There was no objection.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. MENENDEZ. Mr. Speaker, I offer a privileged resolution (H. Res. 62) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 62

Resolved, That the following named Members and Delegates be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON AGRICULTURE.—Mr. Pomeroy, Mr. Boswell, Mr. Larsen of Washington, Mr. Davis of Tennessee, Mr. Chandler.

(2) COMMITTEE ON THE BUDGET.—Mr. Kind.

(3) COMMITTEE ON GOVERNMENT REFORM.—Ms. Norton.

(4) COMMITTEE ON RESOURCES.—Mr. George Miller of California, Mr. Markey, Mr. DeFazio, Mr. Inslee, Mr. Udall of Colorado, Mr. Cardoza, Ms. Herseth.

(5) COMMITTEE ON SCIENCE.—Ms. Hooley of Oregon (to rank immediately after Ms. Woolsey), Ms. Jackson-Lee of Texas, Ms. Zoe Lofgren of California, Mr. Sherman, Mr. Baird, Mr. Matheson, Mr. Costa, Mr. Al Green of Texas, Mr. Melancon.

(6) COMMITTEE ON SMALL BUSINESS.—Mr. Faleomavaega, Mrs. Christensen, Mr. Davis of Illinois, Mr. Case, Ms. Bordallo, Mr. Grijalva, Mr. Michaud, Ms. Linda T. Sánchez of California, Mr. Barrow, Ms. Bean.

(7) COMMITTEE ON VETERANS' AFFAIRS.—Mr. Strickland, Ms. Hooley of Oregon, Mr. Reyes, Ms. Berkley, Mr. Udall of New Mexico.

Mr. MENENDEZ (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

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

The SPEAKER pro tempore. Pursuant to the order of the House of today, proceedings will now resume on House Concurrent Resolution 36, expressing the continued support of Congress for equal access of military recruiters to institutions of higher education.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. When proceedings were postponed earlier today, 52½ minutes remained in debate. The gentleman from Minnesota (Mr. KLINE) has 27 minutes remaining, and the gentleman from North Carolina (Mr. BUTTERFIELD) has 25½ minutes remaining.

The Chair recognizes the gentleman from Minnesota (Mr. KLINE).

Mr. KLINE. Mr. Speaker, I yield 4 minutes to the gentleman from Alabama (Mr. ROGERS), the sponsor of this concurrent resolution and a member of the Committee on Armed Services.

Mr. ROGERS of Alabama. Mr. Speaker, I rise today in strong support of H. Con. Res. 36. This resolution expresses the continued support of Congress for the so-called Solomon Law, a critical piece of legislation originally passed in 1994 which has helped ensure that military recruiters have equal access on our Nation's campuses.

We are debating this resolution today only because of a recent court decision that wrongfully struck down the Solomon Law. In November of last year, a closely divided U.S. Third Circuit Court of Appeals ruled that the Solomon Law violates first amendment rights to free speech and association.

The court sided with the plaintiff arguing that ''the Solomon Amendment requires law schools to express a message that is incompatible with their educational objectives, and no compelling governmental interest has been shown to deny this freedom.''

Mr. Speaker, I cannot disagree more with this assessment. In our post-9/11 world, our Nation's military deserves at least the same access to institutions of higher education that any other major employer might enjoy. This is certainly a modest and I believe a reasonable request, especially if the college or university accepts Federal funds.

This is not about infringing free speech; it is about ensuring our military has access to our Nation's best and brightest at a time when we face enormous challenges abroad. This resolution expresses the continued support of Congress for the Solomon Law and would help ensure that military recruiters continue to have access to college campuses and students that is at least equal in quality and scope as that provided to any other employer.

This resolution would reaffirm the commitment of Congress to explore all options, including the use of its constitutional power to appropriate funds to achieve that equal access. In adopting this resolution, we would also be urging the executive branch to aggressively challenge any decision impeding or prohibiting the operation of the Solomon Law. Also, we would be encouraging the executive branch to follow a doctrine of nonacquiescence by not finding a judicial decision affecting one jurisdiction to be binding on any other jurisdiction.

Mr. Speaker, as we debate this resolution, it is important for us to remember that the Solomon Law and its legislative updates were not designed as one-size-fits-all mandates from Washington. In fact, the law is very flexible, and it fits the needs of nearly every public-funded institution in the country. For example, the Solomon Law does not apply to colleges or universities that have a long-standing policy of pacifism based on historical religious grounds, nor does it affect any Federal student aid or financial assistance.

Of course, as those of us who are here debating this issue are aware, this is not the first challenge to this law. Prior to the November circuit court decision, on repeated occasions lower courts have consistently upheld the constitutionality of the Solomon Law, arguing that it does not infringe on any institution's right to free speech or association.

While this recent court decision is unfortunate, it is not the end to the Solomon Law. A bipartisan vote here today in support of this legislation will help send a clear message to our courts that our military recruiters deserve equal access on all of our campuses. I thank the gentleman from California (Mr. HUNTER) for his ongoing efforts on this issue, and I thank the gentleman from Minnesota (Mr. KLINE) for managing this legislation.

Mr. BUTTERFIELD. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, first I thank the gentleman from North Carolina (Mr. BUTTERFIELD) for yielding me this time to speak, time to speak in opposition to H. Con. Res. 36.

Mr. Speaker, last November a Federal court said the Federal Government cannot take away a university's funding simply because the school refuses to exempt the U.S. military from its policy, meaning the university's policy, and that on-campus recruiters not discriminate on the basis of sexual orientation.

Today we are debating a resolution in support of the Solomon amendment. If this House of Representatives votes to support that resolution, we will be putting the Congress on record as supporting absolute senseless discrimination.

The resolution says it is about equal access for military recruiters at institutions of higher education. But, in reality, it is about allowing the military to avoid the consequences of discrimination, the same consequences that any other employer would have to face if it discriminated.

Many say, and you heard it today, that our national security requires the military to engage in this discrimination, but the facts just do not support it. The court said that the Government failed to produce, and I quote, ''a shred of evidence'' that the Solomon amendment helps military recruiting, and even suggested that the hostility that the amendment causes may hurt recruiting.

It was reported in last month that since 1998, the military has discharged 20 fluent Arabic speakers and six fluent Farsi speakers under its ''Don't ask,

don't tell'' policy. These are students that the military claims to be desperate to recruit.

No, Mr. Speaker, this resolution is not about military recruiting or national security. Plain and simple, it is about punishing universities for exercising their first amendment right to oppose discrimination against gays and lesbians; and I encourage my colleagues, stand up for the Constitution, oppose this resolution.

Mr. KLINE. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. CONAWAY), a member of the Committee on Armed Services.

