

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 22, 1995.

Hon. JOHN KASICH,
Chairman, Committee on the Budget,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the on-budget current levels of new budget authority, estimated outlays, and estimated revenues for fiscal year 1995. These estimates are compared to the appropriate levels for those items contained in the 1995 Concurrent Resolution on the Budget (H. Con. Res. 218), and are current through February 21, 1995. A summary of this tabulation follows:

(In millions of dollars)

	House current level	Budget resolution (H. Con. Res. 218)	Current Level +/- resolution
Budget authority	1,236,489	1,238,705	- 2,216
Outlays	1,217,181	1,217,605	- 424
Revenues:			
1995	978,466	977,700	766
1999	5,384,858	5,415,200	- 30,342

This is my first report for the first session of the 104th Congress.

Sincerely,

JAMES L. BLUM

(For Robert D. Reischauer, Director).

PARLIAMENTARIAN STATUS REPORT, 104TH CONGRESS,
1ST SESSION, HOUSE ON-BUDGET SUPPORTING DETAIL
FOR FISCAL YEAR 1995 AS OF CLOSE OF BUSINESS
FEBRUARY 21, 1995

(In millions of dollars)

	Budget authority	Outlays	Revenues
Enacted in Previous Sessions			
Revenues			978,466
Permanents and other spending legislation	750,343	706,271	
Appropriation legislation	738,096	757,783	
Offsetting receipts	(250,027)	(250,027)	
Total previously enacted	1,238,412	1,214,027	978,466
Entitlements and Mandatories			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	(1,923)	3,154	
Total current level ¹	1,236,489	1,217,181	978,466
Total budget resolution	1,238,705	1,217,605	977,700
Amount remaining:			
Under budget resolution	2,216	424	
Over budget resolution			766

¹ In accordance with the Budget Enforcement Act, the total does not include \$1,394 million in budget authority and \$6,466 in outlays for funding of emergencies that have been designated as such by the President and the Congress, and \$877 million in budget authority and \$935 million in outlays for emergencies that would be available only upon an official budget request from the President designating the entire amount requested as an emergency requirement.

Notes: Numbers in parentheses are negative. Detail may not add due to rounding.

AFFIRMATIVE ACTION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Mississippi [Mr. THOMPSON] is recognized for 60 minutes as the designee of the minority leader.

Mr. THOMPSON. Tonight, Mr. Speaker, several of my colleagues and I will talk on affirmative action.

Last week, as you know, we started talking about it, Congressman CLYBURN and some others, and we will be moving forward as the night goes on.

What I would like to do, though, is start until my colleagues come to say

that as most of us know, this is a real difficult issue that is grasping the whole country. We would like to make sure that as the dialog continues that everyone would look upon affirmative action as something that clearly is the litmus test for us all.

Congressman CLYBURN, who is coming in as I talk, will lead the discussion on the historical approach to affirmative action along with some other Members.

Mr. Speaker, it is important for us to realize that affirmative action is a key discussion going on. In all States, there are discussions taking place saying whether or not this country is color-blind or whether or not we should move forward with affirmative action at all. Clearly it is a divisive issue. It is an issue that all of us are concerned about.

The Congressional Black Caucus, the National Association for the Advancement of Colored People, all organizations of good will, have started looking at this issue and are very concerned about it. Clearly what we would like to do tonight, and my colleague the gentleman from South Carolina [Mr. CLYBURN] is here, is begin the discussion on historical perspective around affirmative action in this country and from that we will move forward.

Mr. Speaker, I yield to my colleague, the gentleman from South Carolina [Mr. CLYBURN], after which time I will retain the hour.

Mr. CLYBURN. I thank my good friend, the gentleman from Mississippi [Mr. THOMPSON], for getting us started on this discussion this evening.

Mr. Speaker, all weekend I listened to the various talk shows, I listened to all of the Sunday morning newscasts, and in every instance we heard people discussing this issue of affirmative action, whether or not we have reached a point in our existence when affirmative action is no longer needed.

□ 2130

Let me begin, Mr. Speaker, by looking at affirmative action, where it got started and what it is all about, and why it was ever necessary in the first place.

Affirmative action, to begin with, is grounded in an executive order, Executive Order 11246, which was signed by President John F. Kennedy, signed by President Lyndon Johnson, and all Presidents since.

Now, the whole purpose of this executive order was to move beyond the passive notion that we should not discriminate on the basis of one's color and, of course, it is interesting that in a subsequent executive order, the issue of sex was added as well. Now, what the attempts were, they were simply methods to say we cannot just say that we would no longer discriminate. We have to mix some affirmative efforts to go out and let people know that there will no longer be discrimination, that they are welcome to come in and apply for jobs, they are welcome to come in and apply for Federal contracts, and that

they will be treated fairly and given an opportunity to participate in the mainstream of the economic activity of our society.

