

Reed	Scott (GA)
Rehberg	Scott (VA)
Reichert	Sensenbrenner
Reyes	Serrano
Richardson	Sessions
Rodriguez	Sestak
Roe (TN)	Shea-Porter
Rogers (AL)	Sherman
Rogers (KY)	Shimkus
Rogers (MI)	Shuler
Rohrabacher	Shuster
Rooney	Simpson
Ros-Lehtinen	Sires
Roskam	Skelton
Ross	Slaughter
Rothman (NJ)	Smith (NE)
Royal-Allard	Smith (NJ)
Royce	Smith (TX)
Ruppertsberger	Smith (WA)
Rush	Snyder
Ryan (OH)	Speier
Ryan (WI)	Spratt
Salazar	Stark
Sánchez, Linda T.	Stearns
Sanchez, Loretta	Stupak
Sarbanes	Stutzman
Scalise	Sullivan
Schakowsky	Sutton
Schauer	Tanner
Schiff	Taylor
Schmidt	Teague
Schock	Terry
Schrader	Thompson (CA)
Schwartz	Thompson (MS)
	Thompson (PA)

NOT VOTING—26

Baird	Davis (AL)	McMorris
Barrett (SC)	Davis (IL)	Rodgers
Berry	Dicks	Olson
Bilirakis	Granger	Putnam
Bishop (NY)	Herseth Sandlin	Radanovich
Boehner	Higgin	Shadegg
Bonner	Marchant	Space
Bright	McCarthy (NY)	Wamp
Cardoza	McMahon	Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1516

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. HERSETH SANDLIN. Mr. Speaker, I regret that I was unable to participate in seven votes on the floor of the House of Representatives today due to a family medical issue.

The first vote was H.R. 5546—to designate the facility of the United States Postal Service located at 600 Florida Avenue in Cocoa, Florida, as the “Harry T. and Harriette Moore Post Office.” Had I been present, I would have voted “yea” on that question.

The second vote was H. Res. 1759—Expressing support for designation of January 23rd as “Ed Roberts Day.” Had I been present, I would have voted “yea” on that question.

The third vote was S. Con. Res. 72—a concurrent resolution recognizing the 45th anniversary of the White House Fellows Program. Had I been present, I would have voted “yea” on that question.

The fourth vote was H.R. 6205—to designate the facility of the United States Postal Service located at 1449 West Avenue in Bronx, New York, as the “Private Isaac T. Cortes Post Office.” Had I been present, I would have voted “yea” on that question.

The fifth vote was H. Res. 1764—Rule providing for consideration of H.R. 2965—Don’t Ask, Don’t Tell Repeal Act of 2010. Had I been present, I would have voted “nay” on that question.

The sixth vote was 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. Had I been present, I would have voted “yea” on that question.

The seventh vote was H. Res. 1743—Congratulating Gerda Weissmann Klein on being selected to receive the Presidential Medal of Freedom. Had I been present, I would have voted “yea” on that question.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate concurs in the House amendment to the Senate amendment with an amendment on a bill of the House of the following title:

H.R. 4853. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

□ 1520

DON’T ASK, DON’T TELL REPEAL ACT OF 2010

Mrs. DAVIS of California. Mr. Speaker, pursuant to House Resolution 1764, I call up 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 I have a motion at the desk.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. CUELLAR). The Clerk will designate the Senate amendment.

The text of the Senate amendment is as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the “SBIR/STTR Reauthorization Act of 2009”.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 3. Definitions.

TITLE I—REAUTHORIZATION OF THE SBIR AND STTR PROGRAMS

Sec. 101. Extension of termination dates.

Sec. 102. Status of the Office of Technology.

Sec. 103. SBIR allocation increase.

Sec. 104. STTR allocation increase.

Sec. 105. SBIR and STTR award levels.

Sec. 106. Agency and program collaboration.

Sec. 107. Elimination of Phase II invitations.

Sec. 108. Majority-venture investments in SBIR firms.

Sec. 109. SBIR and STTR special acquisition preference.

Sec. 110. Collaborating with Federal laboratories and research and development centers.

Sec. 111. Notice requirement.

TITLE II—OUTREACH AND COMMERCIALIZATION INITIATIVES

Sec. 201. Rural and State outreach.

Sec. 202. SBIR—STEM Workforce Development Grant Pilot Program.

Sec. 203. Technical assistance for awardees.

Sec. 204. Commercialization program at Department of Defense.

Sec. 205. Commercialization Pilot Program for civilian agencies.

Sec. 206. Nanotechnology initiative.

Sec. 207. Accelerating cures.

TITLE III—OVERSIGHT AND EVALUATION

Sec. 301. Streamlining annual evaluation requirements.

Sec. 302. Data collection from agencies for SBIR.

Sec. 303. Data collection from agencies for STTR.

Sec. 304. Public database.

Sec. 305. Government database.

Sec. 306. Accuracy in funding base calculations.

Sec. 307. Continued evaluation by the National Academy of Sciences.

Sec. 308. Technology insertion reporting requirements.

Sec. 309. Intellectual property protections.

TITLE IV—POLICY DIRECTIVES

Sec. 401. Conforming amendments to the SBIR and the STTR Policy Directives.

Sec. 402. Priorities for certain research initiatives.

Sec. 403. Report on SBIR and STTR program goals.

Sec. 404. Competitive selection procedures for SBIR and STTR programs.

SEC. 3. DEFINITIONS.

In this Act—

(1) the terms “Administration” and “Administrator” mean the Small Business Administration and the Administrator thereof, respectively;

(2) the terms “extramural budget”, “Federal agency”, “Small Business Innovation Research Program”, “SBIR”, “Small Business Technology Transfer Program”, and “STTR” have the meanings given such terms in section 9 of the Small Business Act (15 U.S.C. 638); and

(3) the term “small business concern” has the same meaning as under section 3 of the Small Business Act (15 U.S.C. 632).

TITLE I—REAUTHORIZATION OF THE SBIR AND STTR PROGRAMS**SEC. 101. EXTENSION OF TERMINATION DATES.**

(a) SBIR.—Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended by striking “2008” and inserting “2017”.

(b) STTR.—Section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)) is amended by striking “2009” and inserting “2017”.

SEC. 102. STATUS OF THE OFFICE OF TECHNOLOGY.

Section 9(b) of the Small Business Act (15 U.S.C. 638(b)) is amended—

(1) in paragraph (7), by striking “and” at the end;

(2) in paragraph (8), by striking the period at the end and inserting “; and”;

(3) by redesignating paragraph (8) as paragraph (9); and

(4) by adding at the end the following:

“(10) to maintain an Office of Technology to carry out the responsibilities of the Administration under this section, which shall be—

“(A) headed by the Assistant Administrator for Technology, who shall report directly to the Administrator; and

“(B) independent from the Office of Government Contracting of the Administration and sufficiently staffed and funded to comply with the oversight, reporting, and public database responsibilities assigned to the Office of Technology by the Administrator.”.

SEC. 103. SBIR ALLOCATION INCREASE.

Section 9(f) of the Small Business Act (15 U.S.C. 638(f)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “Each” and inserting “Except as provided in paragraph (2)(C), each”;

(B) in subparagraph (B), by striking “and” at the end; and

(C) by striking subparagraph (C) and inserting the following:

“(C) not less than 2.5 percent of such budget in each of fiscal years 2009 and 2010;

“(D) not less than 2.6 percent of such budget in fiscal year 2011;

“(E) not less than 2.7 percent of such budget in fiscal year 2012;

“(F) not less than 2.8 percent of such budget in fiscal year 2013;

“(G) not less than 2.9 percent of such budget in fiscal year 2014;

“(H) not less than 3.0 percent of such budget in fiscal year 2015;

“(I) not less than 3.1 percent of such budget in fiscal year 2016;

“(J) not less than 3.2 percent of such budget in fiscal year 2017;

“(K) not less than 3.3 percent of such budget in fiscal year 2018;

“(L) not less than 3.4 percent of such budget in fiscal year 2019; and

“(M) not less than 3.5 percent of such budget in fiscal year 2020 and each fiscal year thereafter;”; and

(2) in paragraph (2)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and adjusting the margins accordingly;

(B) by striking “A Federal agency” and inserting the following:

“(A) IN GENERAL.—A Federal agency”; and

(C) by adding at the end the following:

“(B) DEPARTMENT OF DEFENSE AND DEPARTMENT OF ENERGY.—For the Department of Defense and the Department of Energy, to the greatest extent practicable, the percentage of the extramural budget in excess of 2.5 percent required to be expended with small business concerns under subparagraphs (D) through (M) of paragraph (1)—

“(i) may not be used for new Phase I or Phase II awards; and

“(ii) shall be used for activities that further the readiness levels of technologies developed under Phase II awards, including conducting testing and evaluation to promote the transition of such technologies into commercial or defense products, or systems furthering the mission needs of the Department of Defense or the Department of Energy, as the case may be.”.

SEC. 104. STTR ALLOCATION INCREASE.

Section 9(n)(1)(B) of the Small Business Act (15 U.S.C. 638(n)(1)(B)) is amended—

(1) in clause (i), by striking “and” at the end;

(2) in clause (ii), by striking “thereafter.” and inserting “through fiscal year 2010;”; and

(3) by adding at the end the following:

“(iii) 0.4 percent for fiscal years 2011 and 2012;

“(iv) 0.5 percent for fiscal years 2013 and 2014; and

“(v) 0.6 percent for fiscal year 2015 and each fiscal year thereafter.”.

SEC. 105. SBIR AND STTR AWARD LEVELS.

(a) **SBIR ADJUSTMENTS.**—Section 9(j)(2)(D) of the Small Business Act (15 U.S.C. 638(j)(2)(D)) is amended—

(1) by striking “\$100,000” and inserting “\$150,000”; and

(2) by striking “\$750,000” and inserting “\$1,000,000”.

(b) **STTR ADJUSTMENTS.**—Section 9(p)(2)(B)(ix) of the Small Business Act (15 U.S.C. 638(p)(2)(B)(ix)) is amended—

(1) by striking “\$100,000” and inserting “\$150,000”; and

(2) by striking “\$750,000” and inserting “\$1,000,000”.

(c) **TRIENNIAL ADJUSTMENTS.**—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subsection (j)(2)(D)—

(A) by striking “5 years” and inserting “3 years”; and

(B) by striking “and programmatic considerations”; and

(2) in subsection (p)(2)(B)(ix) by striking “greater or lesser amounts to be awarded at the discretion of the awarding agency,” and inserting “an adjustment for inflation of such amounts once every 3 years.”.

(d) **LIMITATION ON CERTAIN AWARDS.**—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

“(aa) **LIMITATION ON CERTAIN AWARDS.**—

“(1) **LIMITATION.**—No Federal agency may issue an award under the SBIR program or the STTR program if the size of the award exceeds the award guidelines established under this section by more than 50 percent.

“(2) **MAINTENANCE OF INFORMATION.**—Participating agencies shall maintain information on awards exceeding the guidelines established under this section, including—

“(A) the amount of each award;

“(B) a justification for exceeding the award amount;

“(C) the identity and location of each award recipient; and

“(D) whether a recipient has received any venture capital investment and, if so, whether the recipient is majority-owned and controlled by multiple venture capital companies.

“(3) **REPORTS.**—The Administrator shall include the information described in paragraph (2) in the annual report of the Administrator to Congress.

“(4) **RULE OF CONSTRUCTION.**—Nothing in this subsection shall be construed to prevent a Federal agency from supplementing an award under the SBIR program or the STTR program using funds of the Federal agency that are not part of the SBIR program or the STTR program of the Federal agency.”.

SEC. 106. AGENCY AND PROGRAM COLLABORATION.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(bb) **SUBSEQUENT PHASES.**—

“(1) **AGENCY COLLABORATION.**—A small business concern that received an award from a Federal agency under this section shall be eligible to receive an award for a subsequent phase from another Federal agency, if the head of each relevant Federal agency or the relevant component of the Federal agency makes a written determination that the topics of the relevant awards are the same and both agencies report the awards to the Administrator for inclusion in the public database under subsection (k).

“(2) **SBIR AND STTR COLLABORATION.**—A small business concern which received an award under this section under the SBIR program or the STTR program may receive an award under this section for a subsequent phase in either the SBIR program or the STTR program and the participating agency or agencies shall report the awards to the Administrator for inclusion in the public database under subsection (k).”.

SEC. 107. ELIMINATION OF PHASE II INVITATIONS.

(a) **IN GENERAL.**—Section 9(e) of the Small Business Act (15 U.S.C. 638(e)) is amended—

(1) in paragraph (4)(B), by striking “to further” and inserting: “which shall not include any invitation, pre-screening, pre-selection, or down-selection process for eligibility for the second phase, that will further”;

(2) in paragraph (6)(B), by striking “to further develop proposed ideas to” and inserting “which shall not include any invitation, pre-screening, pre-selection, or down-selection process for eligibility for the second phase, that will further develop proposals that”.

(b) **TECHNICAL AND CONFORMING AMENDMENTS.**—The Small Business Act (15 U.S.C. 638) is amended—

(1) in section 9—

(A) in subsection (e)—

(i) in paragraph (8), by striking “and” at the end; and

(ii) in paragraph (9)—

(I) by striking “the second or the third phase” and inserting “Phase II or Phase III”; and

(II) by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

“(10) the term ‘Phase I’ means—

“(A) with respect to the SBIR program, the first phase described in paragraph (4)(A); and

“(B) with respect to the STTR program, the first phase described in paragraph (6)(A);

“(11) the term ‘Phase II’ means—

“(A) with respect to the SBIR program, the second phase described in paragraph (4)(B); and

“(B) with respect to the STTR program, the second phase described in paragraph (6)(B); and

“(12) the term ‘Phase III’ means—

“(A) with respect to the SBIR program, the third phase described in paragraph (4)(C); and

“(B) with respect to the STTR program, the third phase described in paragraph (6)(C).”; and

(B) in subsection (j)—

(i) in paragraph (1)(B), by striking “phase two” and inserting “Phase II”;

(ii) in paragraph (2)—

(I) in subparagraph (B)—

(aa) by striking “the third phase” each place it appears and inserting “Phase III”; and

(bb) by striking “the second phase” and inserting “Phase II”;

(II) in subparagraph (D)—

(aa) by striking “the first phase” and inserting “Phase I”; and

(bb) by striking “the second phase” and inserting “Phase II”;

(III) in subparagraph (F), by striking “the third phase” and inserting “Phase III”;

(IV) in subparagraph (G)—

(aa) by striking “the first phase” and inserting “Phase I”; and

(bb) by striking “the second phase” and inserting “Phase II”; and

(V) in subparagraph (H)—

(aa) by striking “the first phase” and inserting “Phase I”; and

(bb) by striking “second phase” each place it appears and inserting “Phase II”; and

(cc) by striking “third phase” and inserting “Phase III”; and

(iii) in paragraph (3)—

(I) in subparagraph (A)—

(aa) by striking “the first phase (as described in subsection (e)(4)(A))” and inserting “Phase I”;

(bb) by striking “the second phase (as described in subsection (e)(4)(B))” and inserting “Phase II”; and

(cc) by striking “the third phase (as described in subsection (e)(4)(C))” and inserting “Phase III”; and

(II) in subparagraph (B), by striking “second phase” and inserting “Phase II”; and

(C) in subsection (k)—

(i) by striking “first phase” each place it appears and inserting “Phase I”; and

(ii) by striking “second phase” each place it appears and inserting “Phase II”; and

(E) in subsection (l)(2)—

(i) by striking “the first phase” and inserting “Phase I”; and

(ii) by striking “the second phase” and inserting “Phase II”; and

(E) in subsection (o)(13)—

(i) in subparagraph (B), by striking “second phase” and inserting “Phase II”; and

(ii) in subparagraph (C), by striking “third phase” and inserting “Phase III”; and

(F) in subsection (p)—

(i) in paragraph (2)(B)—

(I) in clause (vi)—

(aa) by striking “the second phase” and inserting “Phase II”; and

(bb) by striking “the third phase” and inserting “Phase III”; and

(II) in clause (ix)—
 (aa) by striking “the first phase” and inserting “Phase I”; and
 (bb) by striking “the second phase” and inserting “Phase II”; and
 (ii) in paragraph (3)—
 (I) by striking “the first phase (as described in subsection (e)(6)(A))” and inserting “Phase I”;
 (II) by striking “the second phase (as described in subsection (e)(6)(B))” and inserting “Phase II”; and
 (III) by striking “the third phase (as described in subsection (e)(6)(A))” and inserting “Phase III”;
 (G) in subsection (g)(3)—
 (i) in subparagraph (4)—
 (I) in the subparagraph heading, by striking “FIRST PHASE” and inserting “PHASE I”; and
 (II) by striking “first phase” and inserting “Phase I”; and
 (ii) in subparagraph (B)—
 (I) in the subparagraph heading, by striking “SECOND PHASE” and inserting “PHASE II”; and
 (II) by striking “second phase” and inserting “Phase II”;
 (H) in subsection (r)—
 (i) in the subsection heading, by striking “THIRD PHASE” and inserting “PHASE III”;
 (ii) in paragraph (1)—
 (I) in the first sentence—
 (aa) by striking “for the second phase” and inserting “for Phase II”;
 (bb) by striking “third phase” and inserting “Phase III”; and
 (cc) by striking “second phase period” and inserting “Phase II period”; and
 (II) in the second sentence—
 (aa) by striking “second phase” and inserting “Phase II”; and
 (bb) by striking “third phase” and inserting “Phase III”; and
 (iii) in paragraph (2), by striking “third phase” and inserting “Phase III”; and
 (I) in subsection (u)(2)(B), by striking “the first phase” and inserting “Phase I”;
 (2) in section 34—
 (A) in subsection (c)(2)(B)(ii), by striking “first phase and second phase SBIR awards”, and inserting “Phase I and Phase II SBIR awards (as defined in section 9(e))”; and
 (B) in subsection (e)(2)(A)—
 (i) in clause (i), by striking “first phase awards” and all that follows and inserting “Phase I awards (as defined in section 9(e));”, and
 (ii) by striking “first phase” each place it appears and inserting “Phase I”; and
 (3) in section 35(c)(2)(B)(vii), by striking “third phase” and inserting “Phase III”.

SEC. 108. MAJORITY-VENTURE INVESTMENTS IN SBIR FIRMS.