Mr. CONAWAY. Mr. Speaker, I rise in support of the amendment today out of a bit of a sense of confusion as to why we really need to revisit this issue one more time. It is odd that in a Nation at war that institutions of higher learning would take steps to limit the Army and the Navy, the Marine Corps, Coast Guard and other services' access to their students. I wonder what they are afraid of as to why they would take this particular position.

They pride themselves on having the brightest in America at their universities, particularly the ones in question. As an aside, I was at a university in January, excuse me, in November, at freshman orientation and saw a couple of co-eds walking across campus that obviously have impaired reading skills because they were both smoking.

Nevertheless, I wonder what they are afraid of. Why are they afraid of the message of serving one's country, of doing one's duty. We can argue that the Federal Government should or should not be in a lot of different areas, but clearly national defense and raising an army is a mission of our Founding Fathers that none of us would argue with.

I guess the point I would like to make is that if these colleges and universities feel so strongly that their students should not participate in our military, then let us do it with honor and voluntarily turn back the Federal funding that supports many of the programs that they support through their universities.

□ 1330

I would call on them and if they are really serious about limiting this, they are afraid of what our recruiters might say, that our recruiters might ask their young men and women to serve their country, to place their lives on the line, as many of the men and women who today serve our country in those Armed Forces are doing every day in Iraq and Afghanistan and other places around the world that we do not necessarily know about, but nevertheless they are serving, why they are afraid of this message? Why they do not think their students should have access to that?

I rise in support of this resolution and would ask those universities that feel strongly about this to voluntarily send back all the Federal funding that they are currently getting and allow us to use those dollars in universities that are a little more in line with the issues that we are talking about today.

Mr. BUTTERFIELD. Mr. Speaker, I yield 6 minutes to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Speaker, I rise today in opposition to this resolution.

In Wisconsin, our State laws provide protections from discrimination to people that go beyond what many other States and what the Federal Government have put into law. Such protections as nondiscrimination based on age, gender, marital status, membership in the National Guard and sexual orientation are a part of Wisconsin's nondiscrimination laws. Wisconsin has chosen to provide its citizens with these greater protections because we have decided that these are in the best interests of our citizens and are good public policy.

The University of Wisconsin in Madison has a history as a leader in social justice. It adheres to State laws and has tried to apply those laws appropriately across its campus. That has included the requirement that campus organizations, departments and campus recruiters adhere to State law. Yet Federal law has intervened to block enforcement of campus policy and State law in regard to military recruiters.

The Solomon amendment was passed by a previous Congress because students, like those at the University of Wisconsin, were having success in blocking recruiters from campus if they discriminate against lesbians or gays or bisexuals in violation of State law and campus policy.

Access to and use of campus facilities to recruit students for higher educational opportunities, employment or military service should be at the discretion of the institution. Of course, public institutions should not arbitrarily discriminate against any particular recruiter. Reasonable and legitimate criteria should be evenly applied to every recruiter. The Federal Government should not use Federal funding as a weapon to force noncompliance with State law or to create special rights for military recruiters.

I believe that the court made the correct decision in invalidating the Solomon amendment. I also believe that today's resolution is unnecessary. In fact, I believe that today's debate is the wrong debate. We should be looking at ways to strengthen our military and expand our resources for winning the fight against al Qaeda and other terrorist organizations.

Mr. Speaker, when will we have the debate about the harm caused by excluding so many qualified, skilled Americans from serving in our military simply because they are gay or lesbian? When will we have a debate about the waste of resources used to discharge fully trained personnel who are serving our country honorably? When will we have the debate about how much our fight against terrorism is hurt by the discharges of Arab linguists?

The resolution before us today makes vague reference to the costs to the military in having to arrange alternative recruitment strategies to meet its goals, but it does not mention the significant cost of Don't Ask, Don't Tell to our defense budget and to our national security. Since Don't Ask, Don't Tell took effect in 1993, approximately 10,000 military personnel have been discharged. That is a huge amount of training and experience that we have lost.

In a study of discharges between 1998 and 2003, University of Santa Barbara researchers found that, of 6,273 discharges, many were in critical specialties such as 88 linguists, including many Arabic speakers, 49 WMD experts, 90 nuclear power engineers, and 150 rocket and missile specialists. To compensate for some of these discharges, the Pentagon has been calling up members of the Individual Ready Reserve. The harm to our military readiness and the cost to our security caused by Don't Ask, Don't Tell is clear. Urging the administration to try to reinstate the Solomon amendment will in no way make our country safer.

Let there be no mistake. I strongly support our men and women in uniform. I want to take this opportunity to honor the men and women in our Armed Forces who have served and continue to serve in Iraq and to the many serving our country here and around the world. Their efforts allowed the Iraqi people to vote in a free election this week. Their bravery and dedication is something all Americans should admire and honor.

Mr. Speaker, there would be no clamor for a Solomon amendment if we simply allowed all qualified Americans to serve their country in uniform. Our country would be safer, our human resources would be greater, our country would be stronger if we treated all Americans equally, regardless of their sexual orientation. It is time to repeal Don't Ask, Don't Tell. It will make our military stronger and our country stronger.

Mr. KLINE. Mr. Speaker, it gives me great pleasure to yield 4 minutes to the gentleman from Florida (Mr. MILLER), my colleague on the Committee on Armed Services.

Mr. MILLER of Florida. I thank my good friend for yielding me this time.

Mr. Speaker, I rise today in support of equal campus access for our military recruiters.

Recently, a group calling itself Freedom For Academic and Institutional Rights, FAIR, has decided that they disagree with what our military stands

for; and, because of this, they have decided that the military no longer deserves access to our Nation's institutions of higher learning. They claim that granting military recruiters equal access to campuses would promote only a pro-military viewpoint and a pro-military recruiting message.

This is simply not true. The government is not asking campuses across America to endorse the war on terror, the President's policy or anything to do with the military. All we are asking for is that the military be afforded the exact same access as other organizations to the student body. That is it. That is all. Those who argue that giving equal access somehow constitutes an endorsement of the military are just plain wrong. Does giving equal access to other groups mean that each institution agrees with every idea that that organization may have? Of course not. I really think it is ridiculous to argue that point, but FAIR is arguing just that.

It is in everyone's interest to ensure that young people receive information, including military options, so they can make informed choices about their future after they finish their education. Just because a school disagrees with a career in the military, does that give them the right to deny information about that particular career to someone who might want to sign up? Is it right to deny access because you disagree with what someone says? How is that in keeping with the first amendment to the Constitution?

The position that FAIR and others have taken is nothing more than thinly veiled hypocrisy. They are masking their obvious hatred of our Nation's military by hiding behind the first amendment. I think it is wrong. I am not going to sit idly by while this so-called FAIR group trashes our military.

The Constitution in article 1, section 8, states that Congress shall have the power to raise and support armies, provide and maintain a navy and make rules for the government and regulation of the land and naval forces. It does not say that activist judges and institutions of higher education have the right to prevent Congress from going about its duty to raise and support the Armed Forces of these United States.