And so throughout the years there has been discussion as to whether or not affirmative action really works. In the early 1980's this discussion became pretty loud and, of course, the then Reagan administration undertook to look at affirmative action and to see whether or not it worked and then to find out whether or not it unnecessarily trammled upon the rights of other citizens, and so the administration brought in a Dr. Jonathan Leonard, a professor from California, who looked at the affirmative action programs and made a report that these programs did, in fact, work.

But, secondarily, he found that there was no proof, no facts to sustain the allegations that these programs unnecessarily trammled on the rights of white men as well as other citizens. It seemed as if this was not good enough, and so this administration undertook a second study. This time it was done by OFCCP, the Office of Federal Contracts and Compliance, and in this instance, the results were the same, that the programs worked, that they did, in fact, bring people into the mainstream of economic opportunity, people who had not been allowed to participate before, and again, secondarily, that these programs did not, in fact, unfairly trammel upon the rights of white men.

And so then we continued with this executive order all the way down until the present day. Now, along the way, there have been those who have participated in this program of affirmative action, many of them very serious, others a little bit disingenuous.

We have had people who have put programs together knowing full well that they were not legitimate programs, in an attempt to undercut, to discredit, to in some way bring embarrassment and shame upon a noble effort to bring people into the mainstream of the economic activity of our society. And then there have been others who, out of a notion to do right, have been very, very anxious and, in some instances, overly so, and they, too, have brought programs into being which did not pass judicial muster.

Let me give you an example. In my other life, I ran a State agency in South Carolina, the South Carolina Human Affairs Commission, and part of my responsibility at that agency was to do the affirmative action coordination and planning for the State of South Carolina. And I remember one instance when a school district from the upper part of the State began to have a little trouble. These things usually come about because of one hiring decision that was made and did not go the way somebody wanted it to go, and in this particular instance, they had begun to have problems in their communities, and then they asked me to come up and to help them with it and

to do an affirmative action plan for them.

Now, Mr. Speaker, when I went up, we did our analysis, and what you have to do in all of these instances is not just go on what somebody feels, but you go out and you analyze the work force, you look and see how many people are out there in the work force, not how many people are in the population, but how many people are in the work force who have the requisite skills for the kind of work that is needed, and in this particular instance, we went out and we analyzed the community's work force, and we looked at the work force at the school district. We came to the conclusion that there was no underutilization of blacks in that district at all, and so when we finished doing the affirmative action plan, we said to the school district, "Now, look, here is our analysis. Here is your affirmative action plan. But we would recommend that you do not use it, because there is no need for it, because when we did our analysis, we went through what we call our eight-factor analysis. We found that there was no underutilization of blacks in this work force."

They were shocked. The community was shocked. But when we explained to them what a real affirmative action plan is, they all accepted and even today, that school district is now doing well, and I am pleased to say is a school district that had about, I think, around 23 percent of the population is African American, yet the school district followed, by about a year after we left there, they hired a black superintendent to run the district. But they never had to use an affirmative action plan, because once we analyzed their work force and compared it with the availability of blacks in the labor force, then we found out that affirmative action was not needed.

And so my point here is simply this: All of these people who are talking about affirmative action, I would wish that they would get beyond the emotional diatribes and begin to look at what this program really is and look at exactly how it came into being and how it ought to be operated. And I do believe that all fair minded, maybe not everybody, but all fair-minded people, when they take a look at these programs and see exactly what they mean and exactly how they are carried out, we would not be talking about whether or not we should do away with affirmative action.

We will be talking about how we can take this principle and apply it to all aspects of our society and begin to bring people into the mainstream.

Now, Mr. Speaker, I have been joined now by the gentleman from Alabama [Mr. HILLIARD], and I see my good friend, the gentleman from Mississippi [Mr. THOMPSON], now has all of his statistics with him, so I am now going to yield back to the gentleman from Mississippi [Mr. THOMPSON], so that we can take us further on this discussion, and I will come back at a later time.

Mr. THOMPSON. I thank the gentleman, What I would like to do is yield to my colleague, the gentleman from Alabama [Mr. HILLIARD], who will further enlighten us on the discussion of affirmative action.

Mr. HILLIARD. I thank the gentleman from Mississippi very much.

There is a subject matter that I would like to discuss for just about 4 or 5 minutes that is an offshoot of affirmative action.

You know, oftentimes people think that affirmative action is quotas. I just want everyone to know that affirmative action absolutely has nothing to do with quotas, and I also want my colleagues to know that in America there is not a national law that mandates quotas, and I say this, because I recall when Lani Guinier was being recommended for the job in the Justice Department that Deval Patrick now has, and one of the things they said, they did not like her because of her views on quotas and they thought she would push the law mandating quotas.