(a) **IN GENERAL.**—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(cc) MAJORITY-VENTURE INVESTMENTS IN SBIR FIRMS.—

“(1) **AUTHORITY AND DETERMINATION.**—

“(A) **IN GENERAL.**—Upon a written determination provided not later than 30 days in advance to the Administrator and to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives—

“(i) the Director of the National Institutes of Health may award not more than 18 percent of the SBIR funds of the National Institutes of Health allocated in accordance with this Act, in the first full fiscal year beginning after the date of enactment of this subsection, and each fiscal year thereafter, to small business concerns that are owned in majority part by venture capital companies and that satisfy the qualification requirements under paragraph (2) through competitive, merit-based procedures that are open to all eligible small business concerns; and

“(ii) the head of any other Federal agency participating in the SBIR program may award not more than 8 percent of the SBIR funds of

the Federal agency allocated in accordance with this Act, in the first full fiscal year beginning after the date of enactment of this subsection, and each fiscal year thereafter, to small business concerns that are majority owned by venture capital companies and that satisfy the qualification requirements under paragraph (2) through competitive, merit-based procedures that are open to all eligible small business concerns.

“(B) **DETERMINATION.**—A written determination made under subparagraph (A) shall explain how the use of the authority under that subparagraph will induce additional venture capital funding of small business innovations, substantially contribute to the mission of the funding Federal agency, demonstrate a need for public research, and otherwise fulfill the capital needs of small business concerns for additional financing for the SBIR project.

“(2) **QUALIFICATION REQUIREMENTS.**—The Administrator shall establish requirements relating to the affiliation by small business concerns with venture capital companies, which may not exclude a United States small business concern from participation in the program under paragraph (1) on the basis that the small business concern is owned in majority part by, or controlled by, more than 1 United States venture capital company, so long as no single venture capital company owns more than 49 percent of the small business concern.

“(3) **REGISTRATION.**—A small business concern that is majority owned and controlled by multiple venture capital companies and qualified for participation in the program authorized under paragraph (1) shall—

“(A) register with the Administrator on the date that the small business concern submits an application for an award under the SBIR program; and

“(B) indicate whether the small business concern is registered under subparagraph (A) in any SBIR proposal.

“(4) **COMPLIANCE.**—A Federal agency described in paragraph (1) shall collect data regarding the number and dollar amounts of phase I, phase II, and all other categories of awards under the SBIR program, and the Administrator shall report on the data and the compliance of each such Federal agency with the maximum amounts under paragraph (1) as part of the annual report by the Administration under subsection (b)(7).

“(5) **ENFORCEMENT.**—If a Federal agency awards more than the amount authorized under paragraph (1) for a purpose described in paragraph (1), the amount awarded in excess of the amount authorized under paragraph (1) shall be transferred to the funds for general SBIR programs from the non-SBIR research and development funds of the Federal agency within 60 days of the date on which the Federal agency awarded more than the amount authorized under paragraph (1) for a purpose described in paragraph (1).’.

“(b) **TECHNICAL AND CONFORMING AMENDMENT.**—Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

“(t) **VENTURE CAPITAL COMPANY.**—In this Act, the term ‘venture capital company’ means an entity described in clause (i), (v), or (vi) of section 121.103(b)(5) of title 13, Code of Federal Regulations (or any successor thereto).’.

“(c) **ASSISTANCE FOR DETERMINING AFFILIATES.**—Not later than 30 days after the date of enactment of this Act, the Administrator shall post on the website of the Administration (with a direct link displayed on the homepage of the website of the Administration or the SBIR website of the Administration)—

(1) a clear explanation of the SBIR affiliation rules under part 121 of title 13, Code of Federal Regulations; and

(2) contact information for officers or employees of the Administration who—

(A) upon request, shall review an issue relating to the rules described in paragraph (1); and

(B) shall respond to a request under subparagraph (A) not later than 20 business days after the date on which the request is received.

SEC. 109. SBIR AND STTR SPECIAL ACQUISITION PREFERENCE.

Section 9(r) of the Small Business Act (15 U.S.C. 638(r)) is amended by adding at the end the following:

“(4) **PHASE III AWARDS.**—To the greatest extent practicable, Federal agencies and Federal prime contractors shall issue Phase III awards relating to technology, including sole source awards, to the SBIR and STTR award recipients that developed the technology.”.

SEC. 110. COLLABORATING WITH FEDERAL LABORATORIES AND RESEARCH AND DEVELOPMENT CENTERS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(dd) **COLLABORATING WITH FEDERAL LABORATORIES AND RESEARCH AND DEVELOPMENT CENTERS.**—

“(I) **AUTHORIZATION.**—Subject to the limitations under this section, the head of each participating Federal agency may make SBIR and STTR awards to any eligible small business concern that—

“(A) intends to enter into an agreement with a Federal laboratory or federally funded research and development center for portions of the activities to be performed under that award; or

“(B) has entered into a cooperative research and development agreement (as defined in section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d))) with a Federal laboratory.

“(2) **PROHIBITION.**—No Federal agency shall—

“(A) condition an SBIR or STTR award upon entering into agreement with any Federal laboratory or any federally funded laboratory or research and development center for any portion of the activities to be performed under that award;

“(B) approve an agreement between a small business concern receiving a SBIR or STTR award and a Federal laboratory or federally funded laboratory or research and development center, if the small business concern performs a lesser portion of the activities to be performed under that award than required by this section and by the SBIR Policy Directive and the STTR Policy Directive of the Administrator; or

“(C) approve an agreement that violates any provision, including any data rights protections provision, of this section or the SBIR and the STTR Policy Directives.

“(3) **IMPLEMENTATION.**—Not later than 180 days after the date of enactment of this subsection, the Administrator shall modify the SBIR Policy Directive and the STTR Policy Directive issued under this section to ensure that small business concerns—

“(A) have the flexibility to use the resources of the Federal laboratories and federally funded research and development centers; and

“(B) are not mandated to enter into agreement with any Federal laboratory or any federally funded laboratory or research and development center as a condition of an award.”.

SEC. 111. NOTICE REQUIREMENT.

The head of any Federal agency involved in a case or controversy before any Federal judicial or administrative tribunal concerning the SBIR program or the STTR program shall provide timely notice, as determined by the Administrator, of the case or controversy to the Administrator.

TITLE II—OUTREACH AND COMMERCIALIZATION INITIATIVES

SEC. 201. RURAL AND STATE OUTREACH.

(a) **OUTREACH.**—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by inserting after subsection (r) the following:

“(s) **OUTREACH.**—

“(1) **DEFINITION OF ELIGIBLE STATE.**—In this subsection, the term ‘eligible State’ means a State—

“(A) for which the total value of contracts awarded to the State under this section during the most recent fiscal year for which data is available was less than \$5,000,000; and

“(B) that certifies to the Administrator that the State will, upon receipt of assistance under this subsection, provide matching funds from non-Federal sources in an amount that is not less than 50 percent of the amount provided under this subsection.

“(2) PROGRAM AUTHORITY.—Of amounts made available to carry out this section for each of fiscal years 2010 through 2014, the Administrator may expend with eligible States not more than \$5,000,000 in each such fiscal year in order to increase the participation of small business concerns located in those States in the programs under this section.

“(3) AMOUNT OF ASSISTANCE.—The amount of assistance provided to an eligible State under this subsection in any fiscal year—

“(A) shall be equal to not more than 50 percent of the total amount of matching funds from non-Federal sources provided by the State; and

“(B) shall not exceed \$100,000.

“(4) USE OF ASSISTANCE.—Assistance provided to an eligible State under this subsection shall be used by the State, in consultation with State and local departments and agencies, for programs and activities to increase the participation of small business concerns located in the State in the programs under this section, including—

“(A) the establishment of quantifiable performance goals, including goals relating to—

“(i) the number of program awards under this section made to small business concerns in the State; and

“(ii) the total amount of Federal research and development contracts awarded to small business concerns in the State;

“(B) the provision of competition outreach support to small business concerns in the State that are involved in research and development; and

“(C) the development and dissemination of educational and promotional information relating to the programs under this section to small business concerns in the State.”.

(b) FEDERAL AND STATE PROGRAM EXTENSION.—Section 34 of the Small Business Act (15 U.S.C. 657d) is amended—

(1) in subsection (h), by striking “2001 through 2005” each place it appears and inserting “2010 through 2014”; and

(2) in subsection (i), by striking “2005” and inserting “2014”.

(c) MATCHING REQUIREMENTS.—Section 34(e)(2) of the Small Business Act (15 U.S.C. 657d(e)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking “50 cents” and inserting “35 cents”; and

(B) in clause (iii), by striking “75 cents” and inserting “50 cents”;

(2) in subparagraph (B), by striking “50 cents” and inserting “35 cents”;

(3) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(4) by inserting after subparagraph (B) the following:

“(C) RURAL AREAS.—

“(i) IN GENERAL.—Except as provided in clause (ii), the non-Federal share of the cost of the activity carried out using an award or under a cooperative agreement under this section shall be 35 cents for each Federal dollar that will be directly allocated by a recipient described in paragraph (A) to serve small business concerns located in a rural area.

“(ii) ENHANCED RURAL AWARDS.—For a recipient located in a rural area that is located in a State described in subparagraph (A)(i), the non-Federal share of the cost of the activity carried out using an award or under a cooperative agreement under this section shall be 15 cents for each Federal dollar that will be directly allo-

cated by a recipient described in paragraph (A) to serve small business concerns located in the rural area.

“(iii) DEFINITION OF RURAL AREA.—In this subparagraph, the term ‘rural area’ has the meaning given that term in section 1393(a)(2) of the Internal Revenue Code of 1986.”.

SEC. 202. SBIR-STEM WORKFORCE DEVELOPMENT GRANT PILOT PROGRAM.

(a) PILOT PROGRAM ESTABLISHED.—From amounts made available to carry out this section, the Administrator shall establish a SBIR-STEM Workforce Development Grant Pilot Program to encourage the business community to provide workforce development opportunities for college students, in the fields of science, technology, engineering, and math (in this section referred to as “STEM college students”), by providing a SBIR bonus grant.

(b) ELIGIBLE ENTITIES DEFINED.—In this section the term “eligible entity” means a grantee receiving a grant under the SBIR Program on the date of the bonus grant under subsection (a) that provides an internship program for STEM college students.

(c) AWARDS.—An eligible entity shall receive a bonus grant equal to 10 percent of either a Phase I or Phase II grant, as applicable, with a total award maximum of not more than \$10,000 per year.

(d) EVALUATION.—Following the fourth year of funding under this section, the Administrator shall submit a report to Congress on the results of the SBIR-STEM Workforce Development Grant Pilot Program.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

- (1) \$1,000,000 for fiscal year 2011;
- (2) \$1,000,000 for fiscal year 2012;
- (3) \$1,000,000 for fiscal year 2013;
- (4) \$1,000,000 for fiscal year 2014; and
- (5) \$1,000,000 for fiscal year 2015.

SEC. 203. TECHNICAL ASSISTANCE FOR AWARDEES.

Section 9(q)(3) of the Small Business Act (15 U.S.C. 638(q)(3)) is amended—

(1) in subparagraph (A), by striking “\$4,000” and inserting “\$5,000”;

(2) in subparagraph (B)—

(A) by striking “, with funds available from their SBIR awards,”; and

(B) by striking “\$4,000 per year” and inserting “\$5,000 per year, which shall be in addition to the amount of the recipient’s award”; and

(3) by adding at the end the following:

“(C) FLEXIBILITY.—In carrying out subparagraphs (A) and (B), each Federal agency shall provide the allowable amounts to a recipient that meets the eligibility requirements under the applicable subparagraph, if the recipient requests to seek technical assistance from an individual or entity other than the vendor selected under paragraph (2) by the Federal agency.

(D) LIMITATION.—A Federal agency may not—

“(i) use the amounts authorized under subparagraph (A) or (B) unless the vendor selected under paragraph (2) provides the technical assistance to the recipient; or

“(ii) enter a contract with a vendor under paragraph (2) under which the amount provided for technical assistance is based on total number of Phase I or Phase II awards.”.

SEC. 204. COMMERCIALIZATION PROGRAM AT DEPARTMENT OF DEFENSE.

Section 9(y) of the Small Business Act (15 U.S.C. 638(y)) is amended—

(1) in the subsection heading, by striking “PILOT”;

(2) by striking “Pilot” each place that term appears;

(3) in paragraph (1)—

(A) by inserting “or Small Business Technology Transfer Program” after “Small Business Innovation Research Program”; and

(B) by adding at the end the following: “The authority to create and administer a Commer-

cialization Program under this subsection may not be construed to eliminate or replace any other SBIR program or STTR program that enhances the insertion or transition of SBIR or STTR technologies, including any such program in effect on the date of enactment of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3136).”;

(4) in paragraph (2), by inserting “or Small Business Technology Transfer Program” after “Small Business Innovation Research Program”;

(5) in paragraph (4), by inserting “or Small Business Technology Transfer Program” after “Small Business Innovation Research Program”;

(6) by striking paragraph (6);

(7) by redesignating paragraph (5) as paragraph (7); and

(8) by inserting after paragraph (4) the following:

“(5) INSERTION INCENTIVES.—For any contract with a value of not less than \$100,000,000, the Secretary of Defense is authorized to—

“(A) establish goals for the transition of Phase III technologies in subcontracting plans; and

“(B) require a prime contractor on such a contract to report the number and dollar amount of contracts entered into by that prime contractor for Phase III SBIR or STTR projects.

“(6) GOAL FOR SBIR AND STTR TECHNOLOGY INSERTION.—The Secretary of Defense shall—

“(A) set a goal to increase the number of Phase II SBIR contracts and the number of Phase II STTR contracts awarded by that Secretary that lead to technology transition into programs of record or fielded systems;

“(B) use incentives in effect on the date of enactment of the SBIR/STTR Reauthorization Act of 2009, or create new incentives, to encourage agency program managers and prime contractors to meet the goal under subparagraph (A); and

“(C) include in the annual report to Congress the percentage of contracts described in subparagraph (A) awarded by that Secretary, and information on the ongoing status of projects funded through the Commercialization Program and efforts to transition these technologies into programs of record or fielded systems.”.

SEC. 205. COMMERCIALIZATION PILOT PROGRAM FOR CIVILIAN AGENCIES.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(ee) PILOT PROGRAM.—

“(I) AUTHORIZATION.—The head of each covered Federal agency may set aside not more than 10 percent of the SBIR and STTR funds of such agency for further technology development, testing, and evaluation of SBIR and STTR Phase II technologies.

“(II) APPLICATION BY FEDERAL AGENCY.—

“(A) IN GENERAL.—A covered Federal agency may not establish a pilot program unless such agency makes a written application to the Administrator, not later than 90 days before the first day of the fiscal year in which the pilot program is to be established, that describes a compelling reason that additional investment in SBIR or STTR technologies is necessary, including unusually high regulatory, systems integration, or other costs relating to development or manufacturing of identifiable, highly promising small business technologies or a class of such technologies expected to substantially advance the mission of the agency.

“(B) DETERMINATION.—The Administrator shall—

“(i) make a determination regarding an application submitted under subparagraph (A) not later than 30 days before the first day of the fiscal year for which the application is submitted;

“(ii) publish the determination in the Federal Register; and

“(iii) make a copy of the determination and any related materials available to the Committee

on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives.

(3) MAXIMUM AMOUNT OF AWARD.—The head of a Federal agency may not make an award under a pilot program in excess of 3 times the dollar amounts generally established for Phase II awards under subsection (j)(2)(D) or (p)(2)(B)(ix).

(4) MATCHING.—The head of a Federal agency may not make an award under a pilot program for SBIR or STTR Phase II technology that will be acquired by the Federal Government unless new private, Federal non-SBIR, or Federal non-STTR funding that at least matches the award from the Federal agency is provided for the SBIR or STTR Phase II technology.

(5) ELIGIBILITY FOR AWARD.—The head of a Federal agency may make an award under a pilot program to any applicant that is eligible to receive a Phase III award related to technology developed in Phase II of an SBIR or STTR project.

(6) REGISTRATION.—Any applicant that receives an award under a pilot program shall register with the Administrator in a registry that is available to the public.

(7) TERMINATION.—The authority to establish a pilot program under this section expires at the end of fiscal year 2014.

(8) DEFINITIONS.—In this section—

(A) the term ‘covered Federal agency’—

(i) means a Federal agency participating in the SBIR program or the STTR program; and

(ii) does not include the Department of Defense; and

(B) the term ‘pilot program’ means the program established under paragraph (1).¹.

SEC. 206. NANOTECHNOLOGY INITIATIVE.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(ff) NANOTECHNOLOGY INITIATIVE.—Each Federal agency participating in the SBIR or STTR program shall encourage the submission of applications for support of nanotechnology related projects to such program.”.

(b) SUNSET.—Effective October 1, 2014, subsection (ff) of the Small Business Act, as added by subsection (a) of this section, is repealed.

SEC. 207. ACCELERATING CURES.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 44 as section 45; and

(2) by inserting after section 43 the following:

“SEC. 44. SMALL BUSINESS INNOVATION RESEARCH PROGRAM.

(a) NIH CURES PILOT.—

(1) ESTABLISHMENT.—An independent advisory board shall be established at the National Academy of Sciences (in this section referred to as the ‘advisory board’) to conduct periodic evaluations of the SBIR program (as that term is defined in section 9) of each of the National Institutes of Health (referred to in this section as the ‘NIH’) institutes and centers for the purpose of improving the management of the SBIR program through data-driven assessment.

(2) MEMBERSHIP.—

(A) IN GENERAL.—The advisory board shall consist of—

(i) the Director of the NIH;

(ii) the Director of the SBIR program of the NIH;

(iii) senior NIH agency managers, selected by the Director of NIH;

(iv) industry experts, selected by the Council of the National Academy of Sciences in consultation with the Associate Administrator for Technology of the Administration and the Director of the Office of Science and Technology Policy; and

(v) owners or operators of small business concerns that have received an award under the SBIR program of the NIH, selected by the Associate Administrator for Technology of the Administration.

“(B) NUMBER OF MEMBERS.—The total number of members selected under clauses (iii), (iv), and (v) of subparagraph (A) shall not exceed 10.

