

ideal of equal opportunity for all, it is important to note that we have made considerable progress over the three decades since President Johnson issued the first Executive order calling for affirmative action to end job discrimination. I think we should be proud of that progress—long overdue as it may have been. Every President since President Johnson, and every Supreme Court since then, has acknowledged that affirmative action programs were intended to be temporary. In the debate that is ongoing now, and on which the President made a major statement today, I believe we should pause to acknowledge not only our continuing commitment to equal opportunity and the work we still have to do to realize it for all Americans, but also to acknowledge our success in overcoming what was not only a legally sanctioned system of discrimination in our country but also ingrained biases about race and gender which were extremely widespread in our country. We have come a long way from those days. Today, poll after poll shows a very high and broad national consensus about ensuring equal opportunity for all, which, of course, was what the civil rights movement was all about.

Unfortunately, Mr. President, some poorly conceived and implemented affirmative action programs have done more to disturb and confuse that broadly accepted national consensus about equal opportunity than they have done to help their intended beneficiaries. Affirmative action is dividing us in ways its creators could never have intended because most Americans who do support equal opportunity, and are not biased, do not think it is fair to discriminate against some Americans as a way to make up for historic discrimination against other Americans. For, after all, if you discriminate in favor of one group on the basis of race, you thereby discriminate against another group on the basis of race. In discussing this subject the other day, a young man offered me this simple wisdom that we all learned from our mothers and fathers: "Two wrongs," he said, "don't make a right."

President Clinton deserves our praise for his willingness to wade into this fray and examine whether affirmative action programs are advancing our goal of equal opportunity in a manner that is consistent with our ideals and our Constitution. In particular, I am encouraged by the President's expressed commitment to implement the Supreme Court's recent *Adarand* decision on affirmative action. The Department of Justice has informed all Federal agencies that every program employing race-based or similar criteria must be rigorously examined to ensure that it is narrowly tailored to meet a compelling governmental interest that cannot otherwise be achieved. If a program does not meet that test, it must be significantly changed, or it must be eliminated.

In my own view, Mr. President, most Government programs in which race, gender, or similar status are dominant factors, will not survive the Supreme Court's new *Adarand* test. If that is in fact the case, we must work together to find new and, I would hope, more broadly acceptable ways to achieve the goal of promoting equal opportunity for all—particularly our poorest neighbors. I accept the premise, as I believe most Americans do, that there is still much work to be done. We must be prepared to devote more resources to enforcing our civil rights laws vigorously. We need to direct our attention, energy, and money to helping poor people, regardless of race or ethnic background, by making greater investments in education and job training, economic opportunity, and empowerment. Doing so would not only be more effective in achieving our national ideal of equal opportunity for all, but I think would restore a sense of traditional American fair play to this field that, sadly, for too many has been lost.

Some critics of affirmative action are simultaneously urging the dismantling of programs that are keys to helping poor people gain the education and skills that will make equal opportunity real for them. I will join the President, as I have before, in fighting both to preserve and reform, where necessary, those programs, and in finding ways to address the profound problems faced by those who are victims not only of discrimination, but of poverty.

I invite all our colleagues within this Chamber, in the House, and all people of good will throughout the country, who are committed to making our society as fair as possible—whatever their party affiliation or views on affirmative action—to join this important effort in the months and years ahead.

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGES FROM THE HOUSE

At 12:10 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1977. An act making appropriations for the Department of the Interior and relat-

ed agencies for the fiscal year ending September 30, 1996, and for other purposes.

#### MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 1977. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes; to the Committee on Appropriations.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1206. A communication from the Comptroller of the Department of Defense, transmitting, pursuant to law, a notice of a violation of the Antideficiency Act, case number 92-68; to the Committee on Appropriations.

EC-1207. A communication from the Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, a supplemental legislative environmental impact statement with respect to the START II Treaty; to the