Well, my answer to that is there is no law. There is not a national law mandating quotas. Affirmative action has absolutely nothing to do with quotas. That is just a political ploy used by the other side. It sounds good when you can say that we want to get away from mandating anything or giving preference to any person or any group of persons.

And I would think everybody wants a plan, but what affirmative action is, is just a remedy for past discrimination, a remedy to make up for the shortcoming of our law and our society, and in most instances it speaks only in terms of goals, of objectives, and never in the language of mandates, of quotas.

You look, oftentimes in Congress we try to make laws that are national in scope and that will take care of every situation surrounding that subject matter. Many times we fail. We fail because in this country there is a diversity in terms in people, races, religions, and then you have other types of diversity, geographical balances, but the most important thing is that we are all Americans, and we always try to make laws that will protect the interests of all Americans.

So we have three branches of government, the court system, our judiciary system, which is just one branch of governance, and interpreting the laws that Congress has passed that we thought would satisfy a problem. Many times the court adds in its interpretation certain things that were not intended by Congress, and in that context, I wish to talk about quotas.

The only laws in this country that really mandate quotas are laws passed not by Congress, not by Executive orders, but the interpretation of laws by our court system, and it is narrowly used. Quotas are narrowly used. But it is only used when the court has found that there has been a reckless disregard for the rights of some class of individuals, and it was to make sure

that the practice is not continuous, so it sets forth that until 25 percent of the work force in a particular area is of a certain gender or a certain race, then no one else from any other race or any other gender could be hired.

But that is the court setting forth quotas or mandating a percentage, and the court only does that when the situation is aggrieved, when the situation is harsh, and when the State or the agency has not made any effort to correct the situation.

□ 2145

Mr. THOMPSON. Mr. Speaker, is the gentleman saying that all this discussion that we are hearing about quotas as it relates to affirmative action, that there are no laws that the gentleman can identify at this point that talk about quotas, that that for the most part has always been a remedy addressed by the courts?

Mr. HILLIARD. Absolutely I am saying that. That is absolutely the case.

Mr. THOMPSON. I guess that is part of the reason we are trying to have this dialog tonight, is try to get the discussion back on focus so that the general public can understand what we are talking about.

Some of the statistics I want to share with both my colleagues on this subject that might shed a little more light to it, talk about if African-Americans had parity with whites in America, what would those numbers look like? Well, if we had parity as African Americans in this country with whites, the average black family income would be \$19,568 higher per year. If we had parity among black males, the income would be \$8,500 per year. The female parity number is 2,000. But the net worth is almost \$40,000, so that means that in America right now that net worth of a white household is \$40,000 higher than the average black household.

So, Mr. Speaker, I say to my colleagues, "When you talk about parity, you have to talk about things being equal, and, as you've talked, Mr. HILLIARD and my colleagues, Congressman CLYBURN, also, that when we talk about affirmative action, we're talking about describing for the sake of remedy a solution to past wrongs, and none of us disagree with the fact that, as we look across this country there are some things that we're not proud."

But I am happy to be part of the solution by trying to factor in certain solutions that would make things equal. So, as we talk about parity in this affirmative action, I hope our colleagues who differ with us do not differ with the numbers because the numbers speak for themselves.

Mr. HILLIARD. Mr. Speaker, if the gentleman will yield, let me expand on a point he made just a minute ago indirectly.

As my colleagues know, there is no perfect country on this earth. but America is beautiful. I love it. But America has problems, and, until we are willing to even admit that America

has problems, it is going to be difficult to solve them, and I think that when those courts make decisions mandating certain goals to be reached in certain categories, or mandating quotas, it is only trying to remedy a problem that has existed. It is only trying to correct that Problem.

And I think that the court is trying to improve American society, trying to diversify its educational institutions, trying to diversify and integrate its work force, and it is trying to correct 200 years of wrongdoing.

Mr. CLYBURN. Mr. Speaker, if the gentleman would yield, before we leave the area of quotas let me point out something here.

I have in my hand here a review; sort of an overview, I guess, is more of what it is; that was requested by one of the members of the other body who is now running for President. He asked the Congressional Research Service to give him an overview of all of the affirmative action programs in the Federal Government, and this document contains around 160 instances where references to affirmative action are made in one form or another, and the interesting thing is there is nothing in any of it that talks about quotas.

In fact, Mr. Speaker, I think it was the Washington Post that wrote a story after this was published, and they had in their headlines: No, affirmative action does not require quotas. So I would hope that those people who continue to harp on that, because they know it is an inflammatory term, would stop being so dishonest with the American people and actually say what the facts are.

Now, Mr. Speaker, the interesting thing about this is one little line in here that I want to just read because I think it tells it all. In this report it says no quotas, but goals and timetables. However it says the goals may be waived where not practicable due to unavailability of people in the work force. So even when you set out the goal, even when you set the goal out, if you find that in trying to reach this goal that there is not the kind of availability in the work force that you had anticipated, that goal is then set aside.

So Mr. Speaker, I think that that says it all, and so I think the gentleman is absolutely correct, and I am glad that he took us down that discourse so we could clear up this issue of quotas because I think it ought to be said over and over again because I think that there are those who are trying to inflame the American public on this subject by using that term.

Mr. HILLIARD. Mr. Speaker, if the gentleman would yield, you know one of the things that people get mixed up with in this country, and sometimes I find myself guilty of it, is the fact that I listen to political rhetoric, and sometimes I think of it as being fact because I think that the person that is making the statement, I think that his credibility is fine and that the statement he is making is all truthful. But

then when I do my research or when I really start looking at something in depth, I realize that he is just pushing his individual agenda, or his party agenda, or some other agenda that is foreign and alien to the American agenda, and I say that because for the last 4 or 5 years I have been hearing the word "quotas" and we do not want any quotas, and we do not want any preference, and they talk about affirmative actions, affirmative action as if it mandates quotas or it mandates preference when in fact it does not.

And my colleagues know the language of affirmative action is very soft. It is not harsh. The harsh words are "quotas" and "mandates." But the language of affirmative action is: encourage, seek, incentives, positive effort, and to the extent practicable. That is the language, and, when you have language like that, it does not kill quotas, it does not set quotas, and it does not give preference, and that is very important to this discussion because there have been those who have politicized something that is very much American, very much American.

Mr. CLYBURN. If the gentleman would yield, let us look at another issue here, the issue of productivity.

As my colleagues know, one of the things that we hear about affirmative action is that it requires that you hire unqualified people.

Mr. HILLIARD. I have heard that.

Mr. CLYBURN. We have heard that so often.

First of all, there is absolutely nothing about affirmative action that requires hiring unqualified people. I say to my colleagues, in fact, if you're to do that, and with all these 25 years of affirmative action if you were hiring unqualified people, it would seem to me that the productivity of the country would have gone down, but that has not happened at all. In fact all the studies we've seen indicate that productivity is on the increase, that our workers are in fact the most productive, and we've had even studies that zero in on people who have been hired as a result of affirmative action, especially as relates to women, and what we found is that production on the part of women increased as a result.

Mr. Speaker, that is the same thing we find all the time when people are made to feel as if they are worth something, that they can, in fact, get promoted without regard to race and sex, that they do, in fact, produce more and produce better.

Now let me say one other thing about this issue of qualifications:

If you establish a criteria for a job, if you said, "In order to get this job you have to take a test, you have to score at least 80 on the test," and now if you score 80 on the test, it means that you're qualified.

Mr. HILLIARD. Absolutely.

Mr. CLYBURN. And nobody has ever asked anybody to hire the person who made 78 or 79. We just said, when the person makes 80, don't ignore the person. Don't pass over the person. Don't

throw that person's test scores in the garbage can waiting for somebody white to come along.

Now people are saying, as my colleagues know, it is not just qualified; it has got to be most qualified. So that is saying, if you make 80 on the test, and that's what's required, and someone else comes along and makes 82 on the test, then you're duty bound to hire the person that makes 82. That is where the rub comes because that is not what qualifies a person for the job.

Mr. HILLIARD. Mr. Speaker, if the gentleman would yield, you know one of the problems we have had in history is the fact that someone makes 80, and the job is available, someone makes 78 or 79, and they reach down and give it to the person that makes 78, and this is the problem we are trying to correct. But even if a person made 80, sometimes they would hold that job open, re-give another test, and then take someone who might make higher. That in itself is discrimination. That in itself is what we are trying to get away from. That is what we are trying to remedy, that is what we are trying to correct, and that is what the court has said. That is what the court is trying to correct, and the laws that we have set out already just say, "Give that person a chance."

Mr. THOMPSON. I think one of the notions also is the fact that affirmative action in the minds of some people has failed, and I think it is clear that of the statistics that we have been able to find in this country, the good that has come about has been because of affirmative action programs, and I shudder to think what and where we would be as a Nation if, in fact, many of the laws that we are presently operating under would not be in place.

For instance, if we had parity in this country as African-Americans with whites, according to the census there would be 9,559 fewer unemployed black adults because parity would mean that more African-Americans would be employed. But more so than that, there would be 6.9 million fewer black persons in poverty, and one of the things I am trying to relate to it, there is a correlation between discrimination and poverty as we talk about affirmative action.

Because if the job market, if the contract market, if the educational market is not available to certain individuals, then the likelihood that they will live in poverty is greatly increased. So what we are trying to do is provide a vehicle for individuals to move upward in this country. We would not like to see race, section, or age as an impediment to moving forward. And the framers of many of these affirmative action goals have outlined that these are ways you move up.