“(C) EQUAL REPRESENTATION.—The total number of members of the advisory board selected under clauses (i), (ii), (iii), and (iv) of subparagraph (A) shall be equal to the number of members of the advisory board selected under subparagraph (A)(v).

“(D) ADDRESSING DATA GAPS.—In order to enhance the evidence-base guiding SBIR program decisions and changes, the Director of the SBIR program of the NIH shall address the gaps and deficiencies in the data collection concerns identified in the 2007 report of the National Academies of Science entitled ‘An Assessment of the Small Business Innovation Research Program at the NIH’.

“(E) PILOT PROGRAM.—

(1) IN GENERAL.—The Director of the SBIR program of the NIH may initiate a pilot program, under a formal mechanism for designing, implementing, and evaluating pilot programs, to spur innovation and to test new strategies that may enhance the development of cures and therapies.

(2) CONSIDERATIONS.—The Director of the SBIR program of the NIH may consider conducting a pilot program to include individuals with successful SBIR program experience in study sections, hiring individuals with small business development experience for staff positions, separating the commercial and scientific review processes, and examining the impact of the trend toward larger awards on the overall program.

(d) REPORT TO CONGRESS.—The Director of the NIH shall submit an annual report to Congress and the advisory board on the activities of the SBIR program of the NIH under this section.

“(e) SBIR GRANTS AND CONTRACTS.—

(1) IN GENERAL.—In awarding grants and contracts under the SBIR program of the NIH each SBIR program manager shall place an emphasis on applications that identify products and services that may enhance the development of cures and therapies.

(2) EXAMINATION OF COMMERCIALIZATION AND OTHER METRICS.—The advisory board shall evaluate the implementation of the requirement under paragraph (1) by examining increased commercialization and other metrics, to be determined and collected by the SBIR program of the NIH.

(3) PHASE I AND II.—To the greatest extent practicable, the Director of the SBIR program of the NIH shall reduce the time period between Phase I and Phase II funding of grants and contracts under the SBIR program of the NIH to 6 months.

(f) LIMIT.—Not more than a total of 1 percent of the extramural budget (as defined in section 9 of the Small Business Act (15 U.S.C. 638)) of the NIH for research or research and development may be used for the pilot program under subsection (c) and to carry out subsection (e).

(g) SUNSET.—This section shall cease to be effective on the date that is 5 years after the date of enactment of the SBIR/STTR Reauthorization Act of 2009.”.

TITLE III—OVERSIGHT AND EVALUATION

SEC. 301. STREAMLINING ANNUAL EVALUATION REQUIREMENTS.

Section 9(b) of the Small Business Act (15 U.S.C. 638(b)), as amended by section 102 of this Act, is amended—

(1) in paragraph (7)—

(A) by striking “STTR programs, including the data” and inserting the following: “STTR programs, including—

(A) the data”;

(B) by striking “(g)(10), (o)(9), and (o)(15), the number” and all that follows through “under each of the SBIR and STTR programs, and a description” and inserting the following: “(g)(8) and (o)(9); and

(B) the number of proposals received from, and the number and total amount of awards to,

HUBZone small business concerns and firms with venture capital investment (including those majority owned and controlled by multiple venture capital firms) under each of the SBIR and STTR programs;

“(C) a description of the extent to which each Federal agency is increasing outreach and awards to firms owned and controlled by women and social or economically disadvantaged individuals under each of the SBIR and STTR programs;

“(D) general information about the implementation and compliance with the allocation of funds required under subsection (cc) for firms majority owned and controlled by multiple venture capital firms under each of the SBIR and STTR programs;

“(E) a detailed description of appeals of Phase III awards and notices of noncompliance with the SBIR and the STTR Policy Directives filed by the Administrator with Federal agencies; and

“(F) a description”; and

(2) by inserting after paragraph (7) the following:

“(8) to coordinate the implementation of electronic databases at each of the Federal agencies participating in the SBIR program or the STTR program, including the technical ability of the participating agencies to electronically share data;”.

SEC. 302. DATA COLLECTION FROM AGENCIES FOR SBIR.

Section 9(g) of the Small Business Act (15 U.S.C. 638(g)) is amended—

(1) by striking paragraph (10);

(2) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively;

(3) by inserting after paragraph (7) the following:

“(8) collect annually, and maintain in a common format in accordance with the simplified reporting requirements under subsection (v), such information from awardees as is necessary to assess the SBIR program, including information necessary to maintain the database described in subsection (k), including—

“(A) whether an awardee—

“(i) has venture capital or is majority owned and controlled by multiple venture capital firms, and, if so—

“(I) the amount of venture capital that the awardee has received as of the date of the award; and

“(II) the amount of additional capital that the awardee has invested in the SBIR technology;

“(ii) has an investor that—

“(I) is an individual who is not a citizen of the United States or a lawful permanent resident of the United States, and if so, the name of any such individual; or

“(II) is a person that is not an individual and is not organized under the laws of a State or the United States, and if so the name of any such person;

“(iii) is owned by a woman or has a woman as a principal investigator;

“(iv) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

“(v) received assistance under the FAST program under section 34 or the outreach program under subsection (s);

“(vi) is a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or

“(vii) is located in a State described in subsection (u)(3); and

“(B) a justification statement from the agency, if an awardee receives an award in an amount that is more than the award guidelines under this section;”; and

(4) in paragraph (10), as so redesignated, by adding “and” at the end.

SEC. 303. DATA COLLECTION FROM AGENCIES FOR STTR.

Section 9(o) of the Small Business Act (15 U.S.C. 638(o)) is amended—

(1) by striking paragraph (9) and inserting the following:

“(9) collect annually, and maintain in a common format in accordance with the simplified reporting requirements under subsection (v), such information from applicants and awardees as is necessary to assess the STTR program outputs and outcomes, including information necessary to maintain the database described in subsection (k), including—

“(A) whether an applicant or awardee—

“(i) has venture capital or is majority owned and controlled by multiple venture capital firms, and, if so—

“(I) the amount of venture capital that the applicant or awardee has received as of the date of the application or award, as applicable; and

“(II) the amount of additional capital that the applicant or awardee has invested in the SBIR technology;

“(ii) has an investor that—

“(I) is an individual who is not a citizen of the United States or a lawful permanent resident of the United States, and if so, the name of any such individual; or

“(II) is a person that is not an individual and is not organized under the laws of a State or the United States, and if so the name of any such person;

“(iii) is owned by a woman or has a woman as a principal investigator;

“(iv) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

“(v) received assistance under the FAST program under section 34 or the outreach program under subsection (s);

“(vi) is a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or

“(vii) is located in a State in which the total value of contracts awarded to small business concerns under all STTR programs is less than the total value of contracts awarded to small business concerns in a majority of other States, as determined by the Administrator in biennial fiscal years, beginning with fiscal year 2008, based on the most recent statistics compiled by the Administrator; and

“(B) if an awardee receives an award in an amount that is more than the award guidelines under this section, a statement from the agency that justifies the award amount;”;

(2) in paragraph (14), by adding “and” at the end;

(3) by striking paragraph (15); and

(4) by redesignating paragraph (16) as paragraph (15).

SEC. 304. PUBLIC DATABASE.

Section 9(k)(1) of the Small Business Act (15 U.S.C. 638(k)(1)) is amended—

(1) in subparagraph (D), by striking “and” at the end;

(2) in subparagraph (E), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(F) for each small business concern that has received a Phase I or Phase II SBIR or STTR award from a Federal agency, whether the small business concern—

“(i) has venture capital and, if so, whether the small business concern is registered as majority owned and controlled by multiple venture capital companies as required under subsection (cc)(3);

“(ii) is owned by a woman or has a woman as a principal investigator;

“(iii) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

“(iv) received assistance under the FAST program under section 34 or the outreach program under subsection (s); or

“(v) is owned by a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).”.

SEC. 305. GOVERNMENT DATABASE.

Section 9(k)(2) of the Small Business Act (15 U.S.C. 638(k)(2)) is amended—

(1) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively;

(2) by inserting after subparagraph (B) the following:

“(C) includes, for each awardee—

“(i) the name, size, location, and any identifying number assigned to the awardee by the Administrator;

“(ii) whether the awardee has venture capital, and, if so—

“(I) the amount of venture capital as of the date of the award;

“(II) the percentage of ownership of the awardee held by a venture capital firm, including whether the awardee is majority owned and controlled by multiple venture capital firms; and

“(III) the amount of additional capital that the awardee has invested in the SBIR technology, which information shall be collected on an annual basis;

“(iii) the names and locations of any affiliates of the awardee;

“(iv) the number of employees of the awardee;

“(v) the number of employees of the affiliates of the awardee; and

“(vi) the names of, and the percentage of ownership of the awardee held by—

“(I) any individual who is not a citizen of the United States or a lawful permanent resident of the United States; or

“(II) any person that is not an individual and is not organized under the laws of a State or the United States;”;

(3) in subparagraph (D), as so redesignated—

(A) in clause (ii), by striking “and” at the end; and

(B) by adding at the end, the following:

“(iv) whether the applicant was majority owned and controlled by multiple venture capital firms; and

“(v) the number of employees of the applicant.”.

SEC. 306. ACCURACY IN FUNDING BASE CALCULATIONS.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, and every 3 years thereafter, the Comptroller General of the United States shall—

(1) conduct a fiscal and management audit of the SBIR program and the STTR program for the applicable period to—

(A) determine whether Federal agencies comply with the expenditure amount requirements under subsections (f)(1) and (n)(1) of section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act;

(B) assess the extent of compliance with the requirements of section 9(i)(2) of the Small Business Act (15 U.S.C. 638(i)(2)) by Federal agencies participating in the SBIR program or the STTR program and the Administration;

(C) assess whether it would be more consistent and effective to base the amount of the allocations under the SBIR program and the STTR program on a percentage of the research and development budget of a Federal agency, rather than the extramural budget of the Federal agency; and

(D) determine the portion of the extramural research or research and development budget of a Federal agency that each Federal agency spends for administrative purposes relating to the SBIR program or STTR program, and for what specific purposes, including the portion, if any, of such budget the Federal agency spends for salaries and expenses, travel to visit applicants, outreach events, marketing, and technical assistance; and

(2) submit a report to the Committee on Small Business and Entrepreneurship of the Senate

and the Committee on Small Business of the House of Representatives regarding the audit conducted under paragraph (1), including the assessments required under subparagraphs (B) and (C), and the determination made under subparagraph (D) of paragraph (1).

(b) **DEFINITION OF APPLICABLE PERIOD.**—In this section, the term “applicable period” means—

(1) for the first report submitted under this section, the period beginning on October 1, 2000, and ending on September 30 of the last full fiscal year before the date of enactment of this Act for which information is available; and

(2) for the second and each subsequent report submitted under this section, the period—

(A) beginning on October 1 of the first fiscal year after the end of the most recent full fiscal year relating to which a report under this section was submitted; and

(B) ending on September 30 of the last full fiscal year before the date of the report.

SEC. 307. CONTINUED EVALUATION BY THE NATIONAL ACADEMY OF SCIENCES.

Section 108 of the Small Business Reauthorization Act of 2000 (15 U.S.C. 638 note) is amended by adding at the end the following:

(e) **EXTENSIONS AND ENHANCEMENTS OF AUTHORITY.**—

(1) **IN GENERAL.**—Not later than 6 months after the date of enactment of the SBIR/STTR Reauthorization Act of 2009, the head of each agency described in subsection (a), in consultation with the Small Business Administration, shall cooperatively enter into an agreement with the National Academy of Sciences for the National Research Council to conduct a study described in subsection (a)(1) and make recommendations described in subsection (a)(2) not later than 4 years after the date of enactment of the SBIR/STTR Reauthorization Act of 2009, and every 4 years thereafter.

(2) **REPORTING.**—An agreement under paragraph (1) shall require that not later than 4 years after the date of enactment of the SBIR/STTR Reauthorization Act of 2009, and every 4 years thereafter, the National Research Council shall submit to the head of the agency entering into the agreement, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives a report regarding the study conducted under paragraph (1) and containing the recommendations described in paragraph (1).“.

SEC. 308. TECHNOLOGY INSERTION REPORTING REQUIREMENTS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

(gg) **PHASE III REPORTING.**—The annual SBIR or STTR report to Congress by the Administration under subsection (b)(7) shall include, for each Phase III award made by the Federal agency—

(1) the name of the agency or component of the agency or the non-Federal source of capital making the Phase III award;

(2) the name of the small business concern or individual receiving the Phase III award; and

(3) the dollar amount of the Phase III award.”.

SEC. 309. INTELLECTUAL PROPERTY PROTECTIONS.

(a) **IN GENERAL.**—The Comptroller General of the United States shall conduct a study of the SBIR program to assess whether—

(1) Federal agencies comply with the data rights protections for SBIR awardees and the technologies of SBIR awardees under section 9 of the Small Business Act (15 U.S.C. 638);

(2) the laws and policy directives intended to clarify the scope of data rights, including in prototypes and mentor-protégé relationships and agreements with Federal laboratories, are sufficient to protect SBIR awardees; and

(3) there is an effective grievance tracking process for SBIR awardees who have grievances

against a Federal agency regarding data rights and a process for resolving those grievances.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding the study conducted under subsection (a).

TITLE IV—POLICY DIRECTIVES

SEC. 401. CONFORMING AMENDMENTS TO THE SBIR AND THE STTR POLICY DIRECTIVES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall promulgate amendments to the SBIR Policy Directive and the STTR Policy Directive to conform such directives to this Act and the amendments made by this Act.

(b) PUBLISHING SBIR POLICY DIRECTIVE AND THE STTR POLICY DIRECTIVE IN THE FEDERAL REGISTER.—Not later than 180 days after the date of enactment of this Act, the Administrator shall publish the amended SBIR Policy Directive and the amended STTR Policy Directive in the Federal Register.

SEC. 402. PRIORITIES FOR CERTAIN RESEARCH INITIATIVES.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(hh) RESEARCH INITIATIVES.—To the extent that such projects relate to the mission of the Federal agency, each Federal agency participating in the SBIR program or STTR program shall encourage the submission of applications for support of projects relating to security, energy, transportation, or improving the security and quality of the water supply of the United States to such program.”.

(b) SUNSET.—Effective October 1, 2014, section 9(hh) of the Small Business Act, as added by subsection (a) of this section, is repealed.

SEC. 403. REPORT ON SBIR AND STTR PROGRAM GOALS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(ii) ANNUAL REPORT ON SBIR AND STTR PROGRAM GOALS.—

(1) DEVELOPMENT OF METRICS.—The head of each Federal agency required to participate in the SBIR program or the STTR program shall develop metrics to evaluate the effectiveness, and the benefit to the people of the United States, of the SBIR program and the STTR program of the Federal agency that—

“(A) are science-based and statistically driven;

“(B) reflect the mission of the Federal agency; and

“(C) include factors relating to the economic impact of the programs.

(2) EVALUATION.—The head of each Federal agency described in paragraph (1) shall conduct an annual evaluation using the metrics developed under paragraph (1) of—

“(A) the SBIR program and the STTR program of the Federal agency; and

“(B) the benefits to the people of the United States of the SBIR program and the STTR program of the Federal agency.

(3) REPORT.—

(A) IN GENERAL.—The head of each Federal agency described in paragraph (1) shall submit to the appropriate committees of Congress and the Administrator an annual report describing in detail the results of an evaluation conducted under paragraph (2).

(B) PUBLIC AVAILABILITY OF REPORT.—The head of each Federal agency described in paragraph (1) shall make each report submitted under subparagraph (A) available to the public online.

(C) DEFINITION.—In this paragraph, the term ‘appropriate committees of Congress’ means—

“(i) the Committee on Small Business and Entrepreneurship of the Senate; and

“(ii) the Committee on Small Business and the Committee on Science and Technology of the House of Representatives.”.

SEC. 404. COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(jj) COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.—All funds awarded, appropriated, or otherwise made available in accordance with subsection (f) or (n) must be awarded pursuant to competitive and merit-based selection procedures.”.

MOTION TO CONCUR

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mrs. Davis of California moves that the House concur in the Senate amendment to H.R. 2965 with an amendment.

The text of the amendment is as follows:

Amendment:

Strike out all after the enacting clause and insert:

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).

The SPEAKER pro tempore. Pursuant to House Resolution 1764, the motion shall be debatable for 1 hour equally divided and controlled by the majority leader and the minority leader or their respective designees.

The gentlewoman from California (Mrs. DAVIS) and the gentleman from California (Mr. McKEON) each will control 30 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. DAVIS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and in which to insert extraneous material in the RECORD on the bill.

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

There was no objection.

Mrs. DAVIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of repealing Don’t Ask, Don’t Tell. Conditions for repeal have been met, due diligence has been done, and the time to act is here. Regardless of what critics say, the issue before us has been debated in Congress and reviewed by the Department of Defense. In fact, Mr. Speaker, Members of the House have debated repeal for some time.

My subcommittee held hearings on the issue. The first of those hearings

was on July 23, 2008, actually 15 years after the decision had originally been made, and the second hearing on March 3, 2010. Every Member of this body was welcome to attend, though few Republicans actually made the effort to be there at that time. For those of you who weren't there, the takeaway from these hearings was that the current policy does not work for our Armed Forces and is inconsistent with American values. Next, this House approved language identical to what is before us today as part of a National Defense Authorization Act. And, finally, Mr. Speaker, the DOT completed its study on implementing repeal, confirming our troops are ready for repeal.

Seventy percent of the force said that repealing Don't Ask, Don't Tell will have a positive, a mixed, or no effect on our military. Seventy-four percent of spouses said that open service would not change their support for their spouse staying in the military. And 92 percent of uniformed personnel who believe they have served with a gay servicemember in the past said their unit's ability to work together was "very good." Eighty-nine percent of our warriors on the front line said the same. In short, servicemembers and their spouses have essentially the same view as the American public: Men and women in uniform who are gay should be allowed to serve openly.

And I want to add, Mr. Speaker, that our top civilian and military officials agree with the American people. Secretary of Defense Gates has clearly stated that, with careful preparation, repeal poses a low risk to the readiness and effectiveness of our forces. Admiral Mullen shares that view. In fact, Secretary Gates' biggest concern is if Congress doesn't act to repeal, then he points out the courts will impose this change on the Department of Defense, leaving little or no time to prepare and implement the transition plan properly.

