

all. The study recently released by the Pentagon confirms what so many of us have known all along: there is no compelling state interest in barring lesbian, gay and bisexual persons from serving openly in our armed forces.

From the initial introduction of this profoundly misguided policy in 1993, I have never wavered in my belief that our nation's armed forces should not discriminate against otherwise qualified citizens on the basis of their sexual orientation—or their desire not to maintain such orientation under a stifling cloak of secrecy that encourages and even forces them to hide, or even worse, to lie about who they are. Today, at a time when our nation is engaged in a difficult military conflict in Afghanistan, the extent to which the so-called compromise “Don't Ask, Don't Tell” policy has damaged America's military readiness has become even more apparent than it was seventeen years ago.

The policy against allowing lesbian, gay, and bisexual servicemembers to serve openly has resulted in depriving our armed forces of the abilities, experience and dedication of thousands of qualified active duty personnel. This institutionalized discrimination is completely illogical and counter-productive as we grapple with an increasingly dangerous world wracked by the threat of international terrorism, with our servicemembers in harm's way all over the world.

The U.S. Government Accountability Office (GAO) has documented the cost to our nation. In 2005, the GAO estimated the cost of discriminating against servicemembers on the basis of their sexual orientation at nearly \$200 million over the course of just the last decade. This estimate may, in fact, be too low, as the GAO itself acknowledged and as other studies conducted by reputable academic institutions like the Michael Palm Center at the University of California have documented.

Advocates for maintaining “Don't Ask, Don't Tell” continue stubbornly to cite elusive, unquantifiable factors to justify the policy's inherent institutionalized discrimination. The most common argument is the specious insistence that “unit cohesion” among the armed forces will suffer if lesbians, gay men, and bisexual persons are allowed to serve openly—an argument that even Richard Cheney, while serving as the Secretary of Defense during the presidency of George H. W. Bush, acknowledged in congressional testimony was “a bit of an old chestnut.” Then-Secretary Cheney was right—and it's high time we roasted that old chestnut on an open fire, and consigned it forever to the ashbin of history.

The fact is that many other nations—including trusted allies whose armed forces are respected around the world such as Great Britain, Israel, Australia, and Canada—have allowed their citizens to serve in their armed forces regardless of their disclosure of their sexual orientation. It is high time that the United States of America, which prides itself as a beacon of liberty and equality, joins their ranks.

I urge the members of this House to vote to repeal this misguided and counter-productive and un-American policy.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1764, the previous question is ordered.

The question is on the motion by the gentlewoman from California (Mrs. DAVIS).

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

Mrs. DAVIS of California. Mr. Speaker, on that I demand the yeas and nays. The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 250, nays 175, not voting 9, as follows:

[Roll No. 638]

YEAS—250

Ackerman	Frank (MA)	Mollohan
Adler (NJ)	Fudge	Moore (KS)
Altmire	Garamendi	Moore (WI)
Andrews	Giffords	Moran (VA)
Arcuri	Gonzalez	Murphy (CT)
Baca	Gordon (TN)	Murphy (NY)
Baldwin	Grayson	Murphy, Patrick
Barrow	Green, Al	Nadler (NY)
Bean	Green, Gene	Napolitano
Becerra	Grijalva	Neal (MA)
Berkley	Gutierrez	Nye
Berman	Hall (NY)	Oberstar
Biggert	Halvorson	Obey
Bishop (GA)	Hare	Olver
Bishop (NY)	Harman	Owens
Blumenauer	Hastings (FL)	Pallone
Boccieri	Heinrich	Pascarelli
Bono Mack	Herseth Sandlin	Pastor (AZ)
Boswell	Higgins	Paul
Boucher	Hill	Payne
Boyd	Himes	Pelosi
Brady (PA)	Hinchee	Perlmutter
Braley (IA)	Hinojosa	Perriello
Brown, Corrine	Hirono	Peters
Butterfield	Hodes	Pingree (ME)
Campbell	Holden	Platts
Cao	Holt	Polis (CO)
Capps	Honda	Pomeroy
Capuano	Hoyer	Price (NC)
Carnahan	Inslee	Quigley
Carney	Israel	Rangel
Carson (IN)	Jackson (IL)	Reichert
Castle	Jackson Lee	Reyes
Castor (FL)	(TX)	Richardson
Chandler	Johnson (GA)	Rodriguez
Chu	Johnson, E. B.	Ros-Lehtinen
Clarke	Kagen	Rothman (NJ)
Clay	Kanjorski	Roybal-Allard
Cleaver	Kaptur	Ruppersberger
Clyburn	Kennedy	Rush
Cohen	Kildee	Ryan (OH)
Connolly (VA)	Kilpatrick (MI)	Salazar
Conyers	Kilroy	Salazar
Cooper	Kind	Sánchez, Linda
Costa	Kirkpatrick (AZ)	T.
Costello	Kissell	Sanchez, Loretta
Courtney	Klein (FL)	Sarbanes
Crowley	Kosmas	Schakowsky
Cuellar	Kratovil	Schauer
Cummings	Kucinich	Schiff
Dahlkemper	Langevin	Schrader
Davis (CA)	Larsen (WA)	Schwartz
Davis (IL)	Larson (CT)	Scott (GA)
DeFazio	Lee (CA)	Scott (VA)
DeGette	Levin	Serrano
Delahunt	Lewis (GA)	Sestak
DeLauro	Lipinski	Shea-Porter
Dent	Loebbeck	Sherman
Deutch	Lofgren, Zoe	Shuler
Diaz-Balart, L.	Luján	Sires
Dicks	Lynch	Slaughter
Dingell	Maffei	Smith (WA)
Djou	Maloney	Snyder
Doggett	Markey (CO)	Space
Donnelly (IN)	Markey (MA)	Speier
Doyle	Matheson	Spratt
Dreier	Matsui	Stark
Driehaus	McCollum	Stupak
Edwards (MD)	McDermott	Sutton
Edwards (TX)	McGovern	Teague
Ehlers	McMahon	Thompson (CA)
Ellison	McNerney	Thompson (MS)
Ellsworth	Meek (FL)	Tierney
Engel	Meeks (NY)	Titus
Eshoo	Melancon	Tonko
Etheridge	Michaud	Towns
Farr	Miller (NC)	Tsongas
Fattah	Miller, George	Van Hollen
Filner	Minnick	Velázquez
Flake	Mitchell	Visclosky
Foster		Walz

Wasserman
Schultz
Waters
Watson

Watt
Waxman
Weiner
Welch

Wilson (OH)
Wu
Yarmuth

NAYS—175

Aderholt	Gerlach	Nunes
Akin	Gingrey (GA)	Olson
Alexander	Gohmert	Ortiz
Austria	Goodlatte	Paulsen
Bachmann	Graves (GA)	Pence
Bachus	Graves (MO)	Peterson
Barrett (SC)	Griffith	Petri
Bartlett	Guthrie	Pitts
Barton (TX)	Hall (TX)	Poe (TX)
Bilbray	Harper	Posey
Bilirakis	Hastings (WA)	Price (GA)
Bishop (UT)	Heller	Putnam
Blackburn	Hensarling	Radanovich
Blunt	Herger	Rahall
Boehner	Hoekstra	Reed
Bonner	Hunter	Rehberg
Boozman	Inglis	Roe (TN)
Boren	Issa	Rogers (AL)
Boustany	Jenkins	Rogers (KY)
Brady (TX)	Johnson (IL)	Rogers (MI)
Bright	Johnson, Sam	Rohrabacher
Brown (GA)	Jones	Rooney
Brown (SC)	Jordan (OH)	Roskam
Brown-Waite,	King (IA)	Ross
Ginny	King (NY)	Royce
Buchanan	Kingston	Ryan (WI)
Burgess	Kline (MN)	Scalise
Burton (IN)	Lamborn	Schmidt
Buyer	Lance	Schock
Calvert	Latham	Sensenbrenner
Camp	LaTourette	Sessions
Cantor	Latta	Shadegg
Capito	Lee (NY)	Shimkus
Carter	Lewis (CA)	Shuster
Cassidy	Linder	Simpson
Chaffetz	LoBiondo	Skelton
Childers	Lucas	Smith (NE)
Coble	Luetkemeyer	Smith (NJ)
Coffman (CO)	Lummis	Smith (TX)
Cole	Lungren, Daniel	Stearns
Conaway	E.	Stutzman
Crenshaw	Mack	Sullivan
Critz	Manzullo	Tanner
Culberson	Marshall	Taylor
Davis (AL)	McCarthy (CA)	Terry
Davis (KY)	McCaul	Thompson (PA)
Davis (TN)	McClintock	Thornberry
Diaz-Balart, M.	McCotter	Tiahrt
Duncan	McHenry	Tiberi
Emerson	McIntyre	Turner
Fallin	McKeon	Upton
Fleming	Mica	Walden
Forbes	Miller (FL)	Westmoreland
Fortenberry	Miller (MI)	Whitfield
Fox	Miller, Gary	Wilson (SC)
Franks (AZ)	Moran (KS)	Wittman
Frelinghuysen	Murphy, Tim	Wolf
Gallegly	Myrick	Young (AK)
Garrett (NJ)	Neugebauer	Young (FL)

NOT VOTING—9

Baird	Marchant	Wamp
Berry	McCarthy (NY)	Woolsey
Cardoza	McMorris	
Granger	Rodgers	

□ 1724

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION TO REDACT REMARKS IN DEBATE

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, I ask unanimous consent that I may redact a statement from my remarks in debate made earlier today that I believe might reflect a misapprehension of fact.

The SPEAKER pro tempore (Mr. CLEAVER). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. TITUS). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

PEDESTRIAN SAFETY ENHANCEMENT ACT OF 2010

Mr. BARROW. Madam Speaker, I move to suspend the rules and pass the bill (S. 841) to direct the Secretary of Transportation to study and establish a motor vehicle safety standard that provides for a means of alerting blind and other pedestrians of motor vehicle operation.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 841

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Pedestrian Safety Enhancement Act of 2010”.

SEC. 2. DEFINITIONS.

As used in this Act—

(1) the term “Secretary” means the Secretary of Transportation;

(2) the term “alert sound” (herein referred to as the “sound”) means a vehicle-emitted sound to enable pedestrians to discern vehicle presence, direction, location, and operation;

(3) the term “cross-over speed” means the speed at which tire noise, wind resistance, or other factors eliminate the need for a separate alert sound as determined by the Secretary;

(4) the term “motor vehicle” has the meaning given such term in section 30102(a)(6) of title 49, United States Code, except that such term shall not include a trailer (as such term is defined in section 571.3 of title 49, Code of Federal Regulations);

(5) the term “conventional motor vehicle” means a motor vehicle powered by a gasoline, diesel, or alternative fueled internal combustion engine as its sole means of propulsion;

(6) the term “manufacturer” has the meaning given such term in section 30102(a)(5) of title 49, United States Code;

(7) the term “dealer” has the meaning given such term in section 30102(a)(1) of title 49, United States Code;

(8) the term “defect” has the meaning given such term in section 30102(a)(2) of title 49, United States Code;

(9) the term “hybrid vehicle” means a motor vehicle which has more than one means of propulsion; and

(10) the term “electric vehicle” means a motor vehicle with an electric motor as its sole means of propulsion.

SEC. 3. MINIMUM SOUND REQUIREMENT FOR MOTOR VEHICLES.

(a) RULEMAKING REQUIRED.—Not later than 18 months after the date of enactment of this Act the Secretary shall initiate rulemaking, under section 30111 of title 49, United States Code, to promulgate a motor vehicle safety standard—

(1) establishing performance requirements for an alert sound that allows blind and

other pedestrians to reasonably detect a nearby electric or hybrid vehicle operating below the cross-over speed, if any; and

(2) requiring new electric or hybrid vehicles to provide an alert sound conforming to the requirements of the motor vehicle safety standard established under this subsection.

The motor vehicle safety standard established under this subsection shall not require either driver or pedestrian activation of the alert sound and shall allow the pedestrian to reasonably detect a nearby electric or hybrid vehicle in critical operating scenarios including, but not limited to, constant speed, accelerating, or decelerating. The Secretary shall allow manufacturers to provide each vehicle with one or more sounds that comply with the motor vehicle safety standard at the time of manufacture. Further, the Secretary shall require manufacturers to provide, within reasonable manufacturing tolerances, the same sound or set of sounds for all vehicles of the same make and model and shall prohibit manufacturers from providing any mechanism for anyone other than the manufacturer or the dealer to disable, alter, replace, or modify the sound or set of sounds, except that the manufacturer or dealer may alter, replace, or modify the sound or set of sounds in order to remedy a defect or non-compliance with the motor vehicle safety standard. The Secretary shall promulgate the required motor vehicle safety standard pursuant to this subsection not later than 36 months after the date of enactment of this Act.

(b) CONSIDERATION.—When conducting the required rulemaking, the Secretary shall—

(1) determine the minimum level of sound emitted from a motor vehicle that is necessary to provide blind and other pedestrians with the information needed to reasonably detect a nearby electric or hybrid vehicle operating at or below the cross-over speed, if any;

(2) determine the performance requirements for an alert sound that is recognizable to a pedestrian as a motor vehicle in operation; and

(3) consider the overall community noise impact.

(c) PHASE-IN REQUIRED.—The motor vehicle safety standard prescribed pursuant to subsection (a) of this section shall establish a phase-in period for compliance, as determined by the Secretary, and shall require full compliance with the required motor vehicle safety standard for motor vehicles manufactured on or after September 1st of the calendar year that begins 3 years after the date on which the final rule is issued.

(d) REQUIRED CONSULTATION.—When conducting the required study and rulemaking, the Secretary shall—

(1) consult with the Environmental Protection Agency to assure that the motor vehicle safety standard is consistent with existing noise requirements overseen by the Agency;

(2) consult consumer groups representing individuals who are blind;

(3) consult with automobile manufacturers and professional organizations representing them;

(4) consult technical standardization organizations responsible for measurement methods such as the Society of Automotive Engineers, the International Organization for Standardization, and the United Nations Economic Commission for Europe, World Forum for Harmonization of Vehicle Regulations.

(e) REQUIRED STUDY AND REPORT TO CONGRESS.—Not later than 48 months after the date of enactment of this Act, the Secretary shall complete a study and report to Congress as to whether there exists a safety need to apply the motor vehicle safety standard required by subsection (a) to conventional

motor vehicles. In the event that the Secretary determines there exists a safety need, the Secretary shall initiate rulemaking under section 30111 of title 49, United States Code, to extend the standard to conventional motor vehicles.

SEC. 4. FUNDING.

Notwithstanding any other provision of law, \$2,000,000 of any amounts made available to the Secretary of Transportation under section 406 of title 23, United States Code, shall be made available to the Administrator of the National Highway Transportation Safety Administration for carrying out section 3 of this Act.

□ 1730

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. BARROW) and the gentleman from Pennsylvania (Mr. PITTS) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. BARROW. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. BARROW. I yield myself such time as I may consume.

Madam Speaker, as hybrid and electric vehicles take hold in the market, they bring lots of benefits to consumers trying to shield themselves from rising gas prices and help reduce our Nation's dependence on foreign oil, but the near-silent operation of their combustion-free engines has presented unintended challenges for blind and sighted pedestrians.

NHTSA research, including a study published in April this year, confirms that the absence of sounds indicating vehicle movement can create serious safety risks for blind and sighted pedestrians, unable to detect vehicles as they back up, turn, or approach an intersection.

Earlier, NHTSA research found that hybrid and electric vehicles are two times more likely to be involved in a pedestrian collision at a low speed than conventional vehicles. Blind pedestrians are among the most vulnerable; but cyclists, seniors, and children are also among those greatly affected as the number of hybrid and electric vehicles on the road increases.

The bill before us offers a straightforward solution directing the National Highway Traffic Safety Administration to create a standard for hybrid and electric vehicles to emit appropriate conforming sounds when traveling at low speeds. In addition, the bill gives the agency 3 years to develop the standard, gives manufacturers a 3-year phase-in period, calls on NHTSA to consider the overall community noise impact, and protects against the unauthorized disabling, modification, or replacement of the sounds.