Were the members of the FAIR not aware that we were at war and that a state of national emergency has existed in this country since September 11 of 2001? I am sure they are happy to enjoy the rights afforded to them by the first amendment, but who allows them those rights? Perhaps they should reread the old Poem to a Soldier:

''It is the soldier, not the reporter, who has given us freedom of the press.

''It is the soldier, not the poet, who has given us freedom of speech.

''It is the soldier, not the campus organizer, who gives us freedom to demonstrate.

''It is the soldier who salutes the flag, who serves beneath the flag and whose coffin is draped by the flag who allows the protester to burn the flag.''

I urge all my colleagues to support this resolution to ensure that the military of these United States continues to have equal access to our Nation's finest young men and women.

Mr. BUTTERFIELD. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Speaker, I rise in opposition to this resolution. It may seem peculiar, but, frankly, I think that the military does not need this resolution. It is not broken out there. They are having the ability to recruit. Even despite the negative news from Iraq, the recruitment numbers are up for all the services.

What this resolution does is sort of breaks this feeling in America that democracy allows divergence of opinion and that the people that own the real estate should have a voice in who can visit that real estate. We do not have any nationally owned universities, yet this resolution requires equal access for all military recruiters at institutions of higher education. I think we are getting into a really slippery area here because you are going to create within those campuses huge debates that students are going to say, we don't like this stuff being jammed down our throats. We and the faculty and the trustees of a university ought to be able to decide who can visit our campus, as they do in all other things.

For example, here in Washington, D.C., Catholic University does not allow pro-abortionist recruiters to come and talk on the campus, and here you are going to require, regardless of what the issue should be, that military recruiters have to be allowed on campus. I think it is a very slippery slope. I do not think we need to go there, because the recruitment numbers are not down. I think the military has historically stood on its own feet to do very well in recruiting without getting Congress involved mandating that they have to be on campuses. I think you are going to have a negative reaction.

I would urge Congress very carefully to think about this and to vote ''no'' until we get a better thought on how we want to mandate democracy in this country.

Mr. KLINE. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from New York (Mr. SWEENEY).

Mr. SWEENEY. I thank the gentleman for yielding me this time.

Mr. Speaker, I am proud to stand here in support of this resolution, a very important resolution introduced by the gentleman from Alabama (Mr. ROGERS).

I think we are at a critical period of time in this Nation's history, and it comes a couple of days after one of the more significant, what you would call victories or symbols of what the American military presence is about and what its results are. That is, that we pride ourselves in having the best educated, the best trained, the best quality of people serving in all sorts of branches, in all sorts of jobs in the United States military; and at a time when the world needs this the most from us, it is very important that we maintain that quality.

I heard the prior speaker talk about the fact that this may be a dangerous place and there are all sorts of other political ideas that may be at play where you could put a recruiter on a campus or not. What I would simply say is that that is not the same argument as here. This is an argument of fairness and equity. It is an argument that says that just because somebody's political philosophy is counter to the idea that we want to have a strong military presence in this Nation, those school administrators, who I think are way off the board in terms of their left-wing views and their antimilitary approach, ought not to be able to ban college military recruiters from doing their job because it is in the national interest that we do it. It is really in the world's interest.

So I am here to support this resolution and say that what the Third Circuit did last November again represents the judiciary trying to legislate where it ought not to do it. My predecessor, Gerry Solomon, first introduced this amendment many years back. It was that amendment that has been struck down. I strongly urge my colleagues to vote in favor of this resolution and recognizing that what we do for the private sector in allowing them to put recruiters in law schools or on any college campus ought to be the same that we do for something so important and so critical as the recruitment of the best and the brightest into our military forces. I urge all of my colleagues to strongly support this resolution.

□ 1345

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

Mr. KLINE. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. BOEHNER), the chairman of the Committee on Education and the Workforce.

Mr. BOEHNER. Mr. Speaker, let me thank my colleague for yielding me this time.

Mr. Speaker, today I rise in strong support of this resolution, which shows our Nation's unwavering commitment to both higher education and providing a strong national defense. At no time in recent memory has our country placed more responsibility on the shoulders of our men and women in uniform. We are fighting a war on terrorism on multiple fronts, in Afghanistan and Iraq. And it is essential that

if we are to be victorious in defending our freedom and protecting our homeland that we promote military service as an option to college students across the United States.

When this Congress passed and President Bush signed into law the No Child Left Behind Act, the bill made it easier for military recruiters to inform America's high school students about their options to serve their country, while also giving parents a choice about whether or not they want their sons and daughters to be contacted individually by military recruiters.

Now in this resolution we are reiterating the choices given to institutions of higher education. The Solomon Act, originally passed in 1995, grants the Secretary of Defense power to deny Federal funding to institutions of higher learning if they prohibit military recruitment on campus. This law recognizes the importance of having a capable, educated and well-prepared military, one that is ready to defend American liberties such as freedom of speech and higher education.

If we deny Armed Forces recruiters the opportunity to actively recruit in schools, we not only disrespect the sacrifices of military men and women who have made our freedom possible; we also rob our students of the valuable opportunities that military service can be to our Nation and what they can help provide. There is no reason not to allow the Nation's armed services to make their best case to college students and to do so in the same manner as private sector employers that colleges and universities seem to relish having on campus.

Denial of access and equality to military recruiters by colleges that receive Federal funds is an insult to the taxpayers who help subsidize higher education in this country. Many nations have mandatory military service for their citizens. We do not. The very core of our system of homeland security and national defense depends on young men and women deciding that they wish to serve our country.

Successful recruitment of the best officers in our military relies heavily on our military recruiters' access to the best and the brightest. And it seems a bit disingenuous for the elite institutions of higher education, such as Harvard, Yale, Stanford, Georgetown, and New York University, to condemn the lack of the wealthy and privileged in the ranks of our military while these schools deny their students the option of even hearing about a career in our United States military.

This resolution should not be politicized. It is a straightforward reaffirmation of our Armed Forces and our students. Congress does not force colleges and universities to accept Federal funding. If an institution of higher learning wishes to bar military recruiters from recruiting, it is free to do so. But Federal funding is not an entitlement and such institutions should not expect that decision to be endorsed and subsidized by the taxpayers of the United States. The resolution reaffirms our commitment to that principle.

And I want to commend the gentleman from California (Mr. HUNTER) and I also want to thank the gentleman from Minnesota (Mr. KLINE) for bringing this resolution to the floor and urge my colleagues to support it.

Mr. KLINE. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HUNTER), the distinguished chairman of the House Committee on Armed Services.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding me this time and for the distinguished way in which he has conducted the debate and also the gentleman from Alabama (Mr. ROGERS) for sponsoring this resolution.

Mr. Speaker, let us make this clear. This is not about some social issue. The real impetus for this barring of the American military from our college campuses is because of the left-wing core of administrators and professors who do not like this country. And we could substitute another protest issue for them in this thing and it would not make a bit of difference.