Now, it is true that the military service chiefs have reservations about the timing of repeal, but they all believe that the language has adequate safeguards and, when implemented correctly, repeal can be done and effectively managed. They acknowledge that leadership at all levels will be key. And I have great confidence, Mr. Speaker, in the leaders who are serving in our military and their professionalism. After all, we trust them with decisions about our Nation's safety. We can trust them to put this transition into practice in a way that addresses the needs of our force. But we cannot begin this new challenge until we repeal Don't Ask, Don't Tell.

Mr. Speaker, change is never easy, but it is rarely as necessary as it is today. In addition to clear statistics in favor of repeal, the survey responses got to what is at the heart of this issue—fairness.

Gay and lesbian personnel have the same values, the same values toward their service as servicemembers at

large. What is that? It is love of their country. It is honor. It is respect. It is integrity and service over self. In the words of one gay servicemember, repeal would simply "take the knife out of my back. You have no idea what it is like to have to serve in silence."

If we miss this opportunity to repeal this law, history will judge us poorly for the damage we have done to our Nation and our military. I urge Members of this House to be on the right side of history and help end Don't Ask, Don't Tell.

I reserve the balance of my time.

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

Mr. Speaker, here we go again. The Speaker has decided once more to subvert regular order in the waning moments of this Congress and bring to the floor, without consideration by the House Armed Services Committee, a repeal of Don't Ask, Don't Tell. Now, anyone who was listening earlier to the Clerk read the bill that we're discussing, it is titled: To amend the Small Business Act with respect to the Small Business Innovation Research Program and the Small Business Technology Transfer Program. Now, if you're confused, what they have done is taken this bill that has passed, stripped out what is in it, and put in Don't Ask, Don't Tell.

So today, we will debate this stand-alone measure as a priority when we don't even have a National Defense Authorization Act for 2011. The other body cannot get its work done on that bill because the leadership there placed a higher priority on repeal of Don't Ask, Don't Tell to satisfy a Democratic liberal agenda than on passing a bill designed to meet the broad needs and requirements of our national defense, as well as those men and women serving in harm's way. Where are the Democrat priorities? Certainly not with overall national security.

□ 1530

So now we are here to consider the bill by Representative MURPHY. It comes to the floor without the committee of jurisdiction being able to formally examine the issues raised by the recent DOD report and without the ability to question witnesses who would have to implement the repeal. Essentially, the high-handed actions of the Speaker forcing this bill to the floor deny the House an ability to assess the conflicting testimony and conclusions that have been rendered by the report.

So I rise in strong opposition to Mr. MURPHY's bill. He and the House leadership behind him bring it to the floor in complete disregard for the testimony of three of the four service chiefs and their warning that implementing repeal now will have a negative impact on combat readiness.

Let me repeat that: three of the four service chiefs warn that implementing repeal now will have a negative impact on combat readiness. This is something

we all ought to pay serious attention to when we are fighting two wars.

Beyond that, Mr. MURPHY brings this bill to the floor in complete disregard for the concerns of those actually in the combat arms. As we now know: "The percentage of the overall U.S. military that predicts negative or very negative effects on their units' ability to 'work together to get the job done' is 30 percent; the percentage for the Marine Corps is 43 percent, 48 percent within Army combat units, and 58 percent within Marine combat units."

If there is any doubt about where the service chiefs stand, here is what they told the other body.

General Casey, the Army Chief of Staff said, "I think it's important that we're clear about the military risks. Implementation of the repeal of Don't Ask, Don't Tell would be a major cultural and policy change in the middle of a war. It would be implemented by a force and leaders that are already stretched by the cumulative effects of almost a decade of war and by a force in which substantial numbers of soldiers perceive that repeal will have a negative impact on unit effectiveness and morale, and that implementation will be difficult."

"I believe that the implementation of repeal in the near term will: one, add another level of stress to an already stretched force; two, be more difficult in our combat arms units; and, three, be more difficult for the Army than the report suggests.

"My recommendation would be that implementation begins when our singular focus is no longer on combat operations or preparing units for combat. I would not recommend going forward at this time given everything that the Army has on its plate."

The commandant of the Marine Corps, General James Amos, said, "If the law is changed, it has strong potential for disruption at the small unit level as it will no doubt divert leadership attention away from an almost singular focus on preparing units for combat.

"Based on what I know about the very tough fight in Afghanistan, the almost singular focus of our combat forces as they train up and deploy to the theater, the necessary tightly woven culture of those combat forces that we are asking so much of at this time and, finally, the direct feedback from the survey, my recommendation is that we should not implement repeal at this time."

"What I would want to have with regards to implementation would be a period of time where our marines are no longer focused primarily on combat. All I am asking is for the opportunity to implement repeal at a time and choosing when my marines are not singularly, tightly focused on what they're doing in a very deadly environment."

Just yesterday, General Amos made clear just how strongly he feels about the threat that repeal poses to marines

in combat, warning “that a change in current policy could pose a deadly distraction on the Afghanistan battlefield. I don’t want to lose any marines to a distraction,” Amos said in a roundtable discussion with journalists at the Pentagon.

Air Force Chief of Staff, General Norman Schwartz, said, “I do not agree with the study assessment that the short-term risk to military effectiveness is low. Our officer and NCO leaders in Afghanistan in particular are carrying a heavy load. I remain concerned with the study assessment that the risk of repeal of military effectiveness in Afghanistan is low. That assessment is too optimistic. I suggested that perhaps full implementation could occur in 2012, but I do not think it prudent to seek full implementation in the near term. I think that is too risky.”

These are three of our four Chiefs of Staff.

I strongly believe that we ought to listen closely to the concerns of the service chiefs if for no other reason than they are closer to the sense and pulse of their services than are the Secretary of Defense or the Chairman of the Joint Chiefs. Moreover, I also believe that we should do nothing at this time to threaten the readiness of the soldiers, sailors, airmen, and marines who are at the tip of the spear, fighting America’s two wars. So I urge all Members to vote “no” on the Murphy bill.

I reserve the balance of my time.

Mrs. DAVIS of California. I just want to remind my colleague that it is not until the Secretary, the Chairman of the Joint Chiefs, and the President actually certify that the military is prepared to move forward. There is no defined timeline that this, in fact, would go forward.

Mr. Speaker, I yield 1 minute to my friend and colleague, the distinguished Speaker of the House of Representatives, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. I thank the gentlelady from California, the distinguished chair of the subcommittee on this important issue, for her leadership on ending discrimination in how we defend our country.

I want to salute STENY HOYER, our distinguished Democratic leader, for bringing this bill to the floor expeditiously. It has been a long time in coming, but now is the time for us to act.

I want to thank BARNEY FRANK, JARED POLIS and TAMMY BALDWIN for their leadership, and I particularly want to acknowledge PATRICK MURPHY.

Before Congressman MURPHY came to the House, he was a captain in the 82nd Airborne Division and served as a paratrooper in the Iraq war. He understands the issues of military readiness and has demonstrated tremendous leadership on the battlefield and on repealing a policy that does not contribute to our national security.

Mr. Speaker, today we have an opportunity to vote once again to close the door on a fundamental unfairness in

our Nation. Repealing the discriminatory Don’t Ask, Don’t Tell policy will honor the service and sacrifices of all who have dedicated their lives to protecting the American people.

We know that our first responsibility as elected officials is to take an oath of office to protect and defend. Our first responsibility is to protect the American people, to keep them safe; and we should honor the service of all who want to contribute to that security.

As Admiral Mullen, the current Chairman of the Joint Chiefs, said on this issue of Don’t Ask, Don’t Tell, “It is my personal belief that allowing gays and lesbians to serve openly would be the right thing to do. 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. For me, personally,” he said, “it comes down to integrity—theirs as individuals and ours as institutions.”

Seventeen years ago, in 1993, many of us were on the floor of the House. I had the privilege of speaking, calling on the President to act definitively to lift the ban that keeps patriotic Americans from serving in the U.S. Armed Forces because of their sexual orientation. Instead, we enacted the unfortunate Don’t Ask, Don’t Tell policy that has resulted in more than 13,000 men and women in uniform being discharged from the military. Thousands more have decided not to reenlist. Fighter pilots, infantry officers, Arabic translators, and other specialists have been discharged at a time when our Nation is fighting two wars.

Don’t Ask, Don’t Tell doesn’t contribute to our national security, and it contravenes our American values. That is why the support for its repeal has come from every corner of our country.

Just today, ABC News and The Washington Post released a poll showing that eight in 10 Americans say gays and lesbians who do publicly disclose their sexual orientation should be allowed to serve in the military.

□ 1540

Recently, the Department of Defense issued its report about the impact of repealing the discriminatory policy, and as the gentlelady from California, Congresswoman DAVIS, has said, the action that we took earlier on the DOD bill was an action predicated on what that report would say, and that report reached the same conclusions that a majority of men and women in uniform and a majority of Americans have reached: repealing Don’t Ask, Don’t Tell makes for good public policy—and a stronger America, I add.

But to do so, to repeal Don’t Ask, Don’t Tell, Congress must act quickly. Since courts are now reviewing the Don’t Ask, Don’t Tell policy, both Secretary Gates, the Secretary of Defense, and Chairman Mullen, Chairman of the Joint Chiefs, have called for Congress to act on the repeal with urgency so that they can begin to carry out the repeal in a consistent manner.

In May, with an over 40-vote majority, this House of Representatives passed legislation to end this discriminatory policy. It was a proud day for so many of us in the House, and today, by acting again, it is my hope that we will encourage the Senate to take long overdue action.

America has always been the land of the free and the home of the brave. We are so because our brave men and women in uniform protect us. Let us honor their sacrifice, their service, their patriotism by recommitting to the values that they fight for on the battlefield.

I urge my colleagues to end discrimination wherever it exists in our country. I urge them to end discrimination in the military, to make America safer.

Mr. McKEON. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. WILSON), the ranking member on the Military Personnel Subcommittee.

Mr. WILSON of South Carolina. Mr. Speaker, first off, in the final days of the lame duck Congress, I’m grateful to join with Ranking Member BUCK McKEON of California to be concerned that this outgoing majority has placed a higher priority on repealing Don’t Ask, Don’t Tell than actually passing the National Defense Authorization Act for fiscal year 2011. The Defense authorization bill is crucial for our national security concerns and the welfare of our troops and their families and our veterans, and has passed for 48 consecutive years in some form.

Secondly, as the son of a World War II veteran and as a 31-year veteran of the Army myself, and as the proud father of four sons currently serving in the military, I oppose attempts to repeal Don’t Ask, Don’t Tell in the waning days of this lame duck Congress. The service chiefs have urged caution because of the strenuous demands placed on our forces by the wars in Afghanistan and Iraq.

In fact, the Army Chief of Staff General George Casey, who I trained with at Indiantown Gap, Pennsylvania, said the following: I would not recommend going forward at this time given everything that the Army has on its plate. I believe that it would increase the risk to our soldiers, particularly on our soldiers that are deployed in combat.

Commandant of the Marine Corps General James Amos had this to say: If the law is changed, it has strong potential for disruption at the small unit level. My recommendation is that we should not implement repeal at this time.

Air Force Chief of Staff General Norman Schwartz: I do not think it prudent to seek full implementation in the near term. I think that is too risky.

Mr. Speaker, the committees of jurisdiction must have time to examine the 370-page Pentagon report on the impact a repeal of Don’t Ask, Don’t Tell has on military readiness, recruitment, and morale. This attempt to hastily repeal in the final days of the defeated 111th

Congress undermines that process, and I urge my colleagues to oppose this legislation in favor of hearings next year on this important issue.

Mrs. DAVIS of California. I yield 1 minute to the gentleman from Arkansas, Dr. SNYDER.

Mr. SNYDER. Mr. Speaker, my 4-year-old, Penn, and his three 2-year-old brothers, Aubrey, Wyatt and Sullivan, like all babies came into a changing world and a changing America, and yet, in many ways, when it comes to issues regarding gays and lesbians, America has already changed.

Their first home church would not have thrived without the labor and dedication of numerous gay and lesbian members. My babies' child care benefited from several loving lesbian couples who have given their time to help my wife and I raise them. And America benefits from gay and lesbian pilots, doctors, scientists, diplomats, teachers, police, firemen, EMTs, construction workers, many other professions, somehow all without distracting each other.

Implementation by repeal, not by court case, allows the military to catch up with the rest of America, and my boys and all American children will be the better for it.

Mr. MCKEON. Mr. Speaker, I yield 2 minutes at this time to the gentleman from Maryland (Mr. BARTLETT), the ranking member on the Air and Land Subcommittee of the Armed Services Committee.

Mr. BARTLETT. Thank you for yielding.

You know, one might wonder at our priorities. For the first time in many, many years we don't have time to pass the defense authorization bill, but we do have time to pull out a very controversial part of that, whose passage no one will argue will be particularly helpful; it just not might be too hurtful. Maybe that's just one more reason that our favorable ratings are somewhere between used car salesmen and embezzlers.

There's an old adage that says he who frames the question determines the answer. I've had a graduate course in statistics, and I would certainly not have reached the conclusion that was reached from these studies. Thirty percent, almost twice that in the marines, said this would be a bad idea. Fifteen to 20 percent said it would be a good idea. You can't take that 50, 55 percent that didn't have an opinion and say that it is a good idea. If I was a statistician, I would have reached exactly the opposite conclusion. Thirty percent is a huge number.

You know, no matter what my sexual orientation was, I couldn't be supportive of this. We are now fighting two wars. Three of the Joint Chiefs have said this would be very disruptive. There are a lot of prejudices out there. I might regret those prejudices, but I can't change the fact that they are out there. This will not be conducive to good order and discipline. This is not

the time to do it. There may come a time when we can do this in the military. This is not that time.

Mrs. DAVIS of California. I yield 2 minutes to the gentleman from Washington (Mr. SMITH).

Mr. SMITH of Washington. Mr. Speaker, I rise in strong support of this legislation to repeal the Don't Ask, Don't Tell policy, and just want to make four quick arguments on that.

First of all to process. This policy was implemented 17 years ago. We have studied it and argued about it ever since, particularly in the last 4 years. Under Mrs. DAVIS' leadership, we have had hearings and discussions and reports. To argue that we are rushing this and haven't thought about it completely misses the point. Argue against the bill if you want, but don't hide behind process. We have studied this to death. It is time to act. That's number one.

Number two, gays and lesbians serve in the military right now. I doubt you could find a member of the military who doesn't know a gay or lesbian that they have served with, and yet somehow they have functioned and functioned quite well. This is not introducing a brand new concept.

And third, I want you to think about the basic issue that we should always consider in the Armed Services Committee: How do the policies we advance make us safer? How does it make it safer to drive out of the military thousands of people who are serving and serving our country well? It doesn't. It takes away experience, expertise, and talent at a time when we desperately need that.

And lastly, the 55 percent of the people in the survey did not offer no opinion. They offered the opinion that they did not think it would matter one way or the other to repeal that law. So that 55 percent very clearly has no problem with serving with gays and lesbians.

It is way past time to repeal this law, strengthen our military, and allow gays and lesbians to serve our country and serve it with the bravery that they have shown along with all others who have served in our military.

Mr. MCKEON. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. AKIN), the ranking member on the Seapower Subcommittee of the Armed Services Committee.

Mr. AKIN. Mr. Speaker, some years ago, actually quite a number of years ago, I had an opportunity to witness a total solar eclipse. That's one of those things that happens very, very rarely, and it was quite interesting.

Today, we are looking at another eclipse of reason that happens very rarely. For the first time in 48 or 50 years, the Congress has not passed a defense bill. Now, that's pretty serious. First time in 48 years, no defense bill passed by Congress? And what are we here today debating? Well, we're debating the idea of an imposition of somebody's social agenda that they want to impose on the military.

□ 1550

Now, it would seem to me that, at a minimum, we would want to get down a defense bill before we got into this particular topic. But no. No. Instead, we are going to try to impose something when we are fighting two wars.

Now, the fact of the matter is that, in spite of a survey that tried to be biased, you have got the leadership of the Air Force under General Schwartz, leadership of the Army under General Casey, and the Marine Corps leadership under General Amos all opposing making these changes on this instantaneous basis, imposing this social agenda. So we are kind of experiencing something like a solar eclipse, except it's an eclipse of reason, an eclipse of common sense.

I have three sons that have served in the Marine Corps, two who are currently in the Marines. Let me tell you, even with the somewhat biased survey, 60 percent of the marines said, This is a lousy idea. So why are we, at the end of the year, when we have no defense bill at all, going to get into some of these social agendas? I don't think this is what the American public expects Congress to be doing. I don't think we need an eclipse of reason.

Mrs. DAVIS of California. I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Speaker, in considering their position on this bill, Members should listen to echoes of the past, leaders of the present, and consider some of the voices that have been silenced.

In the past, we heard: If we should end this policy, it would be a tragedy of great proportion. I fear such a step, if it were carried out, would remove our armed establishments from the ranks of history's greatest.

Those are the words of a Senator in 1948 talking about the racial integration of the Armed Forces. They have thrived and prospered since that just and correct decision.

Listen to this voice: In the almost 17 years since Don't Ask, Don't Tell was passed, attitudes and circumstances have changed. I fully support the approach presented by Secretary of Defense Gates and Admiral Mullen.

That is the voice of Colin Powell, retired Chairman of the Joint Chiefs of Staff, someone who experienced all of the unit leadership that is being talked about on the floor this afternoon.

But I would invite the Members to think about the silenced voices, the men and women who lay maimed in military hospitals who are gays and lesbians who serve their country and have been injured in the process, who cannot have a visit from the person they love most in the world because they have had to hide their sexual orientation. And I would urge the Members to consider the silenced voices who lay beneath white crosses in Arlington Cemetery and other places of

honor around the world who are gays and lesbians who have been dishonored by a practice that says they cannot say who they really are, even though they love their country so very much.

This is an act of basic decency and justice. It is long overdue. For those who quarrel with time, I agree with their quarrel. This should have been done a long time ago. Today is the day to get it done. Vote “yes.”

Mr. McKEON. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. LAMBORN), a member of the House Armed Services Committee.

Mr. LAMBORN. Mr. Speaker, I, too, am concerned that repealing Don’t Ask, Don’t Tell would have a profoundly negative impact on the readiness and effectiveness of our military, particularly among our front line combat forces.

The survey on repealing Don’t Ask, Don’t Tell was fundamentally and fatally flawed. Rather than asking the question, “Should the law be repealed?” the survey presumed the law would be repealed and asked how our Armed Forces would implement the presumed change.

Additionally, the survey itself did reveal widespread concern about overturning the current law, but it was largely ignored in the mainstream press coverage. For example, among personnel who said they have served with a leader they believed to be gay or lesbian, 91 percent of those who believe that this affected unit morale say that that impact was mostly negative or mixed. And 67 percent of our frontline marines in combat arms units predict working alongside a gay man or lesbian will have a negative effect on their unit’s effectiveness. We must not ignore the concerns of our combat troops.

It is irresponsible for Congress to fail to pass a defense authorization bill for the first time in almost 50 years and at the last minute attempt to pass a repeal of Don’t Ask, Don’t Tell to placate some within the Democrat liberal base. The United States military is not the place for social experiments. Congress should be focused on ensuring that our brave men and women have the resources they need to protect this great Nation instead of playing partisan games.

Mrs. DAVIS of California. I yield 1 minute to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank the gentlewoman for yielding.

Mr. Speaker, I have just two words for you, my colleagues: Vote “yes.” Vote “yes” to end Don’t Ask, Don’t Tell. Vote “yes” for equality. Vote “yes” because discrimination is wrong. Vote “yes” because you believe in the beloved community. Vote “yes” because every American deserves the right to serve their country. Vote “yes” because the survey results are in, and the military leaders say the troops are ready. Vote “yes” because,

on the battlefield, it does not matter who you love only the flag that you serve. Whatever your reason, I urge you, each of you, each of my colleagues to vote “yes” today, to stand up and vote “yes.” Vote “yes” because it is the right thing to do.

Mr. McKEON. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. FRANKS), a member of the House Armed Services Committee.

Mr. FRANKS of Arizona. I thank the gentleman.

Mr. Speaker, I believe all of us in this room would agree that we have the greatest people in our military forces in the world. They are the most noble human beings in our society. Of all of the things that people do for their fellow human beings, putting themselves at risk for the freedom and the happiness and the hope of others is the most profound gift that they can give to humanity. And I believe that our first purpose here in this place is to make sure that those who protect freedom for the rest of us are the most well equipped, have the most important materials and weapons and capability that we can possibly give them.

Now, I know that there are some major disagreements on this policy, but the leaders of our military have only asked us one thing, and that is to give them time to study and to deal with this in their own way, in a way that will not be forcing this policy upon them in a time of war. And, Mr. Speaker, I would suggest that we owe them that courtesy. They do not fight because they hate the enemy. They fight because they love all of us. And if we cannot give them the simple courtesy of giving them the opportunity to deal with this policy in the way that they have asked, then I really feel like we have failed them.

Mr. Speaker, I would also say that the military leaders, most of the commanding generals have said that this will weaken our military, that it will reduce the chances of them being able to fight and win wars with the least casualties on both sides. I believe that they are in a position to know whether that’s true or not, Mr. Speaker. And I would just urge this body to give those who give it all for us the chance to deal with this in their own way and vote “no” on this repeal.

Mrs. DAVIS of California. I yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

(Mr. LANGEVIN asked and was given permission to revise and extend his remarks.)

□ 1600

Mr. LANGEVIN. Mr. Speaker, I rise today in strong support of the Don’t Ask, Don’t Tell Repeal Act of 2010. At no time, and certainly not at this critical juncture, should we be discharging qualified, dedicated servicemembers who are willing to defend, serve and sacrifice for our Nation.

The Don’t Ask, Don’t Tell policy is clearly costly, it is ineffective, and it

is unnecessary. And to repeal clearly makes a major step toward ending discrimination.

The Department of Defense’s own internal survey has contradicted the claim that allowing gays and lesbians to serve openly would somehow hamper military readiness. It would not. And my own sense of morality clearly contradicts the idea that there’s anything justifiable about forcing these men and women to live in the shadows or to live a lie just to serve.

At a time when our Nation’s military needs dedicated Americans to serve, with great professionalism, with all the years of training that has been invested in them, clearly this is the time now where we should repeal this policy.

I want to thank Congressman MURPHY for bringing this critical issue to the floor and urge my fellow Members to support our national security by repealing this outdated and damaging policy.

Mr. McKEON. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HUNTER), a gentleman who joined the Marine Corps right after 9/11, had two deployments to Iraq, one in Afghanistan in combat situations. We are very proud of this young man.

Mr. HUNTER. I thank the gentleman from California and the ranking member of the Armed Services Committee.

Let me start out by just quoting General Amos a couple of days ago, who’s the commandant of the United States Marine Corps on this issue. He said, I don’t want to lose any marines to distraction. I don’t want any marines that I’m visiting at Bethesda Naval Medical Center with no legs to be the result of any type of distraction. Mistakes and distractions cost marine lives. So there’s that quote from the commandant of the United States Marine Corps.

The marines are in part of the heaviest fight in Afghanistan right now, and they were part of the heaviest fight in Iraq between 2004 and 2007.

This is not about race. Let me quote somebody else that we’ve been quoting, General Colin Powell. General Colin Powell said, skin color is a benign, non-behavioral characteristic. Sexual orientation is perhaps the most profound of human behavioral characteristics. Comparison of the two is a convenient, but invalid, argument.

It sounds good to make that comparison, that this is like the civil rights movement. The problem is the United States military is not the YMCA. It’s something special. And the reason that we have the greatest military in the world is because of the way that it is right now. We are not Great Britain. We are not France; we are not Germany. And the Marine Corps is not the place, nor is the Army, the Navy, or the Air Force the place to have a liberal crusade to create a utopia of a liberal agenda and experiment during wartime while men and women are risking their lives.

And probably the biggest problem that I have with this repeal is this: the

Armed Services Committee, in the 2 years that I've been in Congress—my last tour was in Afghanistan in 2007. Since I've been in Congress we have not had one full committee hearing on IEDs, on roadside bombs, the number one casualty in Afghanistan.

This is a distraction. This is a waste of time, and every second I think that we spend on this and that Secretary Gates spends on this and that our commanding generals spend on this issue means that we're not focusing on what's important, that is, winning the mission in Afghanistan and bringing our men and women home safely. This does neither.

The SPEAKER pro tempore (Mr. SERRANO). The time of the gentleman has expired.

Mr. McKEON. I yield the gentleman an additional minute.

Mr. HUNTER. This does not help us win the mission in Afghanistan. This does not bring our men and women home any faster. It doesn't keep them safer. It doesn't build better weapons. It doesn't train them any better. It's nothing but a distraction right now so we don't focus on the real issue at hand, which is winning in Iraq and Afghanistan and bringing our men and women home. That's what's important.

Mrs. DAVIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. MURPHY), who is the sponsor of the bill.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Speaker, today we have a chance to do what is right, not just for gay and lesbian troops serving in our military, but what is right for national security.

When I deployed to Iraq as a captain with the 82nd Airborne Division, my team and I didn't care about someone else's sexual orientation. We cared whether everyone could do their job so we could all come home alive.

Already, dozens of other nations allow their troops to serve openly, including our greatest military allies, Great Britain and Israel, with no detrimental impact on their units' cohesion.

It's an insult to the troops I served with and to all our servicemembers fighting in Iraq and Afghanistan to say that they are somehow less professional or as mission capable as the members of these foreign militaries.

Now, we have heard every excuse under the sun. First it was, well, we need to study the issue. Well, the Pentagon finished their study and learned what we've known all along: repeal will not harm our military's operation.

Then it was we need to hear from our military leaders and our troops. They have spoken. The Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the Commander in Chief, and the majority of our troops believe this policy should go.

Enough. Enough of the games. Enough of the politics. Our troops are the best of the best, and they deserve a Congress that puts their safety and our collective national security over rigid

partisan interests and a closed-minded ideology.

The Chairman of the Joint Chiefs of Staff, Admiral Mike Mullen testified that this issue comes down to integrity, the integrity of our troops and the military as an institution.

Well, this is also about the integrity of this institution.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mrs. DAVIS of California. I yield the gentleman an additional 10 seconds.

Mr. PATRICK J. MURPHY of Pennsylvania. This is also about the integrity of this institution. This vote is about whether we're going to continue telling people willing to die for our freedoms that they need to lie in order to do so.

I urge my colleagues to vote "yes" on repeal.

Mr. McKEON. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. FLEMING), a member of the House Armed Services Committee.

Mr. FLEMING. Mr. Speaker, I rise today to oppose the repeal of Don't Ask, Don't Tell. This has been the policy of the military. It's worked very well for many years. There's been a paucity of study of this, and finally, when we approach the period in which it was going to be once again brought up in Congress, there was a study commissioned which asked questions of many, many people. However, the study was flawed from the get-go. First of all, it did not ask whether this policy should be implemented. It asked the question how should it be implemented.

I am a physician. I come from a medical background. If ever we try to determine what the effective way of treating a disease is, we would never start with the presupposition that this treatment is already the accepted treatment of that. No, in fact we go and study that. This was not done.

But let's talk about the questions a little bit in the study, the study that came out on November 30, really only a few days ago. The question is actually asked in the survey, it asks active duty members to actually divine what they thought was going to happen as a result of this policy. That's an impossibility.

It also sets the stage for social experimentation, a time in which we're at war, when we have all of the logistical problems that go on, and yet here we are dropping in the middle of it this bomb of social experimentation.

Even in times of peace, when we have a major deployment, we actually have a mortality rate. People die even when we have peaceful exercises. But in a day when you're actually at war, just think of the additional headaches of all of the logistical problems that go along with implementing such a policy.

Then there's a question of constitutionality. Gee, how can we do something with the military that we don't do with people at large?

And the Supreme Court has spoken out on this, and they've said that the military is a unique organization.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. McKEON. I yield the gentleman an additional 30 seconds.

Mr. FLEMING. The military is indeed a unique organization, and that such restrictions, such policies can indeed go forward.

I would just like to say, in wrapping up, a couple of important statistics that I think should be mentioned, and that is that 60 to 67 percent of Army and Marine combat members said that this would be a major disruption if this were implemented.

Seventeen percent of the spouses said they would urge their active duty member to get out. And that certainly negates the argument that somehow we would not lose too many soldiers in this.

So I urge my colleagues today to vote against this.

□ 1610

The SPEAKER pro tempore. The Chair will note that the gentleman from California has 9 minutes remaining; the gentlewoman from California has 13½ minutes remaining.

Mrs. DAVIS of California. I yield 1 minute, Mr. Speaker, to the majority leader of the House of Representatives, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentlewoman for yielding, and I rise in strong support of this amendment.

It is never too late to do the right thing. And that is the proposition that is before this House, the proposition that we are going to, as Barry Goldwater said, worry about whether people can shoot straight, not whether they are straight.

What he meant by that is: Are they competent? Are they committed? Are they patriotic? Are they willing to fight? Have they trained well? Are they prepared to defend our country? That is the litmus test.

Now, that wasn't always the litmus test. There were some times when that group over there could fight over there and the other group over here could fight over here because, after all, if we mixed those groups, it would be damaging to the national security. That proposition was wrong then and it is wrong now.

We passed, some time ago, a defense bill. We passed a defense bill through this House. We adopted an amendment to that bill. That bill is still in the Senate. It is still in the Senate, very frankly, because the minority party has not allowed it to move. It has the votes to move; it simply doesn't have almost two-thirds to move.

This May, the House approved the repeal of our Armed Forces' policy on Don't Ask, Don't Tell adopted some 17 years ago by a vote of 234–194. We voted to end the outdated policy that, frankly, undermines our national security, pending a comprehensive Defense Department report that would review the issues associated with implementing

repeal and study our troops' attitudes towards open service. That study was undertaken. That study has been reported. That study showed that some 70 percent of the members surveyed said, No problem. Not an issue. Again, I am worried about somebody who can shoot straight, who has the courage and willingness and the commitment to defend our country. That, from their perspective, is the criteria.

That report was released on November 30, as I said, and included an exhaustive survey of the views of more than 115,000 people.

When we take a poll, you are talking about 500, maybe 1,000, if it is a big poll, and you rely on that and you make some pretty important decisions based upon those polls. You spend money based upon those polls. You decide to run based upon those polls. You decide to emphasize issue A or issue B based upon those polls. And, frankly, in some respects, your career depends upon that. So you rely on those surveys.

This survey, 70 percent came to an unambiguous conclusion, quote, "The risk of repeal to overall military effectiveness is low."

Now, I have heard Members on the other side of the aisle who have debated this issue say, Oh, no, that is not right; and, very frankly, I have heard generals quoted. But this is, after all, who the generals are concerned about, the people in the field, the men and women who are actually in the battle. And they come back and say, No problem.

Our troops stand with our military leaders and the vast majority of Americans in calling for repeal. The majority of them would be baffled by the fear with which some of my colleagues tar them every time Don't Ask, Don't Tell is discussed.

Some say that our troops are unwilling or apprehensive about serving with gays in the military; yet 92 percent of them who have done so have called that experience very good, good, or neutral.

Now, let me say to my friends on both sides of the aisle, you are serving with gays in this body. You are interfacing with gays every day in the staffs on both sides of this Capitol. You may know or you may not know, but disabuse yourself of the theory that somehow you are bothered by that, because you are not. They serve here with distinction, they serve here with dedication, and they serve here at no risk to any one of us or their colleagues either as employees, as Members, or as visitors to this Capitol. There are surely countless stories that prove that point.

"We have gay men and women," one fighter said, "in my unit. He is big, he is mean, and he kills lots of bad guys. No one cared he was gay." Why? Because what they focused on was whether or not he did the job, whether he was patriotic, committed, and effective. That is the test. That ought to be the test for every American: the test of

character, the test of performance, the test of compliance with the rules and regulations and the laws. That ought to be our test. That certainly is what we expect, I think, of others in judging us.

Despite all of this, the Senate has failed to pass the defense authorization bill. As I said, we passed one last June, I think.

Above all, we must pass this bill because our choice is between a thoughtful, responsible repeal plan developed over months of study or a sudden disruptive review imposed by the courts. Our military leaders understand that the courts are likely to overturn Don't Ask, Don't Tell, and that is exactly why they are urging Congress to pass a legislative solution instead.

I tell my friends, I talked to Secretary Gates earlier this week, and he said, Pass this bill. And he said, Pass this bill because we need a legislative, not a court-imposed, solution.

Admiral Mike Mullen, who supports repeal, wants it to come, and I quote, "through the same process with which the law was enacted rather than precipitously through the courts."

So I tell my friends that the Chairman of the Joint Chiefs and the Secretary of Defense, who, by the way, as we all know, is not of my party, but he is not a partisan. He is a promoter of the military security and welfare of the troops. And I refer to Bob Gates, for whom I think we all have a great deal of respect and confidence.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding and for his well thought-out arguments on this issue.

What does the gentleman think about the actual service chiefs, the Marine Corps Commandant, the Army Chief of Staff, the actual generals who lead the military men and women that we speak about, being against the repeal, especially now?

Mr. HOYER. Reclaiming my time, I will tell you what I think about that.

Their concern seems to be for the morale of the troops, of the performance of the troops, which is exactly why we said, and I tell my friend, in May, Let's ask the troops. And that is why we surveyed 115,000 of the troops and said, Is this a problem? And they responded, overwhelmingly, it is not a problem.

There are some who apparently do not accept that. I understand the gentleman. I am not necessarily surprised by that. My friend and my colleague, I don't know exactly your age. You are much younger than I am. This is not a new phenomenon, I tell my young friend.

□ 1620

When we have made changes in the service sector in the past, there had been voices who said this would undermine morale and performance. I sug-

gest to my friend, it did not. And I tell my friend, for those who believe it will, I believe this survey indicates the contrary, and I believe the contrary, based upon experience, based upon observation, and based upon history.

It is a hard choice, it seems to me, to reject—to reject—a considered, thoughtful, planned approach to implementing a policy that Secretary Gates and Chairman of the Joint Chiefs Mullen believes is going to happen. And I will tell my friends in this body, my conversations with Members of the Senate indicate that there are sufficient numbers in the Senate to pass this policy.

More than that, Mr. Speaker, it is time to end a policy of official discrimination that has cost America the service of some 13,500 men and women who wore our uniform with honor. They were not discharged because they did not perform their duties or because they were not honorable in their service; they were discharged simply because they were gay.

One of those young men who deserves better is a constituent named Ian Goldin. Actually, he was not dismissed, but I will tell you his story. He wrote to me a compelling letter, and I want to close with his words:

"Congressman HOYER, I joined the Army Reserve Officers' Training Corps last year after President Obama reaffirmed his campaign pledge to end Don't Ask, Don't Tell. I have always known that I wanted to serve my country in the Armed Forces, but one thing was always holding me back: I'm gay.

"I've been open about that part of my life since high school, and I was not willing to go back into the closet. But after the President promised to end Don't Ask, Don't Tell, I decided to finally join ROTC, hopeful that I would not have to hide my sexuality for long. I quickly realized that I had made the right choice. Although I was a new recruit, I was already in the top of my class of cadet privates first class in land navigation.

"But it became increasingly difficult to hide such an important part of who I am." Because, of course, the policy that we have in place asks people to lie. Honor, duty, country. Lying is not a component part of that philosophy. But that is what we expect people, if they want to serve their country in the Armed Forces of the United States, to do.

"After learning about the continual delays in Congress, I decided I needed to quit ROTC until the ban was repealed.

"I have spent this past semester studying abroad, and I will spend next semester in Cairo. I have invaluable experience abroad. I'm an advanced Arabic speaker. I'm an "A" student at a top national university.

"Most importantly," he says, "I want to serve my country. When I can serve openly, I will finish ROTC and be commissioned as an officer in the U.S. Army. And there are many others like me—I've met them."

He concluded, "So please, do whatever you can to repeal Don't Ask, Don't Tell."

Ladies and gentlemen, we have an opportunity to accept those who are willing, those who are able, those who want to serve their country, yes, in harm's way. Let us take this action. It is the right thing to do and the right time.

In closing, let me say to my friend Mr. McKEON: Mr. McKEON, when I ended my debate, when we passed this in May, you will recall you mentioned General Colin Powell. I did not respond. But as you know, General Colin Powell over these 17 years has changed his perspective. I didn't respond at that time to that fact, but he has done so because he has come to the conclusion that now is the time to act—for our country, for our principles, and for our men and women in the service.

Mr. McKEON. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, we have had a number of questions asked. One question that we did not just hear that was expressed as important is, is a person an impediment to the good order and discipline of the military or the military's mission? That is important.

I heard the Speaker say earlier, in essence, we need to allow or honor the service of all those who want to serve. That is not true. Every day people who want to serve are not allowed to serve because they will be an impediment.

We heard the leader talk about how we can work together in this body, even though there are homosexuals in this body. That is right. This isn't the military, and I can promise you, if people did some of the things that have been done by Members of this body, they would never have been allowed and would not be allowed to continue serving in the military. We have that margin to work with here. In the military there is the military mission. There is not that margin to work with. We are talking life and death.

Now, we have heard, how does it make us safer to lose thousands from the military? A good question, because the hundreds I have heard from that I didn't bring their quotes down here have said, you pass this, and I will tell you personally, but I will not say it in the presence of my commander, you pass this, I will not reenlist. I won't say it publicly because it may affect my assignment after that, because we know what this President, this Commander in Chief wants, just as does the Secretary of Defense.

The two people that the President appoints said let's do it, because they know the President appointed them. He is their boss. And then all of those who do not answer directly to the President, they said this is a terrible idea.

You want an accurate poll? Take one where military members can answer privately, with no ability of the commanders to figure out who answered

where. And then let's find out how many thousands or tens of thousands or hundreds of thousands we can lose with this activity. That is important.

Now, we were told Don't Ask, Don't Tell is inconsistent with American values.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. McKEON. I yield the gentleman an additional 1 minute.

Mr. GOHMERT. I would submit the military is inconsistent with American values. It does not have freedom of speech, it does not have freedom of assembly, it does not have the freedom to express its love to those in the military the way you can out here, because it is an impediment to the military mission. You can't do that. Can you imagine military members being able to tell their commander what they think of him, using freedom of speech, or assembling where they wish? It doesn't work.

So this is one of those issues that is so personal to the military, we need to have an accurate poll. And to my friend who said history will judge us poorly, I would submit if you will look thoroughly at history, and I am not saying it is cause and effect, but when militaries throughout history of the greatest nations in the world have adopted the policy that it is fine for homosexuality to be overt, if you can keep it private and control your hormones, fine; if you can't, that is fine too, they are toward the end of their existence as a great nation.

Let's look at this more carefully before we harm our military.

Mrs. DAVIS of California. I yield 1½ minutes to the gentleman from Texas (Mr. REYES).

Mr. REYES. I thank the gentlelady for yielding.

Mr. Speaker, I rise today in support of the Don't Ask, Don't Tell Repeal Act, and I do so as a proud veteran who served in Vietnam a long time ago. I can tell you, gays served proudly in Vietnam with us, just as gays are serving in today's military. But what we are arguing about here is the inconsistency of forcing people to lie about who they are.

I feel strongly that all Americans that are fit and willing to serve ought to have a fair and equal chance to volunteer for military service. Lifting the ban to allow our troops to serve openly is consistent with the American values which the previous speaker spoke about that our military members risk their lives to defend.

I can attest to the fact. I represent a large military facility in my district, so I have the opportunity to ask the troops for their opinion on this particular issue.

□ 1630

Their opinions track with the study that was done. They don't care what sexual preference their buddy might be. They only care that he or she performs when they are in combat—when they have to have their back and they have

to depend on them having their back. It is as simple as that.

This is an idea whose time has expired, like my time is about to expire. I urge Members to vote for repeal of this act.

Mr. McKEON. Mr. Speaker, might I inquire of the time left on both sides.

The SPEAKER pro tempore. The gentleman has 6 minutes remaining. The gentlewoman has 10¾ minutes remaining.

Mr. McKEON. Maybe we can even the time out.

Mrs. DAVIS of California. Mr. Speaker, I yield to the gentlewoman from California (Ms. CHU) for the purpose of a unanimous consent request.

(Ms. CHU asked and was given permission to revise and extend her remarks.)

Ms. CHU. I rise in strong support of this bill to repeal the flawed Don't Ask, Don't Tell policy.

Alexander Nicholson was a bright young man who joined the Army's Intelligence Unit. He was a great asset, speaking 5 different languages, including Arabic.

One day, a fellow linguist discovered a letter he had written to his boyfriend. It was in Portuguese, so he thought no one could understand it. Well, that linguist did and outed him. Instead of being discharged, Alexander resigned . . . 6 months after 9/11 when they needed someone with his ability the most.

Since Don't Ask, Don't Tell, 13,000 soldiers have been discharged for no other reason than their sexual orientation. It has cost over \$360 million to replace them, an utter waste of dollars and talent. That's why I've stopped calling this policy "Don't Ask, Don't Tell" and instead label it what it really is: "Doesn't Work, Never Has."

Let's stop this misguided policy from hurting countless men and women who serve our country. Our country should praise the men and women who keep us safe—not persecute them.

Mrs. DAVIS of California. I yield 1 minute to the gentleman from Pennsylvania (Mr. SESTAK).

Mr. SESTAK. When I arrived off Afghanistan in charge of an aircraft carrier battle group, I knew as an admiral that a certain percentage of that carrier battle group in combat was gay. I always wondered how one could come home and say they don't deserve equal rights.

I respect the differing opinion. It was 5,000 sailors on that aircraft carrier that I commanded. Their average age is 19½, and they just don't care. I honestly believe that when those who you are supposed to be leading are actually ahead of the leaders, leaders lose credibility.

I joined up during Vietnam. We were having race riots on our aircraft carriers then. We worked through that. That night off Afghanistan when I first arrived, we had never had women pilots. I put up one woman with seven men. She was the one that disobeyed

my orders and dove without permission and saved four Special Forces.

My point is we don't do this just for equality. We do it because we want the best of all, whether it is race, whether it is gender, or sexual orientation. That is why I support the repeal of Don't Ask, Don't Tell.

Mrs. DAVIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, first let's strip away the smoke screen: the argument that we are holding up the defense bill. It passed this House over the objection of almost every Republican, and it has twice been filibustered in the Senate when the Senate leadership tried to bring it up. It is the Republican Party that has been holding it up because of their opposition to a repeal of Don't Ask, Don't Tell.

So let's talk about the merits. First of all, we are told it would be a distraction to repeal it. It is a grave distraction to maintain it. People have said, the gentleman from Texas: Well, we know there are gay and lesbian people now serving. That's right. What they are telling us, Mr. Speaker, is let's have people serving who are in fear of being thrown out. How much of a distraction is that? What sense does it make to say, okay, you come in here but we are going to watch you, and you may get kicked out? And what about the money that is spent? What about the good people that are lost, translators and others?

The maintenance of this policy is the distraction. The repeal of it would not be. Why are we told repeal of Don't Ask, Don't Tell would be a problem?

People keep quoting Colin Powell. Let me quote him from 20 years ago when I asked him about this. I asked him if the problem was that gay and lesbian and bisexual members of the military weren't good at their jobs. He said: No, that is absolutely not the case. So let's not have any libel of the honorable gay and lesbian and bisexual people who want to serve their country and are being rebuffed by people on the other side.

No one is arguing it is their fault. What we are told is that there are other people who are so offended by their very presence. The code of military justice will stay in place. Anybody who misbehaves sexually is subject to being kicked out quite summarily. We are told that their very presence will annoy people and will distract them.

What does that say about our young military? The gentleman from Texas (Mr. GOHMERT) said, well, anytime a military has allowed gay people in, that has been the end of civilization. Tell that to the Israeli Defense Forces. I guess he may be technically correct; they didn't change it, they have always had that. They need every human being they can get who is willing to serve, whether willing or not. And the Israeli Defense Forces have suffered no deterioration.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mrs. DAVIS of California. I yield the gentleman an additional 10 seconds.

Mr. FRANK of Massachusetts. I must say, it is not that the young members of the military who face death, who face the destruction of their comrades, they are not the ones who are upset by this. It is our colleagues on the other side who are reputing their unease at the presence of gay and lesbian people to the young people in the military who I think are better than that.

Mr. MCKEON. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. PENCE), Republican Conference chair.

(Mr. PENCE asked and was given permission to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, I appreciate the distinguished ranking member for yielding and the passion that has been expressed on both sides of this issue.

But let me state the obvious, if I can. We are a Nation at war. We have soldiers that are in harm's way at this hour, forward deployed, at Bagram and Helmand province, places I visited just a few short weeks ago. And so this business is not taking place in a vacuum. We are a Nation at war.

And let me say to the distinguished gentleman from Massachusetts who just spoke who suggested that those of us who oppose a repeal of Don't Ask, Don't Tell would commit some libel against Americans with whom we differ on life-style choices, nothing could be further from the truth. As a conservative, I have a particular world view about moral issues. They do not bear upon this question. This is an issue exclusively that is about recruitment, readiness, unit cohesion, and retention because we are a Nation at war.

Now, I am not a soldier, but I am the son of a combat soldier. I think we should listen to our soldiers as we continue this debate. In recent key findings of the Pentagon study, overall U.S. military predicted negative or very negative effects, 30 percent. The percentage of the Marine Corps predicting negative effects, 43 percent; 48 percent within the Army; 58 percent within Marine combat units.

We know that the leadership has testified before the Congress. Air Force Chief of Staff General Norton Schwartz said: I do not think it prudent to seek full implementation. Too risky, he said.

Of course the most ominous of all was a suggestion by Army Chief of Staff General George Casey who said: increase the risk on our soldiers.

Men and women, no one in this House, would desire to increase the risk on our soldiers at a time of war. I know that.

And so I rise today simply to say let's remember the time in which we live. Let's remember the first obligation of the national government is to provide for the common defense. I be-

lieve the first obligation in providing for the common defense is to provide the circumstances and the resources for those who wear the uniform and carry the weapon and provide the shield under which we live and our freedom survives. We are a Nation at war. Reject this measure. Don't Ask, Don't Tell was a successful compromise in 1993; and so that compromise should remain.

Mrs. DAVIS of California. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. WALZ) who happens to be the highest ranking enlisted servicemember serving in Congress.

Mr. WALZ. Mr. Speaker, I thank the gentlewoman from California and my friend from Pennsylvania. The greatest privilege I have had in my life has been serving this country in uniform for 24 years and helping to preserve the freedoms and liberties of this country for all Americans.

I had the honor of training soldiers from all walks of life, and at the end of the day my top priority was whether they could meet the standards and do the job. As a career enlisted soldier, I know how important it is to fill our military with qualified, professional, motivated volunteers. And we are blessed in this Nation that our young people are signing up.

I have no doubt that the brave men and women who serve our country have the professionalism to end this discriminatory policy. I am offended by the idea and the notion that they are not able to handle change in policy. These men and women make up the greatest fighting force the world has ever seen. They accept and complete missions every day that require incredible discipline and bravery.

This discriminatory policy is hurting our military readiness and weakening our Nation, such as releasing dozens of Arabic linguists simply because they were homosexual.

Serving in the military, we believe in duty, honor and country. Asking these brave people to lie goes against all of our values. Our military heroes know that it is time to end this policy, the American people know it is time to end this policy, and in a few moments we will take the step to end it.

□ 1640

The SPEAKER pro tempore. The Chair will note that the gentleman from California has 3 minutes remaining. The gentlewoman from California has 6½ minutes remaining.

Mr. MCKEON. Mr. Speaker, I yield 1 minute to the gentleman from Indiana, who just recently retired after 30 years of service as a colonel in the Army, Mr. BUYER. He also serves as ranking member on the House Veterans' Affairs Committee.

Mr. BUYER. I thank the gentleman. Let me also thank IKE SKELTON, who came to this compromise and led that back in 1993, when I was a freshman right out of Desert Storm, came here to the Congress and began to learn about compromise.

Something that's being thrown around here today that those of us who have service in the military understand, combat effectiveness is measured by small unit cohesion. It is measured by your buddy to your left and to your right. That's the reality. This Congress is about to dump a policy onto the services which the service chiefs have already told us can have a detrimental impact upon our warriors in harm's way. Why are we doing this? This is discrimination.

The Supreme Court allows Congress to discriminate on how our services are put together—if you're too tall, if you're too heavy, if you don't run fast enough, if you can't do the pushups, if you're color blind. There's a whole array. Why do we do that? Because we want the very best able and fit to do what? To go fight and defend America.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. McKEON. I yield the gentleman 15 additional seconds.

Mr. BUYER. I end with this: Tolerance does not require a moral equivalency. Think about it. This is a bad thing to repeal Don't Ask, Don't Tell.

Mrs. DAVIS of California. I yield 1 minute to the gentleman from Ohio (Mr. BOCCIERI), who is a major in the Air Force Reserves.

Mr. BOCCIERI. President John Kennedy said, "A man may die, nations may rise and fall, but ideas live on." The idea to which many of our troops have fought to preserve and protect for our great Nation is the idea of freedom—the freedom to live in a country where you can be anything you want to be, the freedom to do anything you want to do, and the freedom to go anywhere you want to go.

Today, our troops are over in Iraq and Afghanistan so that the people of those nations can have even a little of what we take for granted. The mark of a great country is that men and women, when called, will leave everything behind, sacrifice everything for someone, something, someplace they consider greater than themselves.

While the cause of such a noble idea as freedom lives on and our troops sacrifice daily on foreign lands, we must maintain constant vigilance for life here at home. The issue before us today is one of which the very soldiers who fight to spread the idea of freedom to countries that don't know it find an ever-fleeting policy that denies them the opportunity to be who they want to be and the freedom to do what they want to do.

As one who spent 17 years in the military, flying wounded and fallen soldiers out of Iraq and Afghanistan, the finest men and women have served our Nation, I find it regrettable that, for some, the freedom that they're fighting for is not evenly applied.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mrs. DAVIS of California. I yield the gentleman 10 additional seconds.

Mr. BOCCIERI. As Admiral Mullen has said, it is troubling that men and

women from our country have to lie about who they are to defend the truth and freedom of our war.

The courts have spoken. The military leadership have spoken. Our military has spoken. It is time for Congress to speak that, when you take an oath to die for our freedom, it matters not who you love at home but, more importantly, that you love our country.

Mr. McKEON. Mr. Speaker, I reserve the balance of my time.

Mrs. DAVIS of California. I yield 1 minute to the gentlelady from California (Ms. SANCHEZ).

Ms. LORETTA SANCHEZ of California. I have had the opportunity, in 14 years on the Armed Services Committee, to meet a lot of our military men and women. I do not believe that they are so fragile that having a gay person serve next to them will kill them.

I rise today to express my strong support for the Don't Ask, Don't Tell Repeal Act of 2010. The mission of our Armed Forces is to deter war and to prevent and to protect the security of our country. If a soldier is capable and willing to sacrifice his or her life to honorably serve this country, that soldier is truly defending this country.

If a gay soldier is capable and willing to fight for this country, that soldier, too, is protecting the security of this country. If that soldier is willing to fight for our country, but our government denies him or her the right because the soldier is gay, then it is not the gay soldier who puts our security at risk, but this government.

Mr. McKEON. Mr. Speaker, how much time do we have remaining?

The SPEAKER pro tempore. The gentlewoman has 1½ minutes remaining. The gentleman has 4 minutes remaining.

Mr. McKEON. Mr. Speaker, I reserve the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I yield 1 minute to the gentlelady from New Hampshire (Ms. SHEA-PORTER).

Ms. SHEA-PORTER. I have been listening to my colleagues on the other side point out that this is a Nation at war. Yes, it is. It has been at war for 9 long years, and I wish this Congress would talk about these wars and the cost. But I want to talk today about the cost to the men and women who are kicked out of the military, who have done nothing wrong, have been serving the country all of this time, put their careers on the line, put their lives on the line, and they're being thrown out for something that they have nothing to do with.

I was a military spouse. I can't ever remember anybody getting upset about whether people were gay or straight. And people knew. Of course they know. But what we judged each other on was a code of behavior. Behavior. And when we see men and women who are behaving and serving our country honorably, it is absolutely disgraceful to throw them out.

So, if we want to talk about the military and the war, then I think we

should be talking about the military and the war and the cost, not the people who are fighting it or the people who have served this country so honorably.

Mr. McKEON. Mr. Speaker, I continue to reserve the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I yield 1 minute to the gentlelady from Wisconsin, Ms. TAMMY BALDWIN.

Ms. BALDWIN. I rise to urge my colleagues to do the right thing and act to repeal Don't Ask, Don't Tell. After 17 years of this policy, we know that it is unjust, discriminatory, and, in my opinion, un-American. Integrity, after all, is a hallmark of military service. Yet we have, in statute, a policy that requires some in our military to conceal, deceive, or to lie.

Mr. Speaker, since the House voted in May to repeal Don't Ask, Don't Tell, the Department of Defense released its comprehensive review of the impact of repealing this unjust law. The report confirms that our military personnel are ready to serve alongside American soldiers who are openly gay and lesbian. The time has come to repeal Don't Ask, Don't Tell and move further down the path to LGBT equality for all Americans. In this land of the free and home of the brave, it is long past time for Congress to end this policy.

Mr. McKEON. Mr. Speaker, I am happy to yield 30 seconds to the gentleman from California (Mr. HUNTER), a member of the Armed Services Committee.

Mr. HUNTER. I thank the gentleman from California.

We have made this debate about a lot of things—gay rights, civil rights, our courts, the head of the Joint Chiefs of Staff, and the Secretary of Defense, among other things—but all this is truly about is our 18- and 20-year-old young men who are ordered to charge uphill through a hail of bullets and close with and destroy the enemy through fire and close combat. That's what this is about.

Repealing Don't Ask, Don't Tell is going to cost our military fighting men effectiveness, which is going to, in turn, possibly cost lives. That's why I would like to object to the repeal of Don't Ask, Don't Tell.

Mrs. DAVIS of California. Mr. Speaker, I yield 1 minute to the gentlelady from California (Ms. RICHARDSON).

Ms. RICHARDSON. Mr. Speaker, all men and women are created equal. In America, the last time I heard, it also included life, liberty, and the pursuit of happiness. I heard today, distraction. Is it a distraction for a single woman to serve in the military? I say no. It is time we start doing it because all men and all women are created equal.

□ 1650

Mr. McKEON. Mr. Speaker, how much time do we have left?

The SPEAKER pro tempore. The gentleman from California has 1½ minutes remaining. The gentlewoman from California has 1½ minutes remaining.

Mr. MCKEON. I reserve the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I yield 30 seconds to the gentleman from Washington (Mr. INSLEE).

(Mr. INSLEE asked and was given permission to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, our cab driver the other day said he served in the last segregated African American unit during the Korean War. He told me there were five guys in his unit who were gay, and he thought those guys were the best because all five of those gay soldiers were on the boxing team of his unit, and they beat the stuffing out of anybody they fought.

That's who we need right now with those .50 calibers and on our bridges and in our cockpits—the best fighters America can produce. Right now, in warfare, we cannot afford the luxury of discrimination. Put those Americans to work fighting for freedom. We need them.

Mr. MCKEON. I reserve the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I yield 30 seconds to the gentleman from Texas (Mr. AL GREEN).

Mr. AL GREEN of Texas. Mr. Speaker, life has prepared me for this vote. When you have had to sit at the back of the bus, in the balcony of the movie and have had to stand in a line for colored only, then you are prepared for this vote. I assure you that I don't need a survey to tell me what is right when it comes to human rights. We cannot truly have a first-class military with second-class soldiers. I close with this:

I will not ask people who are willing to die for my country to live a lie for my country.

Mr. MCKEON. Mr. Speaker, how much time remains?

The SPEAKER pro tempore. The gentleman from California has 1½ minutes remaining, and the gentlewoman from California has 30 seconds remaining.

Mr. MCKEON. Mr. Speaker, today we have heard a few times from the other side to do the right thing. I think the right thing will be in the eye of the beholder.

I choose to feel that the right thing for me is to protect those in uniform. I prefer to listen to what those who are leading those men into combat have to say. Just one of the quotes out of the survey said:

In warfighting units, the ones which will be the most effective, 67 percent of marines in combat units predict working alongside a gay man or lesbian will have a negative effect on their unit's effectiveness in completing its mission in a field environment or out at sea.

Now, we may all have different opinions—obviously, from this debate, we do—but these are the ones who are going to be affected. These are the guys who are on the line right now, and they are saying it will have a negative impact—67 percent. I don't think it is worth the risk to put them in any further jeopardy than they are in right now.

So, Mr. Speaker, I would ask, I would implore our Members to reject this Don't Ask, Don't Tell repeal. Let's go back and look at it a little more thoroughly before we move forward.

I yield back the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, we have the most adaptive, professional force in the world. So let's move forward. No more excuses. It is time to take away the barriers of people who put service above self and who want to serve our country.

I urge an “aye” vote as we repeal Don't Ask, Don't Tell.

Mr. ACKERMAN. Mr. Speaker, I rise today in strong support of repealing the Department of Defense's misguided, discriminatory “Don't Ask, Don't Tell” (DADT) policy.

For 16 years, “Don't Ask, Don't Tell” has placed an unthinkable and immoral burden on gay and lesbian servicemen and women, who, under United States law and unlike their heterosexual counterparts, must hide their sexual orientation from the military. If our Nation is truly to be the land of the free, home of the brave, we must continue to make progress towards equality. Repealing “Don't Ask, Don't Tell” is a crucial step forward.

Mr. Speaker, I was contacted by a gay soldier from Long Island who despite serving his country for more than 20 years, despite volunteering to serve in a combat zone to defend America's principles of freedom from tyranny and from persecution, and despite receiving two Bronze Stars for meritorious service to his country, is required by law to lie about who he is or face being discharged from the military. In his letter, he pleads for a repeal of “Don't Ask, Don't Tell.” In reality, he is asking nothing more than to be treated exactly the same as other servicemen and women.

It is reprehensible that his Nation responds to his service by telling him he needs to “shut up” about who he is. Upon disclosing his sexual orientation, would his past 20 years of service be worth less? Would he suddenly be of no value to the military? Is he suddenly no longer a war hero? Is his 20 plus years of service suddenly an embarrassment? The answer of course, is absolutely not. Yet, our Nation's policy tells this soldier he's not desirable as is.

Mr. Speaker, it's a contradiction in the first degree. Our military, including this soldier who contacted me, puts their lives on the line to defend American principles of life, liberty, and the pursuit of happiness. Yet, those who defend these principles are themselves discriminated against because of who they are.

This is also a self-defeating policy. Since “Don't Ask, Don't Tell” was implemented in 1994, more than 13,000 gay and lesbian service members have been discharged for no other reason than their sexual orientation. As the United States has fought wars in Afghanistan and in Iraq, hundreds of mission-critical troops, including crucial Arabic, Farsi, and other linguists, have been discharged because the Department of Defense believed they were gay. At the same time, the military has increasingly granted moral waivers to recruits with criminal backgrounds.

Mr. Speaker, the case is clear. There is no sound argument for maintaining this discriminatory policy. For the thousands of gay servicemen and women who so bravely serve our country every day but who live in constant fear

of being discovered for who they are, for the principles of freedom and equality upon which the United States of America was founded, and in the interest of righting a wrong that has persisted for far too long, I rise in strong support of the bill before us and urge my colleagues to join me in honoring all American servicemen and women, regardless of their sexual orientation.

Mrs. LOWEY. Mr. Speaker, I rise in strong support of H.R. 2965, the Don't Ask, Don't Tell Repeal Act of 2010. I am proud to cosponsor this common-sense legislation, which would end this discriminatory policy in an organized manner once and for all.

Following President Obama's call for repeal of “Don't Ask, Don't Tell” as part of his State of the Union Address, the Armed Forces engaged in a 9-month long, comprehensive review, receiving input from more than 115,000 active-duty and reserve members and more than 44,000 spouses.

A clear and overwhelming majority of our Armed Forces believe allowing gay and lesbian individuals to serve openly would not have a negative impact.

Offered by Iraq War veteran Congressman PATRICK MURPHY, this bill would ensure individuals wishing to serve in the Armed Forces are permitted to do so regardless of sexual orientation.

It is insulting to our brave men and women on the ground to insinuate that they are not professional enough to follow the orders of their Commander-in-Chief, to defend our Nation during a time of war, or to continue serving heroically, simply because they serve alongside gay and lesbian service members.

This repeal has the support of the Secretary of Defense, Robert Gates, and the Chairman of the Joint Chiefs, Admiral Mike Mullen. Both of these men have spent their careers protecting and defending this Nation and could not be more forceful in their insistence that now is the right time to repeal this unfair policy that benefits no one and compromises the quality of our military. I have no doubt that if this repeal would be harmful to our troops or to our national security, they would speak out forcefully.

Admiral Mullen himself said during his recent testimony, “Our people sacrifice a lot for their country, including their lives. None of them should have to sacrifice their integrity as well.”

Gays and lesbians who wish to defend our Nation are patriots, pure and simple—no less so than a straight soldier, airman, seaman, or marine—and they deserve to be treated as such.

I stand with Congressman MURPHY in calling for repeal of “Don't Ask, Don't Tell” and urge my colleagues to support this legislation.

Mr. VAN HOLLEN. Mr. Speaker, I am proud to cast my vote today to end the unjust and misguided policy of Don't Ask, Don't Tell.

Our Nation faces great challenges and is currently at war. We need highly qualified military personnel with a wide range of abilities, including critical language skills. And yet, under Don't Ask, Don't Tell, 14,000 service members have been discharged—not because of their performance, but because of their identity. We cannot afford to turn away talented and patriotic soldiers simply because they are gay.

The Pentagon's Comprehensive Review Working Group found that the “risk of repeal

of Don't Ask, Don't Tell to overall military effectiveness is low." Our military leaders have expressed their confidence, which I share, in the ability of service members to adapt to this change and remain focused on their mission.

As Chairman of the Joint Chiefs of Staff, Admiral Mike Mullen, has said, our military is a meritocracy, where it is "what you do, not who you are" that counts. Our Nation was also founded on that ideal. It is time to repeal this discriminatory policy, so all service men and women can finally live by the principles that they fight to protect.

Ms. HIRONO. Mr. Speaker, I rise to urge my colleagues to support H.R. 2965, the "Don't Ask, Don't Tell" Repeal Act.

As an original cosponsor of the House versions of related legislation that was introduced in the 110th (2007–2008) and 111th (2009–2010) Congress, I strongly support this stand-alone measure, which would repeal the "don't ask, don't tell" policy that discriminates against military personnel based on their sexual orientation.

Enforcement of this policy has not only wasted millions of taxpayer dollars but has caused irreparable harm to our military by dismissing more than 12,000 well-trained and qualified members of the Armed Forces. If enacted, this legislation will strengthen our military and help protect our national security interests.

This past May, I voted for an amendment to the FY2011 defense authorization bill that would have repealed this policy. Unfortunately, the amendment and the underlying legislation passed the House only to languish in the Senate. Congress must finally repeal this law and replace it with a policy of inclusion and non-discrimination so that justice and equality can be restored for the gay and lesbian servicemembers fighting for our country.

Many of my constituents, including members of our military and veterans who served in our Armed Forces, have contacted me to express support for repealing "don't ask, don't tell." I recently received an e-mail from a constituent who has been on active duty for over 20 years and wants this policy repealed so that his fellow soldiers can serve openly and honestly without having to worry about "living a lie" and continuing to suffer from bigotry.

This view is not only shared by nearly eight in 10 Americans but corresponds with findings from the recently released Defense Department's Comprehensive Review Working Group report. This report revealed that a large majority of troops were comfortable with the prospect of overturning longstanding restrictions on gays in uniform and expected that it would have little to no effect on their units. Defense Secretary Robert Gates and Admiral Michael Mullen, Chairman of the Joint Chiefs of Staff, have testified before Congress in support of this report's recommendations, urging Congress to vote to repeal the flawed "don't ask, don't tell" policy.

Repealing this policy will ensure that our men and women in uniform can serve our country with dignity and integrity and without fear of discrimination. I urge my colleagues to support this measure.

Ms. ESHOO. Mr. Speaker, I have opposed the Don't Ask, Don't Tell policy since its inception in 1993. I voted to repeal it earlier this year, and I hope to finally dispose of it with today's vote. This harmful policy is an affront to the principles of our Nation and a hindrance to

our national security. For nearly two decades it has prevented qualified men and women from openly serving their country. The recently released Pentagon report makes clear that our men and women in uniform, along with the vast majority of Americans, recognize this policy as being discriminatory and want to see an end to the law.

Since the enactment of Don't Ask, Don't Tell, our Armed Forces have discharged nearly 14,000 troops because of their sexual orientation, including hundreds of Arabic and Farsi interpreters. These are critical positions requiring specialized skills and we are turning qualified people away in a time of severe troop shortages. The Army and Marine Corps have been forced to reduce standards of eligibility just to reach minimum recruitment levels for operations in Iraq and Afghanistan. This includes issuing 'moral waivers' to people with felony convictions. Meanwhile, our men and women in uniform work side-by-side with openly gay soldiers from thirteen coalition partners, including the United Kingdom, Canada, and Australia, as well as U.S. officers and agents in the CIA, NSA, and FBI.

We have the most modern military on earth, with the exception of this harmful, discriminatory, and unnecessary policy. I'm proud to have cosponsored the Don't Ask, Don't Tell Repeal Act of 2010 and I look forward to its passage in the Senate. The bill will repeal the law, bring our military up to date and the law in-line with the principles of our country, and address this civil rights issue once and for all.

Mr. STARK. Mr. Speaker, I rise today to support H.R. 2965, a bill that would repeal the military's policy of mandatory discrimination against openly gay and lesbian individuals in our Nation's military.

The "Don't Ask, Don't Tell" policy has been broken for years. We have lost thousands of qualified soldiers, translators, and officers because of a fundamentally bigoted policy. It is shameful that men and women who continue to serve must continue to hide who they are.

Repeal of "Don't Ask, Don't Tell" has the support of the Commander in Chief, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff. A Pentagon study released last month found that the military is ready for repeal and the vast majority of enlisted men and women believe repeal will be positive or make no difference. Despite the overwhelming evidence against them, opponents of this bill cling to their intolerant views to support a shameful policy that has made our country less safe.

Today's vote is an important step toward the day when LGBT Americans enjoy true equality, including the right to marry. I urge my colleagues to support this bill, and I hope that the Senate will pass this legislation and end this policy now.

Mr. FARR. Mr. Speaker, since I became a Member of Congress, I have always been unwavering in my commitment to repeal the discriminatory Don't Ask, Don't Tell policy.

At a time when our military is already stretched to the breaking point and standards are being lowered to increase recruitment numbers, it is outrageous that thousands of highly skilled soldiers, like Arab linguists, have been forced out of uniform because of their sexual orientation. These gay men and women only want to serve their country with honor.

Changing a social institution is not easy, but President Truman persevered and ended ra-

cial discrimination in the military in 1948. Women were accepted into the military in the 1970s, and they now make up 20% of our Armed Forces. Congress rescinded the female combat exemption laws in 1996 and our military personnel, both men and women, are universally acknowledged as the best in the world.

Mr. Speaker, our Armed Forces are resilient and adaptive and will embrace Open Service as they have successfully embraced other social changes it in the past. Repealing this policy is long overdue and will finally allow gays and lesbians to serve their country honorably without fear of being discriminated against by the very Nation they fight to protect.

Mr. RUSH. Mr. Speaker, I rise today in support of H.R. 2965, the Don't Ask, Don't Tell Repeal Act of 2010. This language, Mr. Speaker, is identical to the language that this body passed in May as an amendment to the National Defense Authorization Act.

Since that time, a legislative repeal of this law has become both more necessary and more proper.

More necessary, Mr. Speaker, because the courts have made it clear that they will not stand idly by while the United States continues to discriminate against its servicemembers.

As Secretary Gates explained recently, a legislative repeal is the only way to right this wrong as it allows the new policy to properly be implemented "in a thoughtful and careful way" versus the immediacy of a legislative mandate as was seen earlier this year.

Mr. Speaker, it is now, more than ever, important to remember that now is always the right time to do what is right. As illustrated by the Pentagon's own Working Group report, 70 percent of our military personnel also recognize that repealing Don't Ask Don't Tell is the right thing to do.

Additionally, Mr. Speaker, an ABC News/Washington Post poll released, today, demonstrates that 77 percent of Americans support allowing open service in the U.S. military. Support for repeal is both broad and inclusive. These figures further show that now is the right time to correct this injustice.

Mr. Speaker, I would like to remind my colleagues who question the impact of open service that our servicemembers have always lived and served dutifully in an environment of open service. Whether in Afghanistan, working alongside our allies—87 percent of which, experts say, come from nations allowing open service—and contractors who also allow open service and often work in the same environment and share the same facilities as our servicemembers. Or, during the Gulf War, when the U.S. suspended enforcement; yet no one questioned our successes or results in our mission there. These instances, among others, not only demonstrate the professionalism and adaptability of our fighting men and women but they also dispel the misconceptions about openly homosexual soldiers.

Mr. Speaker, I close with a statement from President George H. W. Bush's Assistant Secretary of Defense, Lawrence Korb. In February of this year Mr. Korb was asked "Should Gays Serve Openly In The Military?" His reply, Mr. Speaker, was, "Not only is it the right thing to do, it will actually increase our security in the long run."

Mr. Speaker, there is agreement on both sides of the aisle and across the civilian and

military populations of our country that repealing Don't Ask Don't Tell is the right thing to do. I, once again, urge my colleagues to join me in supporting this bill.

Mrs. CAPPSS. Mr. Speaker, I rise to express my strong support of the Don't Ask, Don't Tell Repeal Act of 2010. I want to thank the Speaker and Majority Leader for bringing this important legislation before the full House.

Like the majority of the American public, I believe repealing this discriminatory policy is long over-due. As Members of Congress, we owe the bravest of our constituents, those who serve in the Armed Forces, the right to serve openly while protecting our freedom.

As the Pentagon report and testimony by Admiral Mike Mullen, Chairman of the Joint Chiefs of Staff and Defense Secretary Robert Gates demonstrates, this policy does not make our military stronger or our nation safer. In fact, it has weakened America's security by depriving our nation of the service of thousands of gay and lesbian troops who have served their country honorably—and forcing even larger numbers of troops to lie about who they are.

We ask our soldiers and their families to make tremendous sacrifices, yet deny many of them the most basic of civil rights? This is abhorrent, and supporting an end to this policy will be one of my proudest moments of the 111th Congress.

As debate on this issue has escalated over the years, I have been fortunate enough to represent the Palm Center, previously located at UC Santa Barbara. For over 10 years, this organization has been at the forefront of research and outreach to repeal the Don't Ask, Don't Tell policy. It has been a privilege to bring its work to the attention of Congress, and I know I speak on behalf of all who support repeal when I thank the staff at the Palm Center for their tireless work.

Today's vote is the culmination of many years of concerted effort by an untold number of soldiers, private citizens, advocacy groups and public servants. As his colleague in the House, I would like to particularly commend Congressman PATRICK MURPHY, the lead sponsor on this bill. As a Veteran of the Iraq war, Mr. MURPHY has an unparalleled perspective on this issue and I thank him for his leadership.

I also want to thank the thousands of service members who have been denied their civil rights for their valuable service to our country.

Mr. Speaker, I urge all my colleagues to do the right thing today and support this important legislation to end this discriminatory and harmful policy.

Mr. DINGELL. Mr. Speaker, I rise as a co-sponsor and strong supporter of H.R. 2965, the Don't Ask Don't Tell Repeal Act of 2010. I want to thank Representative PATRICK MURPHY (D-PA) for his unrelenting advocacy for repealing this discriminatory law and Majority Leader HOYER for his leadership on this issue.

The time is long overdue for the repeal of Don't Ask Don't Tell (DADT), the current law that says a member of the Armed Forces—one that would give his or her life defending our country—may not reveal his or her sexual orientation nor may the military ask about it. Just as today's Americans shake their heads at the thought of a segregated military—and indeed society—I suspect that generations to come will do the same at the shift we made in 1994 from the outright to tacit discrimination

of homosexuals in the military. Indeed, if military readiness, military effectiveness, unit cohesion, recruiting, and retention are among the factors the military considers important to the overall success of our Armed Forces, one can hardly argue that DADT, which has brought about over 14,000 servicemember discharges, was and is the right course of action. Mr. Speaker, our nation is engaged in conflicts in multiple theatres and we are in desperate need of troops, as well as foreign language translators, and yet because of DADT, there is a segment of the population who want to serve openly and who, for all intents and purposes, face a sign saying they "need not apply."

The debate over DADT raises an interesting question about how the course of history might have changed had homosexuality been a factor in allowing military service for these distinguished warriors:

The Spartans, the preeminent military leaders of Sparta, known for military dominance; Julius Caesar, the father of the Roman Empire; Augustus Caesar, the first Emperor of the Pax Romana; the Emperor Hadrian; Alexander the Great, creator of one of the largest and most influential Empires in ancient history; The Sacred Band of Thebes, the elite force of the Theban army in the 4th Century BC.

King Richard I, also known as Richard the Lionheart, a central Christian commander during the Third Crusade; Frederick the Great, credited for creating a great European power by uniting Prussia; Herbert Kitchener, British Field Marshal renowned for his leadership during World War I; Lieutenant Colonel, T.E. Lawrence also known as Lawrence of Arabia, who successfully led the Arab Revolt against the Ottoman Empire; and, Friedrich Wilhelm von Steuben, who authored the Revolutionary War Drill Manual which became an essential manual for the Continental Army, helping to lead the United States to victory over the British in the Revolutionary War.

Mr. Speaker, as we consider this hypothetical, let us turn to the crux of the issue which is that any discriminatory law runs contrary to the principles of this great nation. "Let us hold these truths to be self evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights . . ." That, Mr. Speaker, is the preamble to the Declaration of Independence and it is the epitome of who we are and what we stand for as a nation—we need to strive to uphold this quintessential value. DADT is discriminatory and we must end this harmful policy. Who knows how many of the 14,000 plus discharged would have gone on to excel in their military careers. It is time to allow them back in to the military to show us and prove that we, as a society, will no longer tolerate the outrageous discrimination that occurs. The gravestone of decorated Airman Leonard Matlovich, who revealed his homosexuality to his commanding officer, tragically reads,

"When I was in the military, they gave me a medal for killing two men and a discharge for loving one." Let us ensure we never again have such a grave marker. I urge my colleagues to join me in voting "yes" on H.R. 2965.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today in support of H.R. 2965, legislation to repeal the discriminatory "Don't Ask, Don't Tell" policy. Americans who fight and die for

their country should not have to live a lie in order to serve. And at this crucial time—with our Armed Forces over-extended abroad and on watch here at home—we can ill afford to lose people with critical skills needed to do these difficult and essential jobs simply because of their sexual orientation. The time has come to end this discriminatory policy. Congress must now act according to the will of the people and overturn "Don't Ask, Don't Tell," so that every serviceman and woman in America will be treated equally under the law—regardless of who they are and who they love.

Mr. ENGEL. Mr. Speaker, the success of the United States military depends on the hard work, dedication, and sacrifices of our brave men and women in uniform. And yet, under Don't Ask, Don't Tell, the talents and contributions of our openly gay and lesbian servicemembers are ignored. This is discrimination, plain and simple, and should not stand. What should count is the performance and competence of a member of our armed services, nothing else.

More than nine years after the 9/11 attacks, at a time when troops are being withdrawn from Iraq and increased in Afghanistan, our gay and lesbian servicemembers offer invaluable skills that enhance our country's military competence and readiness. According to the Service Members Legal Defense Network, more than 14,000 servicemembers have been discharged under DADT since 1994. This number includes almost 800 mission-critical troops and nearly 60 Arabic linguists in just the last five years. That is indefensible. And to make matters worse, the financial cost of implementing Don't Ask, Don't Tell from Fiscal Year 1994–2008 was more than \$555 million.

Mr. Speaker, Don't Ask, Don't Tell weakens our national security, diminishes our military readiness, and violates fundamental American principles of fairness, integrity and equality.

We must end this pernicious law, and we must end it now.

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise in support of H.R. 2965: The Don't Ask Don't Tell Repeal Act of 2010.

The House of Representatives voted on May 28, 2010 to repeal this policy. I was proud to vote for the repeal of Don't Ask Don't Tell.

Our nation's military leaders and many, if not a majority, of our servicemembers support repealing DADT. Both Secretary Gates and Admiral Mullen—Chairman of the Joint Chiefs of Staff—have testified in support of repeal as "the right thing to do." Our servicemembers already serve side by side with our allies—many of whom allow openly gay and lesbian members. A servicemember is just that—a servicemember. To distinguish heterosexual from homosexual is unnecessary.

The United States needs all the dedicated servicemembers it can get, and one's sexuality does not determine one's effectiveness as a soldier. Don't Ask Don't Tell hurts military readiness and national security. Nearly 800 specialists with vital skills—Arabic linguists, for example—have been fired from the U.S. military under DADT. Since implementation of Don't Ask, Don't Tell in 1993, the military has discharged more than 13,000 servicemembers whose only "fault" was their sexual orientation.

It is estimated that American taxpayers have paid between \$250 million and \$1.2 billion to investigate, eliminate, and replace qualified,

patriotic servicemembers who want to serve their country but can't because expressing their sexual orientation violates DADT.

Mr. Speaker, the time to repeal Don't Ask Don't Tell has long passed. I urge my colleagues to vote yes.

Ms. JACKSON LEE of Texas. Mr. Speaker, I would like to begin by thanking Congressman PATRICK MURPHY of Pennsylvania and Majority Leader STENY HOYER for introducing and bringing this momentous legislation to the House. Our troops and veterans have taken the Oath of Service and have devoted their lives to our country. I want to thank our Nation's Armed Services for proudly and courageously serving our Nation.

In supporting our troops, I stand here today in unwavering support of repealing Don't Ask, Don't Tell, and I urge my colleagues to join me in passing this legislation. The "Don't Ask, Don't Tell Repeal Act of 2010" presents the Congress of the United States with an opportunity to uphold civil and human rights in one of the most noble institutions of the United States—our armed forces.

I believe that the Pentagon's extensive report regarding DADT's repeal speaks for itself. The report explained that the majority of the military supported allowing gay members of the armed services to serve openly. Furthermore, the report stated that allowing gay Americans to serve openly would not have a substantial impact on troop morale, readiness, or effectiveness. It is important that we realize and recognize that we have the power to prevent the potentially disruptive process of having the courts repeal Don't Ask Don't Tell by doing it legislatively today.

Secretary of Defense Robert Gates has emphasized on numerous occasions that it is critical that we pass this legislation and allow the Department of Defense to implement the repeal of Don't Ask, Don't Tell. Now it is our opportunity to serve our Nation, and to do what it is best for our armed services.

Admiral Mike Mullen, the Chairman of the Joint Chiefs of Staff, has expressed his strong support for the repeal of Don't Ask, Don't Tell as well. Like Admiral Mullen, I too am troubled by such a policy that forces the young men and women to lie about who they are. We should not undermine the integrity of our Nation's institutions nor of those who courageously protect our Nation's interests abroad. We must do right by all of our American troops and move forward by repealing DADT.

It is time to end this lingering method of discrimination, and we should not rest until this message is clear. Every American has the right to stand among their peers to undertake the noble and courageous task of defending their Nation. Our military should not have to lose the patriotic and talented men and women who want to serve our country, but are unable to do so because of DADT. Since 1993, DADT has forced over 13,000 qualified and patriotic men and women to leave the service. And that does not include the thousands more who have decided not to re-enlist or join the military at all because of DADT.

I know firsthand that the men and women of the United States military are courageous and have compassion for the humanity of each other; it is the expansiveness of their humanity which leads them to sacrifice and offer the last full measure of devotion on behalf of the American people. We know it is distinctive, but there is a reason that Don't Ask, Don't Tell

should be eliminated, and it is that every patriotic human being deserves the right to serve his or her country if they are willing to take the Oath of Service.

President Lyndon Baines Johnson stated, "We seek not just equality as a right and a theory but equality as a fact and equality as a result." America is a Nation of values; the right to equality and the principle of non-discrimination is a fundamental tenet of our democracy. Our Declaration of Independence and our Constitution speak specifically to the equality of all people. Now is the time for Congress to act and ensure that every American of good character has the right to serve their Nation. We must respect the humanity and the service of those troops who respect our country so much that they are willing to sacrifice their lives for it.

Don't Ask, Don't Tell is also a costly policy. In 2009 alone, we lost 428 service members to Don't Ask, Don't Tell at the estimated cost of over \$12 million. There are an estimated 66,000 gay and lesbian service members currently on active-duty, serving in all capacities around the world to protect our Nation and advance our interests. We cannot allow the strength and unity of our military to suffer from a destructive force within. The cost is not only monetary; Don't Ask, Don't Tell costs the United States by eroding our position on respecting human and civil rights. In the same vein of the civil rights movement of years past, we must not forget that the fight for civil and human rights continues.

The research has been done, the representatives of our Armed Forces support the repeal, and our President has expressed his support. It is our turn to repeal Don't Ask, Don't Tell. We must act now, to ensure that human and civil rights are ensured and protected. I urge my colleagues to defend the human and civil rights at home for those who protect ours abroad.

Ms. LINDA T. SÁNCHEZ of California. I rise in strong support of repealing the "Don't Ask, Don't Tell" policy.

We have lived with the damaging effects of "Don't Ask, Don't Tell" for 17 years. It harms our military readiness and reduces the recruiting pool for our military. This is why Secretary of Defense Gates, Admiral Mike Mullen, and a majority of service members support its repeal.

This policy is both counterproductive and morally wrong.

At a time when our armed forces need qualified, dedicated men and women in uniform, we shouldn't be forcing them out just because they are gay or lesbian.

Gay and lesbian men and women have served—and currently serve—our country with honor and distinction. They have laid to rest the ignorant belief that a love for one's country is somehow based on who you love.

I am proud to stand with them and support the brave gay and lesbian service members who ask for nothing more than a chance to serve their country without hiding who they are.

I urge my colleagues to support this common-sense legislation that strengthens our military and our country and fulfills the promise of America as a place where all citizens, not just the politically popular ones, have equal rights.

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in strong support of H.R. 2965, the Don't

Ask, Don't Tell Repeal Act of 2010. I would like to thank Congressman MURPHY, Majority Leader HOYER, and Congressman FRANK for their tireless leadership this issue.

Mr. Speaker, I am a cosponsor of this legislation because American men and women should not have to choose between the opportunity to serve their country and being honest about their sexual orientation. Yet since 1993, over 13,000 men and women have been discharged from our military under Don't Ask, Don't Tell.

There are countless arguments in favor of ending this policy. Polls have demonstrated that an overwhelming majority of Americans, including those in the military, support ending Don't Ask, Don't Tell. Many of our closest military allies, including Israel, the United Kingdom, and Canada, have implemented policies of open service without negative consequences to unit cohesion or military performance. Particularly at a time when our armed forces are stretched thin, we cannot afford to turn away Americans who are willing and able to serve. The GAO reports that hundreds of men and women with unique abilities, including critical language skills, have been discharged under this policy.

However, the most compelling reason for ending Don't Ask, Don't Tell is that this policy is not only damaging, it is discriminatory. It is a policy that forces young men and women to lie about their identity in order to serve their country.

In February, the Chairman of the Joint Chiefs of Staff, Admiral Mike Mullen, told the Senate, "No matter how I look at this 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. For me personally, it comes down to integrity—theirs as individuals and ours as an institution."

Last week, Secretary Gates called for legislative action, stating "I would hope that the Congress would act to repeal 'don't ask, don't tell.'" Today, we will move one step closer to finally ending this damaging policy. I urge my colleagues to join me in supporting the repeal of Don't Ask, Don't Tell.

Mr. HOLT. Mr. Speaker, I rise in support of this bill. There is no reason to keep this misguided policy in place. It has the support of a majority of Americans, military leaders, and members of the military. You can only believe that allowing gays to serve in the military will damage morale if you discount the fact that gays have served in our military since the American Revolution. The supposed 'damaged morale' didn't lead to our losing to the Redcoats or surrendering to the Germans in two World Wars.

Allowing gay Americans to serve openly won't weaken morale in our armed forces. Rather, overturning the misguided Don't Ask, Don't Tell policy will strengthen our military and prevent the hemorrhage of critical talent from an already-overstretched American military engaged in two wars. President Truman was right to desegregate the Armed Forces more than half a century ago and we are right to ensure that LGBT soldiers finally can serve openly. I hope the Senate will soon pass this legislation so the President can end Don't Ask, Don't Tell by year's end.

Mrs. MALONEY. Mr. Speaker, it is time to repeal the "Don't Ask, Don't Tell, Don't Pursue" policy in the U.S. military once and for

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]	Wasserman	Watt	Wilson (OH)
	YEAS—250	Schultz	Waxman	Wu
Ackerman	Frank (MA)	Moore (KS)	Weiner	Yarmuth
Adler (NJ)	Fudge	Moore (WI)	Watson	
Altmine	Garamendi	Moran (VA)		
Andrews	Giffords	Murphy (CT)		
Arcuri	Gonzalez	Murphy (NY)		
Baca	Gordon (TN)	Murphy, Patrick		
Baldwin	Grayson	Nadler (NY)		
Barrow	Green, Al	Napolitano		
Bean	Green, Gene	Neal (MA)		
Becerra	Grijalva	Nye		
Berkley	Gutierrez	Oberstar		
Berman	Hall (NY)	Obey		
Biggert	Halvorson	Olver		
Bishop (GA)	Hare	Owens		
Bishop (NY)	Harman	Pallone		
Blumenauer	Hastings (FL)	Pascarella		
Boccieri	Heinrich	Pastor (AZ)		
Bono Mack	Herseth Sandlin	Paul		
Boswell	Higgins	Payne		
Boucher	Hill	Pelosi		
Boyd	Himes	Perlmutter		
Brady (PA)	Hinchey	Price (NC)		
Braley (IA)	Hinojosa	Rodriguez		
Brown, Corrine	Hirono	Ros-Lehtinen		
Butterfield	Hodes	Rangel		
Campbell	Holden	Reichert		
Cao	Holt	Richardson		
Capps	Honda	Rodriguez		
Capuano	Hoyer	Rush		
Carnahan	Inslee	Ryan (OH)		
Carney	Israel	Sánchez, Linda		
Carson (IN)	Jackson (IL)	Sánchez, Loretta		
Castle	Jackson Lee	Sarbanes		
Castor (FL)	(TX)	Schakowsky		
Chandler	Johnson (GA)	Shuster		
Chu	Johnson, E. B.	T. Sires		
Clarke	Kagan	Velázquez		
Clay	Kanjorski	Wexler		
Cleaver	Kaptur	Yarmuth		
Clyburn	Kennedy	Zeldin		
Cohen	Kildee			
Connolly (VA)	Kilpatrick (MI)			
Conyers	Kilroy			
Cooper	Kind			
Costa	Kirkpatrick (AZ)			
Costello	Kissell			
Courtney	Klein (FL)			
Crowley	Kosmas			
Cuellar	Kratovil			
Cummings	Kucinich			
Dahlkemper	Langevin			
Davis (CA)	Larsen (WA)			
Davis (IL)	Larson (CT)			
DeFazio	Lee (CA)			
DeGette	Levin			
Delahunt	Lewis (GA)			
DeLauro	Lipinski			
Dent	Loebssack			
Deutch	Lofgren, Zoe			
Diaz-Balart, L.	Lowey			
Dicks	Luján			
Dingell	Lynch			
Djou	Maffei			
Doggett	Maloney			
Donnelly (IN)	Markey (CO)			
Doyle	Markey (MA)			
Dreier	Matheson			
Driehaus	Matsui			
Edwards (MD)	McCollum			
Edwards (TX)	McDermott			
Ehlers	McGovern			
Ellison	McMahon			
Ellsworth	McNerney			
Engel	Meek (FL)			
Eshoo	Meeks (NY)			
Etheridge	Melancon			
Farr	Michaud			
Fattah	Miller (NC)			
Filner	Miller, George			
Flake	Minnick			
Foster	Mitchell			
		Blunt	Gerlach	Nunes
		Boehner	Gingrey (GA)	Olson
		Bonner	Alexander	Ortiz
		Boozman	Austria	Paulsen
		Born	Bachmann	Pence
		Boutan	Bachus	Peterson
		Brett	Barrett (SC)	Petri
		Bartlett	Bartlett	Pitts
		Barton (TX)	Bilbray	Poe (TX)
		Bilirakis	Bishop (UT)	Posey
		Blackburn	Bishop (UT)	Price (GA)
		Blunt	Bitterman	Putnam
		Brown (GA)	Brown (GA)	Radanovich
		Brown (SC)	Brown (SC)	Rahall
		Brown-Waite,	Brown (SC)	Reed
		Bright	Brown (SC)	Rehberg
		Brown (SC)	Brown (SC)	Roe (TN)
		Brown (SC)	Brown (SC)	Rogers (AL)
		Brown (SC)	Brown (SC)	Rogers (MI)
		Brown (SC)	Brown (SC)	Rohrabacher
		Brown (SC)	Brown (SC)	Roskam
		Brown (SC)	Brown (SC)	Royce
		Brown (SC)	Brown (SC)	Ryan (WI)
		Brown (SC)	Brown (SC)	Scalise
		Brown (SC)	Brown (SC)	Schmidt
		Brown (SC)	Brown (SC)	Lance
		Brown (SC)	Brown (SC)	Schock
		Brown (SC)	Brown (SC)	Sensebrenner
		Brown (SC)	Brown (SC)	Sessions
		Brown (SC)	Brown (SC)	Stearns
		Brown (SC)	Brown (SC)	Stutzman
		Brown (SC)	Brown (SC)	Tanner
		Brown (SC)	Brown (SC)	Taylor
		Brown (SC)	Brown (SC)	Terry
		Brown (SC)	Brown (SC)	Thompson (PA)
		Brown (SC)	Brown (SC)	Thornberry
		Brown (SC)	Brown (SC)	Tiaht
		Brown (SC)	Brown (SC)	Tiberi
		Brown (SC)	Brown (SC)	Turner
		Brown (SC)	Brown (SC)	Upton
		Brown (SC)	Brown (SC)	Walder
		Brown (SC)	Brown (SC)	Westmoreland
		Brown (SC)	Brown (SC)	Whitfield
		Brown (SC)	Brown (SC)	Whitfield
		Brown (SC)	Brown (SC)	Wilson (SC)
		Brown (SC)	Brown (SC)	Wittman
		Brown (SC)	Brown (SC)	Wolf
		Brown (SC)	Brown (SC)	Young (AK)
		Brown (SC)	Brown (SC)	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.