

us not forget the bold sacrifices these courageous men and women made to liberate the Iraqi people. It is all of our hopes that this election marks the beginning of a new chapter for the Iraqi people, one in which they enjoy the sweet taste of the fruits of freedom, democracy and sovereignty.

Mr. Speaker, in closing I would like to commend the sponsors and leadership for bringing this important resolution to the floor and I urge an "aye" vote.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I join my colleagues in offering strong support for H. Res. 60, commending the free election held in Iraq last Sunday, January 30, 2005. This historic event marked progress, hope, and enthusiasm for the future of democracy in the Arab region.

Iraq held free elections for the first time in about 50 years. Millions of voters cast their ballots, and the death toll for the day was 45—lower than usual since the United States occupied the region.

I applaud this administration for the successful free elections held on Sunday under its auspices. An election with a turnout of nearly 60 percent is very encouraging for the Arab region. However, the fact remains that American troops have remained in occupation for 2 years, and the death toll continues to rise; therefore, we must proceed with caution. The positive momentum that has come from a successful election must be used as an opportunity to stop the bloodshed and the expenditure of tax dollars on this effort. I hope that the administration will use the positive momentum of this achievement as an opportunity to devise an exit plan for our troops.

Now that the election has taken place, the next step of restoring independence in Iraq is crucial and must be taken now. Along with 25 other original cosponsors, I joined Representative LYNN WOOLSEY to introduce H. Con. Res. 35, a measure to bring the troops home. It proposes to do this in a four-step process: (1) Development and implementation of a strategy to withdraw American troops from the region; (2) development and implementation of a reconstruction plan for the Iraqi civil and economic infrastructure; (3) creation of an international peacekeeping force composed of Iraqi leadership, neighbors in the Arab region, the United Nations, and the Arab League to keep Iraq secure; and (4) restoration of Iraqi officials as overseer of its internal affairs. This legislation will help restore independence in Iraq and will bring our troops home safe.

Since the beginning of the Iraq war in March 2003, 1,423 members of the United States military have died which includes 1,084 dead as a result of hostile action and 333 of non-hostile causes. Since May 1, 2003, when President Bush declared that major combat operations in Iraq had ended, 1,269 U.S. military members have died. More than 89 percent of United States casualties in Iraq have come after this announcement. The message as to our exit plan must be made clear to the Iraqi people, the American people, and to our troops.

Mr. Speaker, I support H. Res. 60, and I urge my colleagues to join me in the spirit of preserving democracy, in the spirit of instilling international trust and self-sufficiency, and in the spirit of keeping the American troops safe.

Mr. HYDE. Mr. Speaker, the right to vote—democracy itself—is more than a way to settle disputes, however petty or important.

It is, rather, the embodiment of a larger, much more important notion: the notion that every individual is worthwhile; that every individual, by virtue of his or her humanity, is worthy of consideration and respect.

What an important notion. How that notion is disregarded and abused in so many places in the world—sometimes even here at home.

Where was that notion ignored more systematically than in Saddam's brutalized Iraq? The Iraq of terror, of mass graves, of mothers and children killed by poison gas and rotting where they dropped to the ground?

Yet less than 2 years later, the Iraqi people, under the protection of an American-led Coalition and their own nascent security forces, have turned out in defiance of threats and, in some cases, even in the face of explosions and gunfire, to cast ballots.

When they did so, they affirmed that, as individuals, they were anyone's equal; they were, in essence, demanding respect from those who would govern them. And by joining together in public, each with their one vote, they were affirming their willingness to respect their neighbors and permit each of them an equal share of power.

Mr. Speaker, as has been said repeatedly, this is but one step in a long road. The election was not perfect. Elections never are. And yet, this election may turn out to be a strategic victory for freedom for Iraq and for its region.

It will, I hope prove impossible to persuade people who have understood and exercised their rights to surrender them willingly. We should have confidence that the Iraqi people will continue to defy the threats, to respond to them with force if need be, and to press for the establishment of a state that continues to respect them as individuals.

Such a state will be a good friend of the American people, and a good neighbor to all within its crucial region.

The SPEAKER pro tempore (Mr. SIMPSON.) All time for debate has expired.

Pursuant to the order of the House of Tuesday, February 1, 2005, the resolution is considered read and the previous question is ordered on the resolution and on the preamble.

The question is on adoption of the resolution.

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

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF H. CON. RES. 36, EXPRESSING CONTINUED SUPPORT OF CONGRESS FOR EQUAL ACCESS OF MILITARY RECRUITERS TO INSTITUTIONS OF HIGHER EDUCATION

Mr. COLE of Oklahoma. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 59 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 59

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the concurrent resolution (H. Con. Res. 36) expressing the continued support of Congress for equal access of military recruiters to institutions of higher education. The concurrent resolution shall be considered as read. The previous question shall be considered as ordered on the concurrent resolution and preamble to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate on the concurrent resolution equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services; and (2) one motion to recommit.

The SPEAKER pro tempore. The gentleman from Oklahoma (Mr. COLE) is recognized for 1 hour.

Mr. COLE of Oklahoma. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, on Tuesday the Committee on Rules met and granted a rule for House Concurrent Resolution 36, expressing congressional support for equal access of military recruiters to institutions of higher education.

The rule provides for 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. The rule also provides for one motion to recommit.

Mr. Speaker, this concurrent resolution is an important first step in addressing a misguided ruling by the Third Circuit Court of Appeals regarding access of military recruiters to institutions of higher education.

During this time of conflict and the global war on terror, it is more important than ever to maintain the ability to recruit quality men and women for service in our military. The primary way that recruiters are able to do this is to work through those institutions which work closely with our young men and women, schools and universities.

Military recruiters need the same access to college campuses provided to other potential employers, and students deserve the right to discuss the option of a career in the United States military with the representatives of the Armed Forces.

Mr. Speaker, some ask, why the need for this concurrent resolution? Well, the answer is succinct. This concurrent resolution grows out of an egregious decision by the Third Circuit Court of Appeals overturning the power of Congress to control the purse.

This decision simply states that Congress and the Government may not as a matter of law deny funds to universities on the basis of their denial of access to recruiters and ROTC units. This decision, couched in the language of civil rights, fails to recognize the underlying inequity behind these university policies. This decision asserts the

Congress has compelled speech by these universities to the effect that they “agree” with the military’s “Don’t ask, don’t tell” policy with respect to homosexuals in the service.

Mr. Speaker, nothing could be further than the truth.

The Solomon Amendment compelled no such thing. It simply proposed standards for the receipt of Federal funds. Setting such standards is a normal and legitimate function of the legislative branch. It is what defines the power of the purse. This is an issue that the House and Senate have revisited and affirmed in bipartisan votes in 1995, 1996, 1999, and 2002 after the enactment of the original Solomon Amendment.

Mr. Speaker, it is disappointing to note that the Reserve Officers Training Corps, or popularly known as the ROTC, has been embattled on some university and college campuses since the 1960s. This stems from what only can be described as a consistently anti-military philosophy advocated by some, and I want to say only some, college and university professors and administrators.

The new purported reasons for not allowing ROTC on campus often serves the convenient cover for these anti-military sentiments. Some educators now believe that they should be allowed to discriminate against students who wish to enter the military in order to please another group of students who object to the policies and procedures of the armed services, all the while soliciting and accepting Federal funds for their institutions. This is rank hypocrisy.

Why would an institution seek and use Federal funds, often from the Department of Defense, while denying representatives of the U.S. Armed Forces access to their campuses?

Mr. Speaker, the decision by the Third Circuit Court of Appeals is a classic case of judicial overreach and one that must be addressed. As a former university educator and the son of a career Air Force noncommissioned officer, I find this decision disturbing and insulting to those men and women who defend our freedom and to those who wish to join their ranks.

The very least we can do is put the courts on notice as to exactly where the Congress stands on this issue. For that reason, this concurrent resolution is necessary and timely. Hopefully, it will underscore the importance that the Congress places on military recruiters having access to the educational institutions that receive Federal funds.

During this time of war, we should insist that institutions who pride themselves on freedom of expression allow the defenders of that freedom, the United States military, to freely recruit the soldiers who protect our democracy. To that end, I urge support for the rule and the underlying bill.

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

Mr. MCGOVERN. Mr. Speaker, I want to thank the gentleman from Oklahoma (Mr. COLE) for yielding me the customary 30 minutes. I also want to welcome him as a new member of the Committee on Rules.

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

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, here we are at the start of a new year and a new Congress and we are considering this bill, surprise, surprise, under a closed rule. Once again, the Republican majority has decided that thoughtful debate and the ability for Members to offer amendments if they so wish is unimportant or simply too much bother.

The underlying bill, House Concurrent Resolution 36, was introduced yesterday, has not gone to committee, let alone and be reported out of committee, and was being taken up in the Committee on Rules yesterday just about the time that most Members’ planes were touching down in Washington.

So once again the majority has followed its usual practice to stifle debate, prevent amendments, and ignore normal procedure to push a bill to the House floor ahead of more important issues facing the country. Apparently, the Republican leadership could not possibly start the new year out by deciding to finally help the more than one million jobless workers who have exhausted their regular unemployment benefits without receiving additional aid.

I know the majority does not like to be reminded that we still have the largest number of exhaustees in over 3 decades, but the 109th Congress begins still facing this bitter reality and obviously still doing nothing to ease the hardships facing these workers and their families.

Clearly, the Republican majority did not feel it necessary to press the President to get his supplemental request to assist the victims in nations affected by the Asian tsunami quickly before the House, so we are not taking that measure up this week. In fact, we are not likely to act on this most urgent matter until March. But a bill exhorting the White House to ignore and overturn proceedings in the Federal courts and to press higher education institutions to ignore their own policies prohibiting discrimination, well, that is a bill that gets top billing in the House of Representatives today.

Mr. Speaker, in the United States of America discrimination is wrong. Period. But here we are right out of the gate with a bill that condones it. Let us start with a little history on this bill.

In the mid-90s, Congress passed legislation to deny Defense Department funding to colleges and universities that fail to give military recruiters access to their campuses and students. Known as the Solomon Law, that legis-

lation was passed to respond to efforts by several colleges and universities to protest the discriminatory policies of the Pentagon against gay men and women. Over time, the law was expanded to prohibit funding a university might receive from nearly every Federal agency, including the Department of Health and Human Services, the Department of Homeland Security, the Department of Transportation, and the Department of Labor.

Last year this House passed a bill that would have expanded that list to include the CIA and the National Nuclear Security Administration of the Department of Energy.

Mr. Speaker, there is an irony here. The Congress is holding hostage funds from all of these other Federal agencies to prop up discrimination by the Pentagon. Yet every one of these other Federal agencies has full access to recruitment on college campuses. Why? Because unlike the Department of Defense, no other Federal agencies have policies that encourage discrimination against gay men and women. All of them have employees on their pay rolls. All of these Federal agencies and the U.S. Government and the American people benefit from the research and development programs that take place on these campuses, some of it carried out, no doubt, by gay men and women.

So, Mr. Speaker, where does the Solomon Law stand today?

In November 2003, a U.S. district court in New Jersey upheld the constitutionality of the Solomon Law, but it also determined that the Solomon Law does not give the Pentagon any basis for asserting, as it has in regulations on implementing the Solomon Law, that universities and colleges must give military recruiters the same degree of access to campuses and students provided to other employers.

In November 2004, just this past November, the U.S. Court of Appeals for the Third Circuit overruled part of the New Jersey District Court’s ruling and found the Solomon Law to be in violation of the Constitution. In an appeal brought by a number of schools, mainly graduate schools of law, the court ruled that colleges and universities had a first amendment right to exclude recruiters whose hiring practices discriminated against homosexuals.

The U.S. Department of Justice now plans to appeal the case to the U.S. Supreme Court, and it has asked the appeals court to hold off enforcing the nullification of the Solomon Law until the Supreme Court decides on whether to take up the case or not.

Mr. Speaker, let me point out another irony in this debate today. There is absolutely no lack of equal access for military recruiters and ROTC programs on America’s college campuses. What the Pentagon receives is special access, pure and simple. To this day, any other employer, public or private, that fails to meet a school’s non-discrimination policies is banned from employee recruitment on campuses. So

the Pentagon receives special access to our colleges and universities.

The Solomon law is about giving the military a special right to discriminate in a way other employers may not.

This sense of Congress resolution once again reinforces and promotes the Pentagon's discriminatory policy and practices to the detriment of all other education institutions and Federal agencies. It further encourages the Federal Government in its pursuit to challenge court rulings that have upheld the first amendment rights of our colleges and universities in their efforts to end prejudice and discrimination.

Mr. Speaker, the final irony of this debate you will hear today are the arguments about the need of the military to recruit the best and brightest students that America has to offer.

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I agree with this need, and the way to get there is for the Pentagon to end its policy of discrimination. This would end the conflict between the Pentagon and college policies against discrimination and prejudice. The Pentagon has kicked out over 26 military linguists who were fluent in Arabic or Farsi simply because they were homosexual. That is unconscionable while our military men and women are facing a deadly insurgency in Iraq and continued violence in Afghanistan.

In the past 5 years, in the Army alone, over 3,000 uniformed servicemen and women have been discharged solely because of their sexual orientation. They were munitions experts, linguists, health care workers, infantrymen, tank mechanics, radio operators and active in every field of military endeavor.

Make no mistake about it, right now gay men and women are in battle in Iraq and Afghanistan, and they have likely died in combat in Iraq and Afghanistan. They serve their Nation just as they have since the founding of the United States, bravely, patriotically and devotedly, but their superiors do not commend their service. If their sexual orientation is discovered, they are drummed out.

Mr. Speaker, there is no lack of access to for the military on America's campuses. Every university that wants an ROTC program has one. According to the Wall Street Journal, more than 52,000 college students are enrolled in ROTC programs, up from 48,000 in 2000. Many credit feelings of patriotism engendered by the September 11 attacks, and it comes as no surprise that military enlistment by college graduates has also increased since the events of September 11.

Mr. Speaker, we do not need the Solomon law. We do not need the bill before us today, and we certainly do not need to continue to insult and assault those very institutions of higher education that are leading the way to end hate and discrimination in America.

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

Mr. COLE of Oklahoma. Mr. Speaker, I yield to myself such time as I may consume.

I would like to quickly address a couple of the concerns that my colleague raised. While I certainly respect his concerns, I would like to point out that the measure in question had been on our Web site for 4 days and was not suddenly introduced yesterday. It had easy access. Frankly, on the nature of the rule itself, it is the opinion of the majority of the committee this is simply an up or down matter. It is not something we need to amend or deal with.

Let me make one other point, if I may, Mr. Speaker, in reference to the access of the military to college campuses. The military is a rather unique institution, but nothing prohibits college campuses from denying them access. All the Solomon amendment does is says, if they do, they lose some Federal funds as a consequence.

I would think that if they felt strongly, that this was a position of conviction, they would not want funds from the Department of Defense and other institutions. They would simply have nothing to do with them.

Further, I would simply like to make one additional point. The appropriate place to protest the policy, frankly, is in the political arena. This is not a policy in the Department of Defense *per se*. This is a policy devised by President Clinton, has been ratified repeatedly by Congress as a political avenue to address it. We should not put that burden on recruiters in the military and subject them to difficult circumstances when they are carrying out important work for our country.

Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. AKIN).

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

Mr. AKIN. Mr. Speaker, I rise in support of H. Con. Res. 36.

Once again, activist judges threaten our authority, first of all, to direct Federal fund spending; and, second of all, they attempt to create law.

We have required here in Congress at universities that receive Federal dollars to extend access to military recruiters equal to other outside groups. But in the name of free speech and association, some schools seek to deny their students access to recruiters and ROTC, obviously afraid that their students would maybe even make a wrong choice.

It is ironic that an institution whose sole function, whole reason for being, is based on the free exchange of ideas, would then boycott the Armed Forces, the very people who actively protect their academic freedom.

It is further ironic that those who are often noted for concern that low-income Americans are serving in disproportionate numbers in the Armed Forces would block many of their students born with a silver spoon access to ROTC.

My own son currently serves in Iraq. He graduated near the top of his class from the U.S. Naval Academy; and, last Sunday, he had the satisfaction of witnessing the birth of freedom in a land where for 50 years freedom has been an exotic concept.

By passing H. Con. Res. 36, we reassert our support for freedom and our disdain for those liberal, elite institutions that seek to sensor choices for their wealthy clientele.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I yield to the gentlewoman from Texas, I just want to respond to my colleague from Oklahoma.

He mentioned that this resolution has been posted on the Web site for 3 days or 4 days. I should say to him that that is not a substitute for the committee process. That is why we have committees.

Secondly, I am glad that the gentleman believes that the bill needs no amendment, but there are 434 other Members of this House that should have the opportunity to amend this bill, if they so desire.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. MCGOVERN. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I am wondering, based on that argument, in the interest of efficiency, whether we might not substitute chat rooms for the floor of the House, and if being on the Web site is a satisfactory way to bring a bill out. Maybe if we had chat rooms or instant messaging, we could probably save a lot more.

I would urge the majority, since this traditional kind of old-fashioned type of democracy does not seem to have much appeal, to go right ahead, might even save a little more money, by cutting back on what Thomas Jefferson or Abe Lincoln or one of those people might have thought was an appropriate way to conduct the business of democracy.

Mr. MCGOVERN. Mr. Speaker, I thank the gentleman from Massachusetts for his succinct observation.

Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank my colleague very much for the time.

There certainly is no lack of understanding and appreciation for the United States military, particularly in the backdrop of free elections in Iraq this past Sunday. So, Mr. Speaker, this is not a debate, if you will, about the value of the military or, in fact, the necessity of giving them a far reach in their recruitment efforts in America.

Far be it from me, coming from the State of Texas, that might be one of the States that has sent the largest numbers of its sons and daughters to

the Iraq War and Afghanistan. Having just sent 3,000 National Guard and Reservists troops about a month ago from their families over to Iraq and Afghanistan, we know full well the importance of the military but, more importantly, the sacrifice that our men and women make in the United States in serving in the military.

I also am reminded that, until President Truman integrated the Armed Forces, African Americans were told, do not ask and do not apply.

So this is not a question of whether or not we allow these individuals to accept Federal funds. I would take issue with my colleague to suggest just do not take Federal funds if they are not interested.

I am disappointed that this is a closed rule, because there are important issues here, and the issues are that universities should not be forced to compromise their nondiscrimination policies. The military has been set aside as one of the most uniquely integrated and nondiscriminatory sections of our government. Just because we have do not ask and do not tell does not mean that it is right, and if Congress is really concerned about losing the best and the brightest, it should stop, if you will, discriminating against those because of their sexual orientation for any other reason.

I am disappointed that in 2005 it was reported that between 1998 and 2004 the military discharged 20 Arabic and six Farsi language speakers under the do-not-ask-and-do-not-tell policy. It is not without great admiration for our late colleague, Congressman Solomon, that I rise to just ask my colleagues, why do we close a rule when we can make this a better legislative initiative?

We needed to give the opportunity for the full discussion on discrimination. Do my colleagues believe that Americans would rise in support of discrimination? Do my colleagues realize that when we debated the 9/11 tragedy it was a gay American on one of our airplanes that engaged with others to be able to detour that airplane from the very site that I stand, to be able to save lives and to save the Capitol of the United States of America?

It seems in 2005, in the shadow of reauthorization of the Voters Rights Act of 1965, that we might not now recognize that we can do better.

I am glad that ROTC programs are still on our campuses. In fact, we know that there are more than 52,000 now enrolled in ROTC programs, up from 48,000 in 2000. That means 52,000 of our students.

This past year 70 percent of the Army's newly commissioned armies came from ROTC. In fact, the Defense Department has reported meeting all of its recruitment and retention goals in the past several years and is, in fact, actively downsizing certain specialties. But, in the backdrop of that, we also know that we need more troops, particularly if we are going to be part of a peacekeeping effort, not a running-the-government effort in Iraq.

So I would say, Mr. Speaker, the reason why I rise with great concerns about a closed rule and ask my colleagues to consider where we are going with this Solomon amendment is that we can do better and that there is some merit, great merit, to asking the military to recruit everywhere and to allow universities of free thought to be able to maintain their nondiscriminatory rules and regulations.

We can do better together, and I do not know why we discriminate against any American who wants to serve their country.

Mr. COLE of Oklahoma. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

(Mr. MCGOVERN asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. MCGOVERN. Mr. Speaker, I insert in the RECORD at this point two articles. One is an editorial from the New York Times entitled, "The Price of Homophobia." Another is an Associate Press story entitled, "Report: Number of gay linguists discharged higher than thought."

[From the New York Times, Jan. 20, 2005]

#### THE PRICE OF HOMOPHOBIA

Don't ask, don't tell—just scream in frustration: it turns out that 20 of the Arabic speakers so vitally needed by the nation have been thrown out of the military since 1998 because they were found to be gay. It is hard to imagine a more wrongheaded rebuff of national priorities. The focus must be on the search for Osama bin Laden and his terrorist legions, not the closet door. The Pentagon's snooping after potential gays trumps what every investigative agency in the war on terror has admitted is a crucial shortage of effective Arabic translators.

After the first World Trade Center attack, in 1993, government agents revealed an alarming shortage of Arabic speakers. Key notes, videotapes and a phone call pertaining to the attack were later found in a backlog of untranslated investigative data. The shortage continued right up to and well beyond the 9/11 attacks. Three years after the towers were destroyed, the F.B.I., rife with translation problems, admitted it had an untranslated backlog of 120,000 hours of intercepts with potential value about looming threats. At the State Department, a study showed that only one in five of the 279 Arabic translators were fluent enough to handle the subtleties of the language, with its many regional dialects.

The military's experience is no more encouraging, with intelligence results muddled at times by a rush, as one inquiry put it, to recruit Arab convenience store owners and cabdrivers, who couldn't handle the task. The military is right to rely more on its language schools, but it can take several years to produce fluent graduates. The folly of using "don't ask, don't tell" policy against such precious national resources amounts to comfort for the enemy. When President Bush was asked last week by The Washington Post why Osama bin Laden had eluded capture, he replied, "Because he's hiding." So is the Pentagon—it's hiding from reality.

[From Associated Press, January 13, 2005]

#### REPORT: NUMBER OF GAY LINGUISTS DISCHARGED HIGHER THAN THOUGHT

(By Kim Curtis)

SAN FRANCISCO (AP)—The number of Arabic linguists discharged from the military

for violating its "don't ask, don't tell" policy was nearly three times as high as previously reported, according to records obtained by an advocacy group.

Between 1998 and 2004, the military discharged 20 Arabic and six Farsi speakers, according to Department of Defense data obtained by the Center for the Study of Sexual Minorities in the Military under a Freedom of Information Act request.

The military previously confirmed that seven translators who specialized in Arabic had been discharged because they were gay. The updated numbers were first reported by The New Republic magazine.

Aaron Belkin, the center's director, said he wants the public to see the real costs of "don't ask, don't tell."

"We had a language problem after 9/11 and we still have a language problem," Belkin said Wednesday.

The military's "don't ask, don't tell" policy allows gays and lesbians to serve in the military as long as they keep their sexual orientation private and do not engage in homosexual acts.

But Belkin and other advocates say such a policy endangers national security at a time U.S. intelligence agencies and the military say they don't have enough Arabic speakers.

"The military is placing homophobia ahead of national security," said Steve Ralls, spokesman for the Servicemembers Legal Defense Network, a nonprofit group which advocates for the rights of gay military members. "It's appalling that in the weeks leading up to 9/11 messages were coming in waiting to be translated . . . and at the same time they were firing people who could've done that job."

But others, like Elaine Donnelly of the Center for Military Readiness, a conservative advocacy group that opposes gays serving in the military, said the discharged linguists never should have been accepted at the elite Defense Language Institute in Monterey in the first place.

"Resources unfortunately were used to train young people who were not eligible to be in the military," she said. "We need to recruit people who are eligible to serve."

In the fiscal year ended Oct. 31, 2004, 543 Arabic linguists and 166 Farsi linguists graduated from their 63-week courses, according to a DLI spokesman. That was up from 377 and 139, respectively, in the previous year, reflecting the military's increased need for translators in Iraq.

Experts have identified the shortage of Arabic linguists as contributing to the government's failure to predict the Sept. 11 attacks. The independent Sept. 11 commission made similar conclusions. The government "lacked sufficient translators proficient in Arabic and other key languages" to adequately prepare itself against future strikes, the report said.

"It used to be this was seen as a gay rights issue, but now it's clearly a national security issue," said Nathaniel Frank, a senior research fellow at the Center for Study of Sexual Minorities in the Military at the University of California, Santa Barbara.

Ian Finkenbinder, a U.S. Army Arabic linguist who graduated from the Defense Language Institute in 2002, was discharged from the military last month after announcing to his superiors that he's gay. Finkenbinder, who said his close friends in the Army already knew he was gay, served eight months in Iraq and was about to return for a second tour when he made the revelation official.

"I looked at myself and said, 'Are you willing to go to war with an institution that won't recognize that you have the right to live as you want to,'" said Finkenbinder, 22, who now lives in Baltimore, Md. "It just got to be tiresome to deal with that—constantly have such a significant part of your life under scrutiny."

Finkenbinder said his commander was upset to let him go because his Arabic proficiency was at the highest possible for a nonnative speaker.

The Servicemembers Legal Defense Network last month sued the government on behalf of 12 gay former military members seeking reinstatement. They're seeking to overturn "don't ask, don't tell" alleging it violates their constitutional rights.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, this resolution would have us believe that a grave threat is presented to the security of this Nation by the policy of some institutions of higher learning to bar military recruiters from their campus because of the discrimination against gay and lesbian people by the military. But that, Mr. Speaker, is not the threat to our national security.

The threat to our national security is the policy of the military to refuse to use the talents and the abilities of gay people in defending our country.

One of the biggest problems we have in Iraq now is the shortage of people who know how to translate intelligence documents written in Arabic and Farsi, and yet they are dismissing linguists who can translate these documents for our use to save the lives of our troops because they are gay. This is insanity.

Our troops are paying with their lives because of the bigotry that this Congress has mandated on the military, number one.

Even that is not the real issue presented by this resolution. The real issue presented by this resolution has to do with free speech and association.

Private universities, private institutions have chosen to say, as part of their free speech, that they do not want on their campus recruiters from any organization, the military, any private company, anybody else, that discriminates against gay people and lesbian people; that engages in an unacceptable, to them, form of discrimination. It is not a question, as this resolution says, of equal access to military recruiters. All people, recruiters from all institutions that discriminate are barred from these campuses.

We should not have passed the bill that we did, but we passed a bill to say that, if they do that, if a private institution bars military recruiters and other recruiters on an equal basis, we will withhold Federal funds.

The Third Circuit Court of Appeals says that is a violation of the first amendment. This resolution says who cares what the courts say. We do not care about the first amendment. We do not care about the courts. We know better.

We encourage the executive branch to follow the doctrine of non-acquiescence and not find a decision affecting one jurisdiction to be binding on another jurisdiction.

That is not the way we ought to legislate. This decision was decided by the Third Circuit Court of Appeals. The executive branch is going to appeal to the

United States Supreme Court. Let it appeal. Let us see what the Supreme Court says, if they accept the case.

The courts have to defend our liberties. It is the province of the courts, not of the Congress, to declare what the Constitution means.

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Our liberties, the Bill of Rights, are protected from the majority. You never have to protect the majority from itself. You have to protect unpopular minorities. That is why we have a Bill of Rights and that is why we have the courts to enforce them. For Congress to come in and say the court is wrong and the executive should not enforce the order of the court is to show a disdain for the rule of law and a disdain for the spirit of liberty for which we are fighting in Iraq and for which our Armed Forces exists in the first place.

This resolution ought to be defeated on its merits.

Mr. COLE of Oklahoma. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I thank the gentleman for yielding me this time, and today I rise in strong support of the Solomon Amendment and as a proud cosponsor of the resolution that is before us.

For the last several years, a growing number of law schools have subjected military recruiters to various degrees of harassment designed to make military recruiting difficult and to frustrate their objectives. Military recruiting on university campuses is one of the primary means by which the Armed Forces retains highly qualified new military personnel; and it is an integral, effective, and necessary part of overall military recruiting.

The Constitution gives Congress the power to attach reasonable stipulations to those who accept Federal dollars. The Solomon Law simply ensures that the military has fair access to recruited institutions of higher learning that willingly accept this Federal funding.

Mr. Speaker, every year, without fail, the military comes under a great deal of criticism for hiring too many low-income, disadvantaged young adults. However, I find it remarkably ironic that these institutions are obstructing a more balanced recruiting effort that includes a patriotic commitment from all sectors of society.

Furthermore, the point has to be made that the soldiers, sailors, airmen, and Marines that are being treated like second-class citizens at these universities are also the same brave men and women that are providing the freedom these schools enjoy.

Mr. Speaker, efforts by these universities to restrict military recruiter access can only have the harmful effect of increasing Federal spending to achieve mandated end-strength goals and ultimately compromising the readiness and performance of our military.

In conclusion, Mr. Speaker, I strongly support this resolution. I sincerely hope there will be a strong bipartisan effort of support, and I commend my good friends from Minnesota and Alabama for their leadership on this issue.

Mr. MCGOVERN. Mr. Speaker, I yield 7 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. To begin, Mr. Speaker, it is absolutely backwards to decry this policy of excluding recruiters from using the facilities of a university. Let us be clear: no university can ban a recruiter from coming to that city or that town. No university can say that students will not talk to the recruiter.

The question is not whether the recruiters can come and advertise; it is whether they can compel the university to offer its facilities involving a policy with which they disagree. But to say that that causes a problem in getting people in the military, it is the supporters of a policy that say to able-bodied men and women, we disapprove of your sexuality, and, therefore, no matter how talented you are, no matter how patriotic you are, no matter what skills you bring, you are not allowed here.

Colin Powell, when he was chairman of the Joint Chiefs of Staff, testified before this Congress that there was no argument that gay and lesbian men and women in the military were in any way deficient as members of the military. He made it clear. The only reason for excluding them was the prejudice of others. That was the only reason.

The argument was: if you let these people in, and he said they had been good soldiers and good airmen and good sailors, it would be disruptive. Well, one, that was 15 years ago when he said that. I think society has moved some. But, second, we have experience to the contrary.

I know there have been people critical of the Israeli Defense Forces in some respects. I think they deserve, on the whole, a lot of credit for a difficult job. In the Israeli Defense Forces, people serve who are openly gay and lesbian. So the argument that somehow allowing people who are honest about their sexuality, if they are gay or lesbian, to serve in the military makes you an ineffectual military, how do they explain the Israeli Defense Forces?

In fact, what we are again being told is that good people, able people, and we heard reference to the linguists. This has become the policy of "Don't ask, don't tell, and by no means translate." You who support this policy are the ones, Mr. Speaker, who are depriving the armed services of able-bodied people. You are the ones who have driven thousands, literally thousands of perfectly capable men and women out of the military because you disapprove of what they do in their spare time. So then to claim that it is the universities trying to stand up for a principle that are weakening the military gets it absolutely backwards.

I was also saddened, I must say, by one of the previous speakers who said he wanted to express his disdain for the universities involved. We have universities here which are trying to express their disagreement with what they believe, and I agree, but what they believe to be an unfair prejudice that singles out some of their students. I understand disagreement with that, but disdain? Disdain because people in these positions feel that their students should not be unduly stigmatized and denied this opportunity?

If it is so important to have the opportunity, Mr. Speaker, should not people on the other side say, you cannot deny these young people the opportunity to serve in the military. Should you not say, you should not deny these young people the opportunity to serve in the military unless they are gay or lesbian. Because if they are gay or lesbian, you want to deny them the opportunity to serve in the military regardless of any fault.

Remember, this is one that says we just stigmatize you from the outset. There is nothing you can do, there is no degree of service you can perform, there is no sacrifice you can offer to make that will allow you to serve your country. And then we will complain because we do not have enough people to serve in the military. And, again, literally thousands have been turned away. The universities are not blocking recruitment. They cannot. They are asking for the right to stand up for principle.

And now we are told by one other speaker, well, if they do not agree with the policy, you would think they would not accept the money. Please. I would say to Members, one rule in parliamentary debate: try to avoid saying something that no one will believe. I mean, this notion that if you do not agree with a policy you should boycott the government, which is using your tax money, nobody believes that. People get taxed, and sometimes they agree and sometimes they disagree. We say to people, look, you can voice your opinion, but you cannot avoid paying the taxes.

And, by the way, it is not money from the military they are seeking. Typically, what we have here are law schools. It is law schools, as people have noted, who are doing this. So people have said, well, what about the poor people? We are not getting enough wealthy people to offset the number of poor people. Well, we are talking about lawyers who are being recruited. Frankly, the poor people are not being recruited for the Judge Advocate General's office. It just does not compute.

But what they are saying is, we are not going to allow our facilities to be used in this discriminatory way. And the law schools, by the way, are not themselves, and this is an important point, under the Clinton administration the ruling was that we would look at each element of a university separately. And if the law school said no

military recruiting, that did not stop the medical school or the school of engineering from applying for Federal funds. What you now have is a policy that says if the law school says no, no other entity can get the money. So there is no connection there.

The key issue here is this: Have we not in this country come to the point where patriotic young gay men and lesbians who are prepared to serve their country will at least be given a chance? Can you not judge them on their merits? Can you not say, okay, we admire your willingness to do this. We will judge you. If it turns out you become disruptive, we will act. But this blanket denial of even the opportunity no matter how talented, no matter how diligent? You enforce that as a policy, and then you complain that we have people being turned away?

Mr. Speaker, I hope this resolution is not adopted, and I hope we will begin to reverse this blanket prejudicial policy that says to millions, millions of young American men and women, you need not apply to defend your country because we do not like some aspect about you, even if it is going to be entirely irrelevant to your service.

Mr. COLE of Oklahoma. Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume in closing.

This Congress should be leading the way to end discrimination of any form in this country. Unfortunately, we have a resolution before us today that condones discrimination. I think it is sad we are dealing with this today. I urge my colleagues to vote "no" on the resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. COLE of Oklahoma. Mr. Speaker, I yield myself such time as I may consume; and in closing, I would like to say I think we have had a good and substantive debate today, but let us be clear: the concurrent resolution is really about ensuring those who defend our freedom and liberty the ability to have the same access to colleges and universities that is available for everyone else.

Mr. Speaker, often today others have placed this debate in the context of the "Don't ask, don't tell" policy. I suggest that those who would like to change that policy, that they look inward, at the political process itself. This was President Clinton's policy, and one enshrined in law that can only be changed by Congress.

If the other side of the aisle would like to make this change, they should propose it and debate it at this level. To put it in the context of the Solomon Amendment, I believe, is disingenuous and dangerous to our recruiting efforts. I urge my colleagues to support this rule and the underlying concurrent resolution.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

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PROVIDING FOR POSTPONEMENT OF FURTHER CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 36, NOTWITHSTANDING THE OPERATION OF THE PREVIOUS QUESTION

Mr. KLINE. Mr. Speaker, I ask unanimous consent that during considering of House Concurrent Resolution 36, pursuant to House Resolution 59, the Chair may, notwithstanding the operation of the previous question, postpone further consideration of the concurrent resolution to a time designated by the Speaker.

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

There was no objection.

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EXPRESSING CONTINUED SUPPORT OF CONGRESS FOR EQUAL ACCESS OF MILITARY RECRUITERS TO INSTITUTIONS OF HIGHER EDUCATION

Mr. KLINE. Mr. Speaker, pursuant to House Resolution 59, I call up the concurrent resolution (H. Con. Res. 36) expressing the continued support of Congress for equal access of military recruiters to institutions of higher education, and ask for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The text of House Concurrent Resolution 36 is as follows:

H. CON. RES. 36

Whereas section 8 of article I of the Constitution commits exclusively to Congress the powers to raise and support armies, provide and maintain a Navy, and make rules for the government and regulation of the land and naval forces;

Whereas the Nation's security interests demand high levels of military personnel readiness, which in turn demand cost-effective military recruitment programs;

Whereas military recruiting on the Nation's university campuses is one of the primary means by which the Armed Forces obtain highly qualified new military personnel and is an integral, effective, and necessary part of overall military recruitment;

Whereas a lack of cooperation by institutions of higher education with the legitimate pursuit of the Federal military recruiting function carries with it the harmful effect of increasing Federal spending to achieve the required outcome, while at the same time compromising military personnel readiness and performance, which in turn conflicts with Federal responsibilities to provide for the Nation's defense;

Whereas military recruiting will be significantly harmed if military recruiters are denied access to campuses and students that is at least equal in quality and scope to the access provided to any other employer;

Whereas on-campus recruiting and ready access to students are key components of recruiting highly qualified new employees for any enterprise and are recognized as such by