repeal of Don't Ask, Don't Tell. While the majority in the Senate has been unsuccessful in repealing Don't Ask, Don't Tell through the National Defense Authorization Act, my colleagues on the Democratic side of the aisle seem adamant to move forward on this issue by bringing it to the floor again today yet as a standalone bill. What we should be doing, Madam Speaker, is prioritizing the need of our troops over the majority's social agenda and considering the National Defense Authorization Act free of the Don't Ask, Don't Tell language.

I know that advocates for this repeal will point to the survey of U.S. Armed

Forces personnel regarding the repeal of Don't Ask, Don't Tell, that 9-month survey that my friend from Florida just mentioned. But let me point to a specific statistic from that survey as well. Question No. 71, posed to active servicemembers with combat deployment experience since September 11, 2001, asks how unit effectiveness would be different if Don't Ask, Don't Tell was repealed. An overwhelming number of those surveyed for this question answered that unit effectiveness for those stationed in a field environment or out at sea would be "negatively" or "very negatively" harmed by repeal.

Madam Speaker, this survey, which does not present any benefits of appeal and it solely focuses on the mitigation of consequences, has not presented a clear path forward to the question of repealing this ban. The Marine Corps Commandant, General James Amos, stated that repealing the 17-year-old ban could endanger troops and cost lives. Air Force Chief of Staff General Norton Schwartz echoed concerns about overturning the ban in the midst of the global war on terror.

Here is a quote from General George Casey, the Army's Chief of Staff: I believe that the implementation of repeal in the near term will, number one, add another level of stress to an already stretched force; number two, be more difficult in our combat arms units; and three, be more difficult for the Army than the report suggests.

Because military leaders must fulfill their constitutional mission of defending America, their views on how to achieve optimal readiness should be respected.

Madam Speaker, none—not one—of our service branch chiefs have outright endorsed repealing Don't Ask, Don't Tell. Similar apprehensions have been noted by the American Legion; over 1,500 retired flag and general officers, and countless others. Clearly, the Democrats believe they know better.

Madam Speaker, I do not believe that now, in the midst of the war on terror, is the time to rewrite tested military policies. Indeed, the Armed Forces is a special institution that must be free to hold itself to stricter rules than those observed by the rest of our society. And for these reasons, Madam Speaker, I urge all of my colleagues, oppose this rule and oppose the underlying bill.

Ms. PINGREE of Maine. Madam Speaker, I yield 2 minutes to the gentlewoman from Massachusetts (Ms. TSONGAS).

Ms. TSONGAS. Madam Speaker, I rise today in support of the rule to consider legislation to repeal Don't Ask, Don't Tell. Don't Ask, Don't Tell remains the only Federal statute mandating a person be fired based on their sexual orientation. Since this policy became law, thousands of dedicated, honorable Americans have suffered discrimination while thousands more have been discouraged from even considering the military.

Don't Ask, Don't Tell removes highly skilled, trained, and capable service-

members out of the military at a time when we need them for multiple deployments to fight two wars. The Pentagon's study of Don't Ask, Don't Tell confirms that lifting the ban on gay and lesbian soldiers serving openly in our Armed Forces would not adversely affect our military's readiness or strain unit cohesion. This report comes months after nearly a year of careful study, which included thousands of conversations with enlisted personnel, officers, and military commanders. The results of this study showed that there is no longer any remaining justification to continue a policy that prevents some of the best and brightest from honorably serving in our Armed Forces.

All our servicemen and -women are first and foremost Americans, protecting freedom throughout the world. We cannot with any true moral standing discriminate against distinguished and courageous members of our own military for the simple act of living an authentic life.

I urge my colleagues to vote "yes" on the rule and the underlying legislation.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I reserve the balance of my time.

Ms. PINGREE of Maine. Madam Speaker, I yield 2 minutes to the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. Madam Speaker, as a rookie Member of Congress in 1993, I sat in the most junior chair on the Armed Services Committee, just a few feet from the witness table. Then-Chairman of the Joint Chiefs of Staff Colin Powell testified in favor of the Clinton administration's Don't Ask, Don't Tell policy. I drew a deep breath and told the general that I thought Don't Ask, Don't Tell was unconstitutional. I opposed it then, and I oppose it now.

No good has ever come of Don't Ask, Don't Tell, but a lot of bad has. I applaud the personal courage of current Joint Chiefs of Staff Chairman Admiral Mike Mullen, who told Congress: "It is my personal belief that allowing gays and lesbians to serve openly would be the right thing to do. No matter how I look at the issue, I cannot escape being troubled by the fact that we have in place a policy which forces young men and women to lie about who they are in order to defend their fellow citizens." He's right, and I have no doubt that America's Armed Forces will successfully transition to a post-DADT world.

We are hearing the alarms sounded again about morality and morale, unit cohesion, and readiness. Similar arguments were made when women and African Americans were allowed to serve alongside our white male counterparts. But be it race, gender, or now sexual orientation, our military services have demonstrated the commitment and ability to integrate and embrace diversity.

As a female officer in the 10th Mountain Division blogged recently, "when

DADT is overturned, I won't be jumping out of my office screaming "I'm gay" to the world. I'll just be able to breathe easier knowing my job is secure." With this historic vote we will allow all service women and men who are holding their breath in fear—not of an enemy but of a law created by Congress—to breathe easier.

Vote "aye" on the rule and on the Hoyer-Murphy bill.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I continue to reserve the balance of my time.

Ms. PINGREE of Maine. Madam Speaker, I yield 1½ minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. I thank the gentleman for yielding.

Madam Speaker, I rise today to speak in support of the repeal of the Don't Ask, Don't Tell policy. Don't Ask, Don't Tell is outdated and it's unjust. No individual, especially those in our Armed Forces, should be discriminated against based on their sexual orientation. Our troops fight honorably to protect our freedom. The least we can do in return is to fight to protect their rights as well. My hometown of Las Vegas includes Nellis Air Force Base, one of the premier Air Force bases in our country. The courageous men and women who serve there deserve to be treated with equality and dignity and respect that they have earned, regardless of their sexual orientation. This unjust and unnecessary practice is also unsound. It makes no sense for our military to discharge valuable servicemembers, especially during a time of war, when we need every American who is willing and able to serve.

My colleagues, this is the easy stuff. If a fellow citizen volunteers to don the uniform of our Nation, no matter what their sexual orientation, we shouldn't be discriminating against them. We should be thanking them for their service. Don't Ask, Don't Tell does nothing to contribute to our national security. It only undermines the strength and integrity of our military. I believe this practice should be repealed immediately. Its time has come, not only for the benefit of our Armed Services, but for the security of our great Nation.

□ 1410

Mr. LINCOLN DIAZ-BALART of Florida. I continue to reserve the balance of my time.

Ms. PINGREE of Maine. Madam Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. QUIGLEY).

Mr. QUIGLEY. Madam Speaker, I rise today in support of H.R. 2965, a bill to repeal Don't Ask, Don't Tell.

Just blocks from the Capitol lies Congressional Cemetery, the resting place of Technical Sergeant Leonard Matlovich, recipient of the Bronze Star and the Purple Heart for his distinguished service in Vietnam.

As a race relations instructor, he was instrumental in helping the military overcome its past legacy of racial discrimination, but he fell victim to the

Air Force's discriminatory ban on gays, and was discharged in 1975.

His headstone, in sight of the Capitol dome, reads: "When I was in the military, they gave me a medal for killing two men and a discharge for loving one."

As a great man said, when it comes to matters of equality, it is always the right time to do the right thing. Our national security and our country's long-standing history of fairness depend on it.

Today, I urge my colleagues to do the right thing and support the rule and H.R. 2965 for Technical Sergeant Matlovich and for our country.

Mr. LINCOLN DIAZ-BALART of Florida. I continue to reserve the balance of my time.

Ms. PINGREE of Maine. Madam Speaker, I am pleased to yield 3 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. I thank the gentlewoman.

When we get to this bill, I will address the substance of the argument that the presence of someone like me will so destabilize our brave young men and women that they will be unable to do their duty. I regard that as bigoted nonsense, but I will address that more fully then. Now I want to talk about this bizarre procedural argument that we are somehow not following regular order.

Madam Speaker, this amendment came up in regular order after the committee considered the bill and on the floor of the House, and it was adopted in a full vote on the floor of the House after a lot of debate. The Senate in committee adopted this amendment. The notion that the committees of jurisdiction have been deprived here is delusional.

What is the procedural situation?

In effect, the House, in a full debate on the floor, adopted this amendment. It went to the Senate. In the Senate, the Senate committee, by a majority, voted for this amendment and then voted the bill out, and it has been stopped twice narrowly by filibusters. It has gotten 57 and 58 votes. It has been openly debated. The notion that somehow we are the ones who are ignoring procedure when this bill gets a majority in the House after open debate on the floor, a majority in the Senate committee and is then filibustered makes no sense.

Beyond that, we are told, Well, don't hold up the big bill. Well, that's the point of this. Don't Ask, Don't Tell was originally adopted as part of the military authorization of 1993. That is the regular order we followed. Some have now said, Well, the Senate would like to be able to vote on this differently from the main bill. I will say that many of us do not think that we should adopt anything until we do the whole package, but if they want to do these two bills, that's fine. Sending this over will facilitate the Senate's procedures.

Now, there are at least five Republican Senators who previously, most of

them, voted against cloture—one, Senator COLLINS, voted for it—who said they couldn't vote for it for various procedural reasons dealing with the tax agreement and the funding of the government. Those are on their way to being resolved.

What we do when we pass this bill today is to say to the Senate, Okay, you can do it one way or the other as long as you do both, and we give them the chance—they already had the tax issue—to have resolved the CR, and we will get a vote on the merits. What this does is to strip away any excuse that any member of the Senate—Democrat or Republican—will have for not voting on the merits. We will strip away any justification for a filibuster.

The gentleman says, Well, we didn't go through regular order. We've gone through triple regular order. A vote on the House floor is part of the consideration of the bill, as is a vote in the Senate committee and two efforts to break the filibuster.

So the question is: Do you allow a filibuster and some procedural excuses from Senators who say they're for this repeal but didn't get to vote for it? We are giving them a chance to do that. This is something many House Members have long wanted to do in addition to repealing Don't Ask, Don't Tell—getting the Senate to stand up and take a straight up-or-down vote. That is what we are enabling.

So I hope that the rule passes and that the bill separately passes as well.

Mr. LINCOLN DIAZ-BALART of Florida. I yield myself such time as I may consume.

Madam Speaker, with regard to this point of process, which I think is important, I think it is appropriate to point out the facts.

The majority is bringing this legislation to the floor by using another bill as a shell. The other bill is the Small Business Innovation Research Reauthorization bill, which has extraordinary bipartisan support. So the rule before us now strikes that legislation, which is job growth legislation—again, supported overwhelmingly in a bipartisan fashion in this House. It strikes that, and it inserts into that shell this legislation, the repeal of Don't Ask, Don't Tell. The Don't Ask, Don't Tell legislation is not germane to the underlying legislation, so it is anything but regular order.

The House Armed Services Committee has absolutely no jurisdiction over that Small Business bill which the majority is using as a shell to move this legislation out of regular order in order to prohibit transparency, even a motion to recommit. The majority has demonstrated time and time again its willingness to eliminate transparency, to void regular order and to take steps totally out of regular order as it is doing again today.

So I think this is important to put on the record because this legislation, which by the way is important, as I said before, I think deserves to be

treated with respect, consideration, and the membership of this House I think deserves to be listened to, to be heard on legislation, especially legislation which evidently is important, like the one we are discussing today.

I wanted to put that on the record.

I reserve the balance of my time.

Ms. PINGREE of Maine. Madam Speaker, I yield 1 minute to the gentleman from Michigan (Mr. PETERS).

Mr. PETERS. Madam Speaker, I rise today in strong support of Representative MURPHY and Leader HOYER's Don't Ask, Don't Tell Repeal Act of 2010.

As a former lieutenant commander in the United States Navy Reserve, I served with many brave, patriotic and dedicated men and women who were always ready to serve their country. I was never concerned about their sexual orientation, just their ability to serve the United States honorably.

This discriminatory policy has forfeited over 13,000 able-bodied men and women from our military while our Nation is engaged in two wars. It has wasted over 1 billion taxpayer dollars through investigations, legal proceedings, and the wasted training of fighter pilots, mechanics, medics, and even Arabic translators. Military leaders have testified before Congress in support of repeal, and Defense Secretary Gates has said "this can be done and should be done."

We must allow our military to recruit and retain any qualified, patriotic, and courageous American who wants to serve our country. This is why I urge passage of the rule and of the Don't Ask, Don't Tell Repeal Act of 2010.

Mr. LINCOLN DIAZ-BALART of Florida. I continue to reserve the balance of my time.

Ms. PINGREE of Maine. Madam Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

□ 1420

Ms. JACKSON LEE of Texas. It is moving to hear so many members of the United States military who have served to come to the floor and honor the flag and the Constitution. I am not that fortunate to have served in the military, but I have been fortunate enough to travel amongst them, from Kosovo to Bosnia to Albania to Iraq and Afghanistan and places within those nations.

If I have observed anything, I've observed men and women who understand the Constitution and take great pride to be on the front lines to be able to say I live in a country of the land of the free and the brave. So I ask today for my colleagues to be brave and to be free, to unshackle themselves of stereotypes and to repeal the Don't Ask, Don't Tell and vote for the rule and the underlying bill. Do it in the name of my constituent, a young man by the name of Seaman Provost, who had the unfortunate circumstances, I believe, of being considered someone

who should not be in the United States Navy.

So I would call upon those who believe in the Constitution, who understand the values of the human rights campaign of which I had the privilege of receiving notice from, that we all are created equal. It is time now to bust this unholy alliance that suggests that men and women whose lifestyles may be different do not have a heart of gold and love the red, white, and blue. It is time now for America to be America.

Let us vote for this rule and the underlying bill. Let us vote for freedom, stand for all those who are brave, and stand behind the men and women who fight for us every single day of their lives. God bless all of them.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, in closing, I thank my friend from Maine for her courtesy and all who have come to the floor to debate this rule, and I reiterate, I think it's an important piece of legislation. I'm sorry that it was brought forth in an unnecessarily closed manner. I think the legislation deserves more respect, and I think especially the membership of this House deserves more respect.

I have, again, gratitude for all of my colleagues, and I thank them for having participated in this debate.

I yield back the balance of my time.

Ms. PINGREE of Maine. Madam Speaker, I thank my colleague from the other side of the aisle for his thoughts on this. He is getting ready to retire from Congress. I just want to say I've enjoyed the opportunity to serve with you on the Rules Committee and appreciate the thoughts that you bring to the issues that we have to deal with.

With all due respect, I want to disagree with you on one particular point, as I did earlier today in the Rules Committee, and without questioning anything that you had to say today, I will just say that my experience on the issue of Don't Ask, Don't Tell, whether it is in my position as sitting on the Armed Services Committee or with some of my colleagues on the Rules Committee who have questioned this particular bill as the vehicle, it is that sometimes I feel like people run out of substantive arguments and they go back to process and they say, well, there's something flawed about this process.

And over the 2 years that I've been here, as we've been discussing a piece of law that no longer works, that shouldn't be in law, that tells people who are gay or lesbian that they can no longer serve in the military, for the past 2 years I've heard over and over again, well, this is a flawed process. So as a member of the Armed Services Committee, even though my good colleague Representative DAVIS held subcommittee hearings on this issue and there has been much discussion of it, people said, well, we need to have a study.

So we got a study. It's a big, thick study. It's a wonderfully well done

study. And when I had the opportunity just recently to sit in the Armed Services Committee and listen to the briefing by the military on the work they had done in this study, I have to say, I was very impressed. Something like 150,000 people participated in this study.

Now, as my colleagues know, when you're a Member of Congress or a challenger running, you're lucky to have a poll of 400 people to get their opinion. Maybe sometimes the poll has 1,200 people, and we take that as public opinion. But to ask 150,000 people associated with the military "So, what do you think?" is quite a piece of work, and I think it was extremely well done.

And what we were told that day in that briefing was, overwhelmingly, our military said, you know, this is just fine. Many of them said: I already know. I serve alongside someone who is a gay or lesbian member of the Armed Forces, and it doesn't bother us at all. It isn't interfering with unit cohesion or ability to fight. People said overwhelmingly: What is taking so long to change this particular provision in law?

So I look at this and I say, whether it's the vehicle that we have before us today—today, in some of the final days of this particular Congress; today, when I think we have to act with urgency here in this House, after this House has already passed this provision in the Armed Services, in the general authorization bill. We've already passed this once. We've already shown that we're in favor of this here. Now, it's back again as a standalone to make it easier for people to deal with this as an individual issue—to go back and say, well, it's all about the process, we haven't had enough process, I think shows great disrespect to those members of our Armed Forces and their leaders who have said to us: Change this, move on, get it done so those 13,000-plus soldiers who have already been told they can no longer serve in the military and we've lost the ability to use their expertise and their training and their patriotism in this country, to say that there isn't urgency today and that we should somehow allow a process argument to slow us down doesn't make any sense.

I very proudly come from the State of Maine, and something like 17 percent of our 1.3 million residents in Maine are either active duty personnel or veterans who have served this country. I go home and hear the people in my district, whether I'm talking to a veterans' group or someone who's just on their way to serve in Afghanistan or coming back or, sadly, sometimes at a military funeral, and people do not say to me, Prohibit gay and lesbian people from serving in the military. People say to me in my home district, in a State that is very dedicated to serving the military, they say, When are you going to end this process of discrimination?

And that is why we are here today. We are here to move forward on the

rule, to make sure that once and for all this House of Representatives, again, says let's repeal Don't Ask, Don't Tell. Let's remember that this is a threat to our national security, that it's disrespectful of all of our soldiers, that there will be no serious ramifications of this, and, in fact, our military is very well prepared and has good plans to move forward on this transition.

Let's remember that this is the patriotic vote to cast. This is the vote for national security. This is the vote for respecting the investment we have made in these soldiers. This is a vote for increasing recruitment in our military and saying to even more members who currently are unsure, saying to more people who are unsure about whether or not they should join the military because they worry that they would possibly be out of it, it's a measure to say we welcome you.

Our Armed Services will be only stronger when we repeal Don't Ask, Don't Tell. I encourage my colleagues to vote "yes" on the previous question and on the rule.

I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on adopting House Resolution 1764 will be followed by 5-minute votes on suspending the rules and adopting House Resolution 1761 and House Resolution 1743.

The vote was taken by electronic device, and there were—yeas 232, nays 180, not voting 21, as follows:

[Roll No. 635]

YEAS—232

Ackerman	Chu	Ellison
Adler (NJ)	Clarke	Ellsworth
Altmire	Clay	Engel
Andrews	Cleaver	Eshoo
Arcuri	Clyburn	Etheridge
Baca	Cohen	Farr
Baldwin	Connolly (VA)	Fattah
Barrow	Cooper	Filner
Bean	Costa	Foster
Becerra	Costello	Frank (MA)
Berman	Courtney	Fudge
Bishop (GA)	Crowley	Garamendi
Bishop (NY)	Cuellar	Giffords
Blumenauer	Cummings	Gonzalez
Bocieri	Dahlkemper	Gordon (TN)
Boswell	Davis (CA)	Grayson
Boucher	Davis (TN)	Green, Al
Boyd	DeFazio	Green, Gene
Brady (PA)	DeGette	Grijalva
Braley (IA)	Delahunt	Gutierrez
Brown, Corrine	DeLauro	Hall (NY)
Butterfield	Deutch	Halvorson
Capps	Dicks	Hare
Capuano	Dingell	Harman
Carnahan	Doggett	Hastings (FL)
Carney	Donnelly (IN)	Heinrich
Carson (IN)	Doyle	Higgins
Castle	Driehaus	Hill
Castor (FL)	Edwards (MD)	Himes
Chandler	Edwards (TX)	Hinche

Hinojosa	Meek (FL)	Sanchez, Loretta
Hirono	Meeks (NY)	Sarbanes
Hodes	Melancon	Schakowsky
Holden	Michaud	Schauer
Holt	Miller (NC)	Schiff
Honda	Miller, George	Schrader
Hoyer	Minnick	Schwartz
Inslee	Mitchell	Scott (GA)
Israel	Mollohan	Scott (VA)
Jackson (IL)	Moore (KS)	Serrano
Jackson Lee (TX)	Moore (WI)	Sestak
Johnson (GA)	Moran (VA)	Shea-Porter
Johnson, E. B.	Murphy (CT)	Sherman
Kagen	Murphy (NY)	Sires
Kanjorski	Murphy, Patrick	Skelton
Kaptur	Nadler (NY)	Slaughter
Kennedy	Napolitano	Smith (WA)
Kildee	Neal (MA)	Snyder
Kilpatrick (MI)	Nye	Speier
Kilroy	Oberstar	Speier
Kind	Obey	Spratt
Kirkpatrick (AZ)	Oliver	Stark
Kissell	Ortiz	Stupak
Klein (FL)	Owens	Sutton
Kosmas	Pallone	Tanner
Kratovil	Pascarella	Teague
Kucinich	Pastor (AZ)	Thompson (CA)
Langevin	Paul	Thompson (MS)
Larsen (WA)	Payne	Tierney
Larson (CT)	Perlmutter	Titus
Lee (CA)	Perriello	Tonko
Levin	Peters	Towns
Lewis (GA)	Pingree (ME)	Tsongas
Loeb sack	Polis (CO)	Van Hollen
Lofgren, Zoe	Pomeroy	Velázquez
Lowey	Price (NC)	Visclosky
Lujan	Quigley	Walz
Lynch	Rahall	Wasserman
Maffei	Rangel	Schultz
Maloney	Reyes	Waters
Markey (CO)	Richardson	Watson
Markey (MA)	Rodriguez	Watt
Matheson	Rothman (NJ)	Waxman
Matsui	Roybal-Allard	Weiner
McCollum	Ruppersberger	Welch
McDermott	Ryan (OH)	Wilson (OH)
McGovern	Salazar	Wu
McNerney	Sánchez, Linda T.	Yarmuth

NAYS—180

Aderholt	Dent	LaTourette
Akin	Diaz-Balart, L.	Latta
Alexander	Diaz-Balart, M.	Lee (NY)
Austria	Djou	Lewis (CA)
Bachmann	Dreier	Linder
Bachus	Duncan	Lipinski
Barrett (SC)	Ehlers	LoBiondo
Bartlett	Emerson	Lucas
Barton (TX)	Fallin	Luetkemeyer
Biggert	Flake	Lummis
Bilbray	Fleming	Lungren, Daniel E.
Bilirakis	Forbes	Mack
Bishop (UT)	Fortenberry	Manzullo
Blackburn	Fox	Marshall
Blunt	Franks (AZ)	McCarthy (CA)
Boehner	Frelinghuysen	McCauley
Bono Mack	Gallegly	McClintock
Boozman	Garrett (NJ)	McCotter
Boren	Gerlach	McHenry
Boustany	Gingrey (GA)	McIntyre
Brady (TX)	Gohmert	McKeon
Bright	Goodlatte	Mica
Brown (GA)	Graves (GA)	Miller (FL)
Brown (SC)	Graves (MO)	Miller (MI)
Brown-Waite,	Griffith	Miller, Gary
Ginny	Guthrie	Moran (KS)
Buchanan	Hall (TX)	Murphy, Tim
Burgess	Harper	Myrick
Burton (IN)	Hastings (WA)	Neugebauer
Calvert	Heller	Nunes
Camp	Hensarling	Olson
Campbell	Herger	Paulsen
Cantor	Hoekstra	Pence
Cao	Hunter	Peterson
Capito	Inglis	Petri
Carter	Issa	Pitts
Cassidy	Jenkins	Platts
Chaffetz	Johnson (IL)	Poe (TX)
Childers	Johnson, Sam	Posey
Coble	Jones	Price (GA)
Coffman (CO)	Jordan (OH)	Reed
Cole	King (IA)	Rehberg
Conaway	King (NY)	Reichert
Crenshaw	Kingston	Roe (TN)
Critz	Kline (MN)	Rogers (AL)
Culberson	Lamborn	Rogers (KY)
Davis (AL)	Lance	Rogers (MI)
Davis (KY)	Latham	

Rohrabacher	Shuler	Tiahrt
Rooney	Shuster	Tiberi
Ros-Lehtinen	Simpson	Turner
Roskam	Smith (NE)	Upton
Ross	Smith (NJ)	Walden
Royce	Smith (TX)	Westmoreland
Ryan (WI)	Stearns	Whitfield
Scalise	Stutzman	Wilson (SC)
Schmidt	Sullivan	Wittman
Schock	Taylor	Wolf
Sensenbrenner	Terry	Young (AK)
Sessions	Thompson (PA)	Young (FL)
Shimkus	Thornberry	

NOT VOTING—21

Baird	Granger	Radanovich
Berkley	Herseth Sandlin	Rush
Berry	Marchant	Shadegg
Bonner	McCarthy (NY)	Space
Buyer	McMahon	Wamp
Cardoza	McMorris	Woolsey
Conyers	Rodgers	
Davis (IL)	Putnam	

□ 1459

Messrs. LOBIONDO, BRADY of Texas, LEWIS of California, CULBERSON, and BURGESS changed their vote from "yea" to "nay."

Mr. GUTIERREZ and Ms. WATERS changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### CONGRATULATING CAMERON NEWTON ON WINNING THE 2010 HEISMAN TROPHY

The SPEAKER pro tempore (Mr. CUELLAR). The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 1761) congratulating Auburn University quarterback and College Park, Georgia, native Cameron Newton on winning the 2010 Heisman Trophy for being the most outstanding college football player in the United States, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. ALTMIRE) that the House suspend the rules and agree to the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 378, nays 15, answered "present" 18, not voting 22, as follows:

[Roll No. 636]

YEAS—378

Ackerman	Bilirakis	Brown-Waite,
Aderholt	Bishop (GA)	Ginny
Alexander	Bishop (UT)	Buchanan
Altmire	Blumenauer	Burgess
Andrews	Blunt	Burton (IN)
Austria	Bocieri	Butterfield
Baca	Boehner	Calvert
Bachmann	Bono Mack	Camp
Bachus	Boozman	Cantor
Baldwin	Boren	Capito
Barrett (SC)	Boswell	Capps
Barrow	Boucher	Capuano
Bartlett	Boyd	Carnahan
Barton (TX)	Brady (PA)	Carson (IN)
Bean	Brady (TX)	Carter
Becerra	Bright	Cassidy
Berkley	Brown (SC)	Castle
Berman	Brown, Corrine	Castor (FL)
Biggert		Chandler