□ 2200

As we look at some of the other statistics, let us talk about Federal contract procurement. Of the \$182 billion

that we identified in the study, we had less than 7 percent going to minorities.

Well, that is not where it should be. It has been only because we have had some affirmative action laws on the book that we have that much.

The same goes for higher education. If we look at almost \$20 billion in grants going from the Federal Government to universities, we find less than 4 percent going to historically black colleges and universities.

Well, the numbers go on and on. Until we are able to find a replacement for affirmative action, because clearly most of us will agree that affirmative action, if we did not have it, minorities would be further back than they are now.

So I subscribe to the notion that we have to not throw the baby out with the bath water. What we have to do is strengthen the existing law, so that all minorities can in fact one day have that parity that I am talking about that is not here. The numbers bear that out.

So without this parity, we have to have laws on the books to encourage opportunities for minorities. So I am convinced that we have to have it.

Mr. CLYBURN. If the gentleman will yield, on that same question, I have not seen the study, but we were informed today that Richmond, VA, you recall Richmond was the place of the Crowson versus Richmond decision, the decision that threw out a procurement program there that was called affirmative action, though there were many of us in the field that did not want to see that case go forward because we felt it was not a good enough case for us to test the issue.

But I understand that today, the recent reviews indicate that the contracts that minorities are now getting from the city of Richmond have dropped to somewhere around 1 percent.

Mr. THOMPSON. Less than 1 percent.

Mr. CLYBURN. That is kind of interesting. For all those people that said we do not need affirmative action, when we had affirmative action programs, there was a question as to whether or not they were getting enough. Well, they were getting some. Now it looks as if after the Crowson decision that outlawed the plan, they have dropped down to less than 1 percent.

Now, I predict that that is the future for all minorities and women trying to do business in our society if we in fact get rid of these programs as many of our friends want us to do.

Now, the kind of interesting thing to me is why is it that the group of people who constitute 65 percent of the people eligible to do the work want to have 100 percent of all the work? That sounds to me like an illegal quota. 100 percent.

Mr. HILLIARD. If the gentleman will yield, one of the things that amazes me is the fact you stated here is a group that is 65 percent of the population of

this country, and they are crying because 15 percent is given to minorities or given to some other group.

Mr. CLYBURN. That is right.

Mr. HILLIARD. It has to be greed. It has to be greed. But without getting into that discussion, let us look at the leadership in this country.

Now, we have struggled with the problems of segregation and the problems of discrimination for several centuries, and the last four or five decades we have sought remedies that we thought would correct the problems, rectify the situation, and set America on a course so that we would never be plagued with those problems again.

As a result of that, we have corporate America that has come on board. They have set up affirmative action programs that are basically incentive-based programs, no quotas, no mandates. We have State agencies. We have the Federal Government agencies that have set up incentives instead of goals and certain things they wished to achieve.

All of this is in place now and it is working, because for the first time we see a diversity in our work force that we have not seen before, Chicano-Americans, Americans, Spanish-Americans, women, minorities of all kinds. It reflect the beautiful diversity of this country.

But all of a sudden here comes a group, 65 percent of the population, that want 100 percent of the jobs, 100 percent of the business, 100 percent of all the work, and we have a group that comes and says let's give it to them. Let's destroy all of the affirmative action programs. Let's kick out the things that Truman, Nixon, Ford, Carter, Bush, and Clinton have thought were good for this country. Each one of them thought that affirmative action was so good that they passed executive orders that said during my administration, this is what we will seek to put in place or to maintain.

Mr. THOMPSON. I think that is the question of leadership, and the question of leadership in the affirmative action debate is whether or not the leaders of this country are strong enough to recognize that we do have individuals and groups in this country that have not established a parity with the rest of the country. And we have to create opportunities for those individuals to move up. But the leadership is very important in this issue. It is easy to talk about we live in America, I want America to be color-blind. But the test of leadership is whether or not we can put together legislation that would allow opportunities for all Americans to rise to the top.

If corporate America recognizes that diversity is important in doing business, then why can we not in government assume our rightful place in creating those opportunities too?

I venture to say that, as we all know, minorities are great consumers of service. And if corporate America understands that minorities spend money

and they approach that, why can't we in government reciprocate by allowing minorities to participate in all levels of Government? And when that participation is not there, we should create the vehicle to allow that participation to occur.

Mr. HILLIARD. One of the things we have to understand is that in order for each one of us to get to Congress, we have to win a race. In order for the President to be President, he has to win. Unfortunately, sometimes we put our personal agenda before we put the national agenda, and what happens is we do things that we really should not do. We politicize certain situations to invoke certain types of emotions so that we can channel peoples' behavior to the extent they would vote for us.

Just like the Tanya Harding situation. You know, you want to create a hysterical situation that everybody could immediately see and say "I am not going to go that way." Then you take it and identify it with a certain candidate, with a certain party, and you achieve your purpose. I will not do America like that. And we should not be politicizing affirmative action.

Mr. CLYBURN. I think we ought to really look at that question. I want to just take a minute and say thanks to a great leader in this country, Art Fletcher, who as Assistant Secretary of Labor, I believe it was, under Richard Nixon, kind of pulled all of these affirmative action programs together. What we do today in the name of affirmative action was given to us by the Nixon administration. Art Fletcher was out on the front of this. My point being you cannot be more Republican than he was.

So this was not a partisan issue. Affirmative action has always been a bipartisan issue, and I think we ought to keep this there. And those people trying to use this now as a so-called wedge issue, thinking that it will pay off for them at the polls at the next general election, I think that that is the worst possible thing that you can do to any country or any people in the country, because I can tell you this: We are bound to repeat some very bad sections of our history if we are not careful with those kinds of issues.

We are coming upon the close of a century, and I know my history a little bit, and I know what happened to this country at the close of the last century when we saw court decisions. We went all the way from Dred Scott of 1854 to Plessy versus Ferguson of 1898, and we finally got to 1954, and I thought we were doing fine with these issues.

But now, all of a sudden, we are trying to change the playing field. We are now trying to create a different atmosphere. We are now trying to use these wedge issues in order to inflame the electorate, hoping that they would not go out and vote for something, but go out and vote against something. That, to me, would be a horrible mistake for us to make.

□ 2210

Mr. HILLIARD. If the gentleman will yield, one of the things we do not want to do in America is turn the clock back. We are on the road to prosperity. We have come out of a recession. We are moving along. Unemployment is dropping. This country is undoubtedly the world's leader. We lead in almost every category. We are the world leader.

People still die trying to get to this country called America, because it is so beautiful, it is so good, but it is not perfect. However, we should be willing to improve upon what we have. Affirmative action is a step in the right direction in improving what we have.

We ought to strive towards improvement, because we want to be inclusive. We want our country never to backslide to where it has been. We want to move into the 21st century with a diversity and an inclusion that can never be matched again anywhere else on this Earth.

Mr. THOMPSON. If the gentleman will yield, I agree wholeheartedly, this is a great country. All of us opted not just to be citizens, but to participate in the process by getting elected to Congress. That in itself is a noble gesture, but I think the fact that we agreed to challenge the system inside the system, that is important, just like we are having this debate tonight on affirmative action.

Clearly we have to highlight affirmative action as we go along. I look forward to it.

We have now been joined by the gentleman from New Jersey, Mr. DONALD PAYNE, who as we know is the new chairman of the Congressional Black Caucus. The caucus has taken a leadership role in the affirmative action debate that will be going on over the next few weeks and months to come.

Mr. Speaker, for the sake of the RECORD, I would ask the gentleman from New Jersey [Mr. PAYNE], where is the caucus with respect to this notion of revisiting affirmative action?

Mr. PAYNE of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON. I yield to the gentleman from New Jersey.

Mr. PAYNE of New Jersey. I thank the gentleman for giving me an opportunity to address this very, very important issue, an issue that we in the Black Caucus feel is the No. 1 issue facing us at this present time, because it strikes at the very heart of what made this country great.

The Congressional Black Caucus has formed a task force, as we have done in the past, on issues that we feel are very important to the caucus and to African-Americans in this Nation, and the Nation as a whole. We have a task force which is chaired by the gentleman from Maryland, KWEISI MFUME, and co-chaired by the gentleman from South Carolina [Mr. CLYBURN] and the gentlewoman from California [Ms. WATERS].

The caucus will be coming up with a position. We will be looking at the issue of affirmative action, we will be talking about and studying and coming up with our position. We would hope that the President will stand firm, as he said he would, as he is reviewing this.

We were very pleased, I think, at the review that Senator DOLE called for that showed that affirmative action was basically a move toward a more perfect Union. As a matter of fact, in our Constitution we talk about we are moving toward and hoping to have a more perfect Union. Affirmative action is a program that attempts to move people toward a more perfect Union. Therefore, we will certainly be engaging the Nation in a debate.

Let me just say a few other things that I would like to say. We have seen in recent weeks a great deal that has been put in the news media about affirmative action. It has been a topic that appears that the Republicans will try to turn into an all-out assault on people of color and women and minorities in this Nation.

As chairman of the Congressional Black Caucus, I am outraged by the efforts of the Republican majority to try to repeal affirmative action programs and attempt to turn the clock back on progress that had been made throughout the years.

Mr. Speaker, let me share some basic facts very quickly about affirmative action. Affirmative action, as you know, is defined in broad terms as any measure adopted to correct or compensate for past or present discrimination, or to prevent discrimination from recurring in the future.

It does not mean quotas, which are rigid requirements mandating that employers hire fixed percentages of members of a specific group, regardless of the qualifications.

Affirmative action programs have incorporated goals and timetables, and have clear objectives. Goals and timetables are merely used to help employers establish targets and time frames for achieving the targets. Employers are encouraged to make good faith efforts, but there are no legal penalties if they do not make their goals, if in fact they are making a good faith effort.

There has been a lot of distortion about this whole question of affirmative action. The history of affirmative action has revealed strong bipartisan support, as the gentleman from South Carolina recently said. Current standards were initiated throughout the years, and in the 1960s several large corporations said we should move this along, and President Nixon endorsed it.

Since then, eight successive Presidents have supported affirmative action. Other groups, like the Business Round Table and the National Association for Manufacturers, have stated that affirmative action is good business. In fact, studies have confirmed these statements time and time again.

As I conclude, Mr. Speaker, let me say that most employers believe that

their productivity has not suffered by affirmative action at all, but has been enhanced. A report from Fortune Magazine found that many business leaders believe affirmative action is necessary to allow them to compete domestically and internationally. They believe it produces a work force that reflects the diversity of markets they serve.

In an all perfect world it would be nice to say that we live in a color-blind society. However, discrimination today is alive and well and still exists. Therefore, as long as there is discrimination based on race and gender, we must develop remedies that will take these factors into account.

Our country has a long and sad history of discrimination. Now more than ever our society needs to tear down barriers to prosperity and achievement, and enable every American equal access to education, decent housing, health care, job training, so that everyone is able to participate in this society.

Let me just say, Mr. Speaker, really in conclusion that this is nothing new to countries around the world. They have affirmative action programs in Fiji. They have affirmative action programs in Malaysia. The ethnic Malays were not getting

opportunities, and they have a very specific, even much more rigid program than the affirmative action program we have here.

In Nigeria there was an attempt, because of the domination of one ethnic group over the total country, for affirmative action. In Northern Ireland, they are talking about the McBride principles as they are trying to integrate and make equal the arguments and the discrimination between the Protestants and the Catholics.

This is absolutely nothing new around the world. This is something that countries have struggled for to make their societies better, and once again, I commend the gentleman and gentlewomen who are here trying to educate this Nation about the positiveness of affirmative action.

Mr. THOMPSON. Mr. Speaker, I thank the gentleman. We look forward to his leadership in the Congressional Black Caucus on this and other issues.

Clearly, as the gentleman has said, this is the issue at this point that all of America is talking and wondering about. We know the debate will be fast and furious as the days come, but clearly, the CBC, along with other organizations of good will, are committed to making sure that this country remains strong and committed to equal opportunity for all.

Therefore, we compliment you and your leadership in the CBC, and look forward to having that debate for the entire American public.

Mr. HILLIARD. If the gentleman will continue to yield, Mr. Speaker, in closing, I just want to say a couple of things. First of all, the ultimate goal of affirmative action is to achieve fair

representation for qualified racial minorities and women in all areas of American life.

I would say to you that this goal has not been realized. We have been trying for the last five decades to take care of this problem.

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But we have in place a system, and to begin to tinker with and unravel equal opportunity and affirmative action programs at this juncture when so much progress has yet to be made is unthinkable. But it is absolutely unforgivable, because you turn the clock back and you create additional problems for America, in many instances, problems that have already been solved, or the solution is in the process.

Mr. CLYBURN. In closing, let me just say this, as I say so often. Affirmative action is in fact an experiment. We are experimenting with a method by which we can overcome the current effects of past discrimination. Our society, this democracy that we live in, is in fact an experiment. But as we look at all the groups of people that make up this great Nation of ours, we have to think about the different religions, different cultures. There is no religion that we call American, there is no culture that can be called American.

America is a mosaic of many things. Jews celebrate Yom Kippur, Christians celebrate Easter, Italians celebrate Columbus Day, black Americans celebrate Martin Luther King, Jr.'s birthday, Irish-Americans celebrate St. Patrick's Day, all of that, and we participate with each other, trying to make sure that people learn to respect these different cultures and these different religions.

If we can do that, then I think that what we need to do is learn to carry that same respect and participation into the workplace as well. If we can do that, I think that America is going to be a much better place for all of us.

Mr. THOMPSON. I thank the gentleman from South Carolina [Mr. CLYBURN].

Tonight we have tried to put in perspective some of the issues around the affirmative action debate. I would like to thank Congressman PAYNE, Congressman CLYBURN, and Congressman HILLIARD for joining me in this special order.

Mr. Speaker, if I am permitted, I yield the balance of my time to the gentleman from California [Mr. FARR] who has joined us at this time.

The SPEAKER pro tempore (Mr. KINGSTON). The gentleman from California is recognized for 3 minutes.

COMMEMORATING 50TH ANNIVERSARY OF CANNERY ROW AND JOHN STEINBECK'S 93D BIRTHDAY

Mr. FARR. Mr. Speaker, I thank my colleagues and the leaders of the Congressional Black Caucus for the last hour colloquy on the issue of affirmative action.

I want for a few minutes to recognize someone who brought to light the plight of the conditions of many of the people who represent and live in the district that I represent in the central coast of California. For today is a very special day in my central coast of California district.

Today would have been the 93d birthday of one of our Nation's greatest authors, John Steinbeck. John Steinbeck Nobel Laureate and native son of California, led a life as rich and provocative as the Salinas Valley he immortalized in his writings. His obsession with his hometown would develop into a lifelong theme, unfolding through the course of time like a Steinbeck novel. The year 1995 is also being celebrated as the 50th anniversary of the publication of "Cannery Row," his novel about the thirties in Monterey, CA.

Fifty years ago John Steinbeck shook off the anguish and horrors of World War II which he had experienced as a war correspondent. He wrote "Cannery Row," a lively story about the thirties, when life seemed to him to have more meaning. His novel about Doc, Mack, and the boys, Flora and her girls, and Lee Chong became an instant success with the war-weary American public. Today, schoolchildren throughout our Nation read Steinbeck's "Cannery Row" as part of their curriculum.

Steinbeck won the Pulitzer Prize fiction award for the "Grapes of Wrath" in 1940, which has now become an American classic. In 1962 he received the greatest honor of his distinguished writing career—the Nobel Prize for Literature "for his realistic as well as imaginative writings, distinguished by a sympathetic humor and keen social perception."

John Steinbeck's fiction has been recognized as being representative of the character of our people, especially their vitality and uniquely American qualities. People from around the world are attracted to our Monterey Bay shores because of his writing and come to the Monterey Peninsula and Salinas Valley to renew memories of his novels. Especially to visit the localities of his stories which are so vividly portrayed in "Cannery Row," "The Pastures of Heaven," "Of Mice and Men," "East of Eden," "The Red Pony," and "Travels with Charley."

Steinbeck achieved worldwide recognition for his keen observations and powerful writings of the human condition, bringing the plight of the disadvantaged and outcast to the forefront of social consciousness.

Our Nation has bestowed high honors on him, including the Medal of Freedom from President Lyndon Johnson and the American Gold Medallion issued by the U.S. Mint.

I invite you to join me in honoring John Steinbeck, on the 50th anniversary of the publishing of "Cannery Row" and in memory of his 93d birthday. His is truly a national treasure.

REFLECTIONS ON BLACK HISTORY MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, I rise to discuss with my colleagues a wonderful journey I took during the month of February. The voyage I speak of was one of education and learning throughout our Black History Month which concludes tomorrow.

I had an opportunity, Mr. Speaker, to see how the people of my home district in Montgomery County, PA celebrated the heritage of a people who have contributed much to our society.

Many of you may realize it, but Montgomery County, PA was the end of the line for many slaves as they escaped to freedom along the underground railroad with the help of Lucretia Mott for whom the wonderful community of LaMott is now named in Cheltenham Township.

Communities in my district, Mr. Speaker, such as the beautiful town of Penllyn arose because of those men and women who fought so hard for their freedom. Even today it is clear that the freedoms we all enjoy here in the United States have a special home in places like Bethlehem Baptist Church which rose like a monument to freedom for those families under the leadership of Rev. Charles Quann.

What was perhaps most gratifying was to see the pride in the faces of the youth of these communities as they learned about the freedom fighters who risked everything so their children could breathe the sweet air of freedom, justice and equality.

These great men and women knew that, as Thomas Paine said in "The American Crisis," that "those who expect to reap the blessings of freedom must undergo the fatigues of supporting it."

Great black leaders and all those who fought for equality have never failed to undergo the fatigues of supporting freedom.

The words and ideals of individuals like the great emancipator Abraham Lincoln and the eloquent drum major for peace, Dr. Martin Luther King, Jr., rang throughout Montgomery County throughout February just as they rang out across the Nation when they were alive.

The spirit of Harriet Tubman was palpable as our children recalled how she inspired a Nation to continue the backbreaking battle for freedom.

Is the battle over? I would have to say no. But for those who have grown weary fighting against individuals and groups who would repress a people, any people, the events of this month must have had a rejuvenating effect on their souls.

Another freedom fighter, Franklin Delano Roosevelt, once said,

We look forward to a world founded on the basis of four essential human freedoms. The