These are the same people who in many cases had protests in favor of the Viet Cong during the Vietnam War. Many of them protested our involvement in El Salvador, protested our bringing democracy to Nicaragua, protested our participation in the first Desert Storm in the early 1990s, and in this recent bringing of freedom to Iraq. They protested all those things. They hate all things military.

And the interesting aspect of this debate is that these same left-wing professors and administrators profess to let young people make up their own minds. Free thinking is theoretically their trademark. Let us have some free thinking. Let us allow the military to be on the campuses. Let us allow the students to have access to their information, and let us let them make up their own minds. There is no draft here. This is a volunteer military. They do not have to join the military. But the idea that the left-wing professors and administrators have to protect the students from that very military that the gentleman from Florida (Mr. MILLER) so eloquently described as the protectors of all of our freedoms including their freedoms to have academic freedoms, to protest and to speak freely, the idea that these students have to be shielded from the guarantors of our freedoms is nonsense.

Mr. KLINE. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding me this time.

I want to speak certainly in favor of the Solomon Amendment and remind my colleagues that it does not apply to institutions of higher education that have had a longstanding practice of pacificism based on historic religious grounds, and it exempts Federal student financial assistance from termination. But what it does do is allow students to look at career opportunities in the Army. And as the chairman of the Committee on Armed Services said, there are so many legal issues involved in the military today and to go beyond that, to let people look at careers in, I would say, intelligence as much as anything, homeland security, there is a great opportunity for students to go into.

But we are also seeing so much pushback really from a crowd that is basically anti-American and anti-conservative. Indeed, there are so many prejudices against everyday middle-class values on college campuses, and serving in the military and being pro-American just seems to be one of them.

Students at Wells College, for example, were ridiculed by their professors if they supported the war in Iraq. At the University of Missouri, a professor, a science professor, offered extra credit for students to protest a speech given by conservative activist David Horowitz. At the University of Richmond, a professor called President Bush a moron in his class. And at the University of Oregon, students were labeled ''neo-Nazi'' for expressing their opinion that TRENT LOTT was the victim of a double standard. And examples go on and on.

Another statistic, the Foundation for Individual Rights in Education found that over 90 percent of well-known college campuses have speech codes intended to ban or punish politically incorrect, almost always conservative speech, and that campus funds are unequally distributed to left-wing groups as opposed to conservative groups by a ratio of 50 to one.

I think the judicial attack on the Solomon amendment is just one of a series of a trend that is against, again, anything that is pro-American, pro-conservative, pro-traditional values. And so I would submit for the RECORD an article that was an opinion in the Wall Street Journal recently and then something on the academic bill of rights that I think also touches into this same subject.

The bill would express the continued support of Congress for the so-called ''Solomon law'' in title 10, U.S. Code, which improves DOD's ability to establish and maintain ROTC detachments and to ensure military recruiters have access to college campuses and students that is at least equal in quality and scope to that provided to other employers.

The bill would:

State Congress's resolve to achieve military personnel readiness through vigorous application of the ''Solomon law'' relating to equal access for military recruits to institutions of higher education, and express Congress's commitment to explore all options, including the use

of its Constitutional power to appropriate funds, to achieve that equal access.

Express the Sense of Congress that the Executive Branch should aggressively challenge any decision impeding or prohibiting the operation of the ''Solomon law.''

Encourage the Executive Branch to follow a doctrine of non-acquiescence by not finding a judicial decision affecting one jurisdiction to be binding on other jurisdictions. The so-called ''Solomon law,'' section 983, title 10, U.S. Code, named for its original proponent Representative Gerald Solomon (R–NY), is based on the principle that if a college or university accepts federal funding it must permit military recruiters and/or ROTC access to campus and to students. Enacted first in 1994, and added to by Congress in 1996, 1999 and 2002, and 2004, the ''Solomon law'' prohibits some defense-related and other federal funding from going to colleges and universities that prevent ROTC access or military recruiting on campus.

The Solomon law: (1) does not apply to institutions of higher education that have a longstanding policy of pacifism based on historical religious grounds; and, (2) exempts federal student financial assistance from termination.

The U.S. Court of Appeals for the Third Circuit, on 29 November 2004, reversed a district court decision, which had upheld the Constitutionality of the ''Solomon law,'' by ruling that the ''Solomon law'' violated the 1st Amendment rights of free speech and association held by institutions of higher education. The Third Circuit remanded the case to the district court to enter a preliminary injunction against the enforcement of the ''Solomon law.''

The acting Solicitor General has announced his intention to petition the Supreme Court for a writ of certiorari to review the decision of the Third Circuit Court. The Government also filed a motion on 14 January 2005 with the Third Circuit Court seeking to stay the Court's mandate for a preliminary injunction against the enforcement of the ''Solomon law'' until the Supreme Court decides the Government's petition. The Third Circuit granted the stay on 19 January.

H. Con. Res. 36, in expressing continued support for equal access of military recruiters to institutions of higher education, makes the following points regarding the ''Solomon law'':

Under article I, Section 8, of the Constitution, Congress exclusively has the power to raise and support armies, provide and maintain a navy, and make rules for the government and regulation of the Armed Forces.

Military recruiting on 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 recruiting. Efforts by colleges and universities to restrict or prohibit military recruiter access will have the harmful effects of increasing Federal spending to achieve desired recruiting outcomes and of compromising military readiness and performance. Such harm conflicts with Federal responsibilities to provide for the Nation's defense. Any reduction in the performance by the Armed Forces amidst the present national emergency declared by the President on September 14, 2001, operates against the national interest.

The Constitution gives Congress the power to regulate spending and in that role Congress has chosen over time to appropriate funds for a variety of Government programs to be provided to institutions of higher learning. However, these funds are not an entitlement to any college or university and can be provided subject to criteria and conditions set by Congress.

The ''Solomon law'' is a legislative safeguard that links Federal funding of educational institutions to the willingness of those institutions to abide by a rule of access by military recruiters to campuses and students that is at least equal in quality and scope that is provided to any other employer.

For the last several years, a growing number of university law schools and colleges of law have treated military recruiters in ways significantly different from the recruiters of other employers. As a result, military recruiters and the persons they seek to interview have been subjected to various degrees of official and unofficial harassment or ill treatment that is designed to make military recruiting difficult, or to frustrate its objectives. The underlying reason for this differing treatment is opposition to Federal law that prohibits military service by openly gay people—the so-called ''don't ask, don't tell'' law.

Given that opposition, it is imperative that the safeguards that the ''Solomon law'' provides not only for military recruiters, but also for ROTC, be maintained. Without such safeguards, grave harm to military recruiting will result as colleges and universities move to limit or deny access to campuses and students by representatives of the Armed Forces.

ACADEMIC BILL OF RIGHTS

BACKGROUND

Hiring Practices for Professors

Faculty hiring is controlled by more senior members of the faculty itself:

As Conservative faculty forced to keep political views quiet until they achieve tenure.

Usually hire those who agree with them,

Creates a perpetual cycle.

Creates an environment where Marxists, Post-Modernists, etc. can still dominate in academic fields even while their views have been discredited:

Numbers of Liberal Professors vs. Conservative Professors

The overall ratio of Democrats to Republicans at the 32 schools studied was more than 10 to 1 (1397 Democrats, 134 Republicans).

Not a single department at a single one of the 32 schools managed to achieve a reasonable parity between the two main political parties:

In the nation at large, registered Democrats and Republicans are roughly equal in number.

The closest any school came to parity was Northwestern University—Democrats outnumbered registered Republicans by a ratio of 4–1.

Other Schools:

Brown—30–1

Bowdoin, Wellesley—23–1

Swarthmore—21–1

Amherst, Bates—18–1

Columbia, Yale—14–1

Pennsylvania, Tufts, UCLA and Berkeley—12–1

Smith—11–1

Other Schools had *ZERO* registered Republicans:

Williams—51 Democrats, 0 Republicans

Oberlin—19 Democrats, 0 Republicans

MIT—17 Democrats, 0 Republicans

Haverford—15 Democrats, 0 Republicans

Most students probably graduate without ever having a class taught by a professor with a conservative viewpoint.

Not Just a Faculty Problem But A Campus-Wide Bias

For example, the University of Pennsylvania, Carnegie Melon, and Cornell could not identify a single Republican administrator.

In the entire Ivy League, there were only 3 Republican administrators identified.

Impact on Students

Remarks belittling conservative ideas convey that these views are not accepted on campus—Grading based on these ideas reinforce this perception.

One student called a ''fascist'' for inviting Oliver North to campus.

University of Oregon—Student labeled ''neo-Nazi'' for expressing his opinion that Trent Lott was the victim of a double standard.

University of Richmond—Professor called President Bush a ''moron'' in the classroom.

University of Missouri in Columbia—Professor offered extra credit to protest a speech by David Horowitz.

Students at Wells College were ridiculed by professors for their support on Iraq war and their views on feminism.

''It didn't take long to see how liberal it was after I came here. The professors and the education I receive is excellent, but the professors seem to use class as a political soapbox,''—Kristy L. Hochenberger, a student at Wells College.

Slogan circulated by Biology professor at Wells College—''Lobotomies for Republicans: It's not just a good idea; it's the law!''.

Many students conceal what they actually think in order to protect their academic standing—a reality clearly at odds with the educational mission of the university.

Nearly all distinguished doctoral programs rely on matching students with professors who have compatible interests. Preferential treatment shown to those with similar liberal ideals.

Campus Guests, Speech Police and Commencement Speakers

Campus funds are unequally distributed to leftwing student groups as opposed to groups with conservative agendas by a ratio close to 50:1: These student groups are many times in charge of hiring campus speakers.

The Foundation for Individual Rights in Education found that over 90 percent of well-known college campuses have speech codes intended to ban and punish politically incorrect, almost always conservative, speech.

The ratio of commencement speakers on the left and right was 226–15, a ratio of over 15:1: Commencement speakers are selected through committees composed of administrative staff, faculty, and students.

Twenty-two of the thirty-two schools surveyed did not have a single Republican or conservative commencement speaker in the entire ten years surveyed: Six of the remaining schools invited only one Republican or conservative each, as compared to 38 liberals or Democrats.

Haverford, Swarthmore and UCLA, which host multiple speakers every year, did not feature a single Republican or conservative speaker as balanced against 54 liberals and Democrats.

Academic Bill of Rights

Recognizes that political partisanship by professors is an abuse of students' academic freedom.

Designed to take politics out of the university curriculum:

Does not call for more classics in curriculum,

Reading lists should provide students with dissenting viewpoints so they may form their own opinions.

Designed to protect the right of students to ''get an education rather than an indoctrination'':

Should not make professors afraid of what they say,

We defend professors' right to say anything and forbids administration from punishing them for their political opinions,

Professors should always be open to dissenting opinions.

Unequal funding of student organizations which host guest speakers is unacceptable: Calls for pluralism in selection of guest speakers.

Learning environment hostile to conservatives is wrong.

There is a lack of ''intellectual diversity'' within faculties on college campuses:

University should be ''inclusive'' to all viewpoints,

Without it, free exchange of ideas are impaired.

It is not our intention to suggest that there should be quotas based on party affiliation in the hiring process at universities:

We support removing all politics and political affiliation from the hiring process,

It is our purpose to point out the gross imbalance of liberal vs. conservative professors.

While nearly all university administrations devote extraordinary resources to defend the principle of diversity in regard to race and gender, none can be said to have shown interest in the diversity of ideas.

Universities have the privilege of being separate from the society they inhabit:

Society grants faculty protection from the influence of outside politics,

With that privilege comes a responsibility by the faculty to also safeguard the free exchange of ideas.

Correcting this should be the goal and an integral part of educational policy under the Academic Bill of Rights.

[From the Wall Street Journal, Feb. 2, 2005]

WISDOM OF SOLOMON—THE DISGRACE OF BLOCKING MILITARY RECRUITERS FROM CAMPUS

Don't ask. Don't tell. Having no desire to crash our e-mail server, we'll save discussion of gays in the military for another day. Rather, today's subject is lawyers in the military. Surely Americans of all points of view can agree that in an age of Guantanamo and Abu Ghraib, the military can use the best attorneys it can get.

So it's a disgrace that some of the nation's law schools, objecting to the Pentagon's ''discrimination policies,'' refuse to permit military recruiters to make their pitch on campus, relegating them instead to unofficial off-campus venues. Law students pondering their first career move can be wined and dined by fancy firms that set up recruitment tables at campus job fairs, but they have to stroll over to the local Day's Inn to seek out the lonely military recruiter.

To put it another way, the same liberals who object that the military includes too many lower-class kids won't let military recruiters near the schools that contain students who will soon join the upper-class elite. It's almost enough to make us contemplate restoring the draft, starting with law school students.

Needless to say, such scholastic shenanigans don't go down well with Congress, which in 1994 passed the Solomon Amendment, named for the late New York Republican, Gerald Solomon. The law requires schools that receive federal funds to provide equal access to military recruiters. Today, the House is scheduled to vote on a resolution brought by Alabama Republican Mike Rogers that would restate the House's support for the Solomon Amendment. Something similar passed the House and Senate by overwhelming margins last year and was incorporated into the Defense Authorization bill.

The impetus for Mr. Rogers's move is a November ruling by the federal appeals court in Philadelphia in favor of a group of law schools and legal scholars that had contested the Solomon law. The 2–1 opinion found that the Solomon Amendment violates the schools' First Amendment rights to free speech and association. Next stop is the Supreme Court, which is expected to take the appeal that the Justice Department plans to bring.

There are many peculiarities to this lawsuit, starting with the fact that the group that brought it—the Forum for Academic and Institutional Rights—declines to release the names of the 26 law schools and faculties that belong to its coalition. Some of the participants (New York University and Georgetown, for example) have outed themselves since the suit was brought in 2003, but others steadfastly maintain their own don't-ask-don't-tell policy.

In any event, there should be no legal question about Congress's right to put conditions on grants of federal funds to universities. It does this all the time—including requirements that colleges adhere to certain civil rights and gender standards. With a few exceptions, universities have no trouble going along and courts have no problem letting them.

If, as is likely, the Supreme Court overturns the appeals court decision, that will be the end of it. Almost all universities, public and private, take millions of dollars in federal money that would be next to impossible to give up. That's especially true of the elite schools, both public and private. Still, it would be nice to think that the nation's universities would welcome the military for reasons other than the mercenary. Patriotism, perhaps?

Mr. KLINE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Indiana (Mr. BUYER), chairman of the Committee on Veterans' Affairs.

Mr. BUYER. Mr. Speaker, I rise in full support of this resolution and urge my colleagues to support its passage. Asking the administration to appeal the third circuit is the right thing to do. What is happening on some college campuses is deja vu for those of us who attended colleges in the 1960s and the 1970s. Back then too many college administrators lacked the courage to resist pressure from then what were called left-wing student groups and other professors to ban military recruiters from their campuses. As a result, students who sought military careers were denied equal access to careers of their choice and our schools became the centers for a wide range of nonsense courses.

The student protestors of the 1960s and 1970s and those of like mind are now the administrators and professors of colleges and universities all over the country. Clearly, they have neither changed their politics nor loathing for the American military. Even at a time when our servicemen and -women are encouraged to defeat the forces of tyranny and terror, they remain the same.

In denying military recruiters equal access to campuses such as Harvard Law School, college administrators violate the most basic principles of the right to associate and free speech they so profess is precious. Despite large numbers of conservative students attending their institutions, these liberals preach tolerance; however, these liberal administrators and professors have now become the most intolerant people I know.

The following quote is from a student typical of the attitude of many of these ivory bastions: ''The day my political science department hires a Republican and I am allowed to sit in a class without a number of snickers, jeers, and/or dirty looks when President Bush's name is even mentioned is the day I will admit there is progress on today's campus.''

Mr. Speaker, Congress did not ask for special access for military recruiters. We are asking for just equal access to groups such as those seeking support for such liberal causes as abortion rights, frivolous lawsuits, same-sex marriage, elimination of the right to private property, gun control, Orwellian Big Government. Mr. Speaker, once again activist judges have clearly overstepped their authority, and it is time for the administration to stand and say that the U.S. Court of Appeals for the Third Circuit was wrong in their ruling and please seek an appeal.

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

Mr. Speaker, I do not accept the suggestion that the academic community is un-American and not in support of our military. My friends in the academic community, and I have many in North Carolina who are part of the academic community, they are good Americans and they support our military completely. I sincerely believe that these individuals have a genuine difference of legal opinion that must be resolved by our Supreme Court, and that is why I am supporting this resolution. We need a determination by our Supreme Court of this matter.

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

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

In closing, I would just say that we have heard some discussion today about policies of the United States Armed Forces for a long time. Since its inception, there have been special policies applied to our military, the ability to impose nonjudicial punishment, the ability to restrict entry by those who

are too tall or too short, the ability to order its members away from home and into combat and into harm's way. But the discussion today is not about those policies and should not be about those policies. The discussion today is about keeping our military, keeping our Armed Forces, the best trained, the best led, the best equipped in the world; and that means we need the ability to recruit the best and the brightest. This is about insisting that our military recruiters have equal access to America's universities and colleges.

I urge all of my colleagues to support this resolution.

Mr. DELAY. Mr. Speaker, issues like this one—first brought to our attention with a passion and eloquence only possible in a man like Jerry Solomon—provide our democracy a valuable service: They cut through the fog of spin and force us to tell the American people exactly where we stand.

Pure and simple, this bills says our armed services—the Army, Navy, Air Force, Marines, Coast Guard, and National Guard—should have the same right to recruit at colleges and universities who receive federal funding as any other group.

Every year, thousands upon thousands of businesses, industries, non-profit groups, and even other colleges recruit underclassmen to sign up to become investment bankers and computer engineers or environmental lawyers or medical students.

And yet, some colleges—principally the elitist and elite colleges—refuse to even allow military recruiters on their campuses.

Such policies are obnoxious in times of peace, but they are simply intolerable in times of war, and the equal access of our military recruiters to federally funded colleges and universities must be protected.

But that, Mr. Speaker, is the easy part.

The hard part is understanding why facilities and administrations of these colleges don't want military recruiters on their campuses.

Because, at bottom, their opposition to the presence of veterans at their schools is not about academic freedom, or civil liberties.

It's about them not liking the military, or the values our men and women in uniform represent.

It's about many of them preferring the company of people who blame the United States for 9/11—who compare the World Trade center victims to Nazis—to the company of a soldier or a sailor or an airman or a marine.

It's about academia feeling more sympathy for terrorists than for the women and children they murder.

It's about a fundamental misconception about the purpose of a university—the professors are there for the students, Mr. Speaker, and not the other way around.

That our military makes our academia possible, and not the other way around.

Indeed, the right of tenured academics to be publicly insufferable exists only because of the sacrifices of our service men and women.

The least they could offer in return is a booth in the field house on career day.

Of course, men and women who have dodged bullets and held dying comrades in their arms don't take seriously people who live by the glib professional code "publish or perish."

But those elite campuses, who claim to educate our nation's best and brightest, who claim to train our leaders of the future: how can we possibly not allow military recruiters to have the right to talk to such students?

What profession, if any in our entire society, needs the opportunity to recruit the sharpest and broadest minds of every generation more than our armed forces?

America's armed services have molded great men from all walks of life, and when given brilliant men and women, they have produced legends.

How can we let such minds pass through our top colleges without even the chance that they might bump into a veteran recruiter who could change their life?

America in the future no doubt will need its brilliant businessmen and lawyers and poets, but what good can such genius do without brilliant admirals and generals to protect them?

Mr. Speaker, it's a shame this issue was ever forced on us at all, but the vote on this bill will help to clarify exactly what we each mean when we say we support the troops.

We'll finally see who among us really believes the military deserves more than just lip service from those of us they protect.

Votes like this, after all, remind us of one of the great blessings of American democracy: that unlike college professors, congressmen don't have tenure.

Ms. MCKINNEY. Mr. Speaker, this bill is ludicrous on its face.

At a time when billboards, TV ads, radio spots, neighborhood recruiting offices, and slick brochures too numerous to count, flood our consciousness, this Sense of Congress resolution asserts that recruiting on college campuses is a necessary part of military recruitment.

According to this resolution, the Pentagon cares about cost-effectiveness; but the Pentagon has lost $2.3 trillion without explanation. It's been shameful in its award of no-bid contracts to insider corporations, and now, we're told that $9 billion of Iraq money has been "lost."

The thrust of this resolution is that it's cost effective and patriotic for the military to recruit on college campuses. Its supporters say that military recruiters ought to have the same access as businesses and corporations. But nowhere in this resolution is the one sure way to get good quality recruits ever mentioned. It's the tried and true way that businesses and corporations employ: they pay more.

In reality, the Pentagon already has access to every 18-year-old male in our country. This resolution is totally unnecessary, unwarranted, and completely fails to make a convincing case.

I urge a "no" vote on this resolution.

U.S. "LOSES" $9BN IN IRAQ

WASHINGTON.—The U.S. occupation authority in Iraq was unable to keep track of nearly $9bn it transferred to government ministries, which lacked financial controls, security, communications and adequate staff, an inspector general has found.

The U.S. officials relied on Iraqi audit agencies to account for the funds but those offices were not even functioning when the funds were transferred between October 2003 and June 2004, according to an audit by a special US inspector general.

The findings were released on Sunday by Stuart Bowen, special inspector general for Iraq reconstruction.

The official who led the CPA, L Paul Bremer III, submitted a blistering, written reply to the findings, saying the report had "many misconceptions and inaccuracies," and lacked professional judgment.

Bremer complained the report "assumes that western-style budgeting and accounting procedures could be immediately and fully implemented in the midst of a war".

The inspector general said the occupying agency disbursed $8.8bn to Iraqi ministries "without assurance the monies were properly accounted for".

U.S. officials, the report said, "did not establish or implement sufficient managerial, financial and contractual controls." There was no way to verify that the money was used for its intended purposes of financing humanitarian needs, economic reconstruction, repair of facilities, disarmament and civil administration.

Pentagon spokesperson Bryan Whitman said on Sunday the authority was hamstrung by "extraordinary conditions" under which it worked throughout it mission.

"We simply disagree with the audit's conclusion that the CPA provided less than adequate controls," Whitman said.

Turning over the money "was in keeping with the CPA's responsibility to transfer these funds and administrative responsibilities to the Iraqi ministries as an essential part of restoring Iraqi governance".

The inspector general cited an International Monetary Fund assessment in October, 2003 on the poor state of Iraqi government offices. The assessment found ministries suffered from staff shortages, poor security, disruptions in communications, damage and looting of government buildings, and lack of financial policies.

CPA staff learned that 8,206 guards were on the payroll at one ministry, but only 602 could be accounted for, the report said. At another ministry, U.S. officials found 1,417 guards on the payroll but could only confirm 642.

When staff members of the U.S. occupation government recommended that payrolls be verified before salary payments, CPA financial officials stated the CPA would rather overpay salaries than risk not paying employees and inciting violence," the inspector general said.

The inspector general's report rejected Bremer's criticism. It concluded that despite the war, "We believe the CPA management of Iraq's national budget process and oversight of Iraqi funds was burdened by severe inefficiencies and poor management."

OH, NO—PENTAGON LOSES $2.3 TRILLION

(By Uri Dowbenko)

FEBRUARY 17, 2002.—The Pentagon is still the home of the highest grossing fraud on Planet Earth—fraud so lucrative that even the September 11 incident would not disturb the insider-criminals.

According to a CBS News story, the U.S. Department of Defense cannot account for $2.3 trillion of taxpayer money. [For that story, go to: <http://www.cbsnews.com/stories/2002/01/29/eveningnews/printable325985.shtml>]

On September 10, 2001, Secretary of Defense Donald Rumsfeld promised change, but the next day the World Trade Center was destroyed. Shortly thereafter, the new phony

war on terrorism was inaugurated. It was another great reason for more military fraud, which would exceed all previous projections and expectations. Rumsfeld's promises of ''reform'' were quickly forgotten.

Today, despite the fact that Congress has not declared war against any enemy, Bush Administration rhetoric has produced a new ''war on terrorism,'' which has gobbled up more than $1 billion to date.

In fact, it could be said that the September 11 Incident was like the proverbial manna from heaven for beleaguered defense contractors.

George W. Bush has promoted this new war fraud by asking Congress for a fresh $48 billion in new ''defense'' spending.

And in the Pentagon, large-scale military fraud continues apace.

Rumsfeld himself has said that ''according to some estimates, we cannot track $2.3 trillion in transactions.''

This amount of $2.3 trillion amounts to $8,000 for every man, woman and child in America.

Instead of blaming Pentagon accountants, however, the American people should understand that privately held firms, which have federal contracts for so-called accounting and computer systems (which coincidentally never seem to work) are the real culprits. The liability for government fraud begins and ends with these private contractors. These ''Beltway Bandits'' with insider government connections are the most blatant unindicted white-collar criminals to date.

Public money is most likely siphoned out through companies like DynCorp, AMS, and Lockheed Martin, which control the bookkeeping for federal agencies, where fraud is rampant, unchecked and very lucrative for corporate and government insiders.

The fraud is so egregious, in fact, that the sovereignty of the nation itself can be questioned when bogus accounting systems can mask the revenue streams and expenditures of federal agencies to such an extent.

Government? What government? Like parasites which have overwhelmed the host, corrupt private contractors who control federal accounting and computer systems (as well as their bureaucratic cohorts in crime) have decimated U.S. Government agencies into a state resembling bankruptcy.

The usual suspects are a literal handful of federal contracting firms with lucrative insider deals that have become outrageously brazen in their schemes of fraud.

The amount of taxpayer monies they have stolen is mind-boggling.

Consider these facts:

1. The Department of Defense (DoD) ''lost'' $1.1 trillion in Fiscal Year 2000 and $2.3 trillion in Fiscal Year 1999.

2. The racketeers in the Pentagon refuse to publish audited financial statements, yet are asking for more taxpayer money to fund fraudulent missile systems and other sweetheart deals for their pals in the infamous Military-industrial-Medical Complex.

3. The Department of Housing and Urban Development (HUD) ''lost'' $59 billion in Fiscal Year 1999 and refuses to disclose what it ''lost'' in Fiscal Year 2000.

4. The Internal Revenue Service (IRS) has arranged contract kickbacks to its commissioner Charles O. Rossotti through so-called ''ethical waivers'' on his stock held in American Management Services (AMS), a federal contracting firm he founded and which currently holds contracts with many federal agencies including the IRS.

5. Former Pentagon insider Herbert S. ''Pug'' Winokur is a kingpin in failed energy giant Enron (he's on the board of directors), as well as Harvard University, whose Highfields Capital shorted Enron stock while it was a major shareholder, as well as the notorious DynCorp, which rakes in asset forfeiture funds in the United States, has lucrative mercenary contracts in Colombia in the bogus War on Drugs, and whose other mercenary personnel are alleged to participate in the prostitution of teenage girls as part of its ''peacekeeping'' mission in Bosnia.

Yikes. So what are we going to do?

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of our Armed Forces and in support of this nation's continued efforts to give it the additional strength and stability it needs to keep our men and women safe. The members of this House have joined their constituents in mourning the loss of life and injuries sustained in the course of America's war and subsequent occupation of Iraq for two years.

Since the beginning of the Iraq war in March 2003, 1,423 members of the U.S. military have died, which includes 1,084 as a result of hostile action and 333 of non-hostile causes. Furthermore, my District of Houston has experienced two deaths already since January; six deaths in 2004; five in 2003; and numerous injuries over the course of the nation's engagement.

No doubt, Mr. Speaker, I fully support the Armed Services. In the spirit of achieving the goal of attracting the best and brightest candidates for service, I join my colleague from California in advocating this legislation. However, we must support our troops in accordance with the U.S. Constitution and with respect for civil rights and fundamental freedoms that are the rubric of this nation.

When the House debated H.R. 3966, which would allow for the denial of federal funds for educational institutions unless military recruiters are provided access to the campuses of these institutions, I voted "yes" on passage of the measure with the understanding that no Constitutional contravention would result from its implementation.

The resolution that is before the House today, however, is controversial because the final disposition of underlying federal jurisprudence could play a major role clarifying the way we apply Constitutional principles to an act of Congress. The holding in Forum for Academic and Institutional Rights v. Rumsfeld tells us that we must be very careful in the way we regulate society so as not to violate fundamental rights. (390 F.3d 219 (3rd Cir. 2004)).

So, Mr. Speaker, I do support the intent of this legislation because I honor the men and women who serve in our Armed Services and who sacrifice their lives for us. However, I also support the upholding of the United States Constitution and the respect for jurisprudence, and I believe it seriously damages our commitment to the three branches of government to encourage the interference with judicial decisions before a final rendering of a final review by the U.S. Supreme Court.

Mr. FARR. Mr. Speaker, I come to the floor today in strong opposition to H. Con. Res. 36.

It is a standard practice for institutions of higher learning to include a non-discrimination policy as part of their mission. These policies affirm that they do not tolerate discrimination on any number of issues: race, sex, religion, age, disability, social class, and sexual orientation. These non-discrimination policies were created so that all people in our country have the opportunity to be an equal and respected member of higher education communities.

Unfortunately the military has established a discriminatory policy, Don't Ask Don't Tell. This policy unfairly excludes homosexuals from military service on the basis of their sexual orientation alone. For example, numerous military linguists who are critically needed in the Global War on Terrorism have been discharged under Don't Ask Don't Tell. Supporters of H. Con. Res. 36 say that denying military recruiters access to college campuses is a national security threat, but they are completely missing the big picture. The real national security threat is the Don't Ask Don't Tell policy that forces our military to discharge gay servicemen and servicewomen regardless of their job performance.

I strongly believe that the non-discrimination policies of colleges and universities should be respected and I urge my colleagues to vote against this resolution.

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

□ 1400

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

Pursuant to House Resolution 59, the concurrent resolution is considered read and the previous question is ordered on the concurrent resolution and on the preamble.

The question is on the concurrent resolution.

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

Mr. KLINE. 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, this 15-minute vote on agreeing to House concurrent resolution 36 will be followed by 5-minute votes on the motion to suspend the rules and agree to House Resolution 56; the motion to suspend the rules and agree to House Resolution 57; and agreeing to House Resolution 60.

The vote was taken by electronic device, and there were—yeas 327, nays 84, not voting 22, as follows:

[Roll No. 16]

YEAS—327

Aderholt	Berkley	Boswell
Akin	Berry	Boucher
Alexander	Biggert	Boustany
Andrews	Bishop (GA)	Boyd
Baca	Bishop (NY)	Bradley (NH)
Bachus	Bishop (UT)	Brady (TX)
Baird	Blackburn	Brown (SC)
Baker	Blunt	Brown-Waite, Ginny
Barrett (SC)	Boehlert	Burgess
Barrow	Boehner	Burton (IN)
Bartlett (MD)	Bonilla	Butterfield
Barton (TX)	Bonner	Buyer
Bass	Bono	Calvert
Bean	Boozman	Camp
Beauprez	Boren	

Cannon
Cantor
Capito
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLay
Dent
Diaz-Balart, L.
Dicks
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Etheridge
Evans
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Istook
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meek (FL)
Melancon
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neugebauer
Ney
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Portman
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sanchez, Loretta
Saxton
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Stearns
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—84

Abercrombie
Ackerman
Allen
Baldwin
Becerra
Berman
Blumenauer
Brady (PA)
Brown (OH)
Capps
Capuano
Clay
Conyers
Crowley
Cummings
Davis (IL)
DeGette
Delahunt
DeLauro
Emanuel
Engel
Farr
Fattah
Filner
Frank (MA)
Green, Al
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Holt
Honda
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Kilpatrick (MI)
Kucinich
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lynch
Maloney
Markey
McDermott
McGovern
McKinney
Meehan
Meeks (NY)
Michaud
Miller, George
Mollohan
Nadler
Neal (MA)
Oberstar
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Rahall
Rangel
Roybal-Allard
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Scott (VA)
Serrano
Solis
Stark
Thompson (CA)
Tierney
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey

NOT VOTING—22

Bilirakis
Brown, Corrine
Carson
Diaz-Balart, M.
Dingell
Eshoo
Ford
Green, Gene
Hyde
Moore (WI)
Moran (KS)
Northup
Obey
Rothman
Royce
Rush
Smith (NJ)
Spratt
Stupak
Towns
Udall (NM)
Weldon (PA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS) (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1424

Mr. RAHALL, Mr. MEEKS of New York, Mr. ABERCROMBIE and Mr. MEEHAN changed their vote from ''yea'' to ''nay.''

Mr. DICKS and Mr. HAYES changed their vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Ms. CARSON of Indiana. Mr. Speaker, on rollcall No. 16, my card didn't register while I was on the floor. Had I been present, I would have voted "no."

Ms. MOORE of Wisconsin. Mr. Speaker, on rollcall No. 16, had I been present, I would have voted "no."

COMMENDING PALESTINIAN PEOPLE FOR HOLDING FREE AND FAIR PRESIDENTIAL ELECTION

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 56.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 56, on which the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, the remainder of this series of votes will be conducted as 5-minute votes.

The vote was taken by electronic device, and there were—yeas 415, nays 1, not voting 17, as follows:

[Roll No. 17]

YEAS—415

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Dicks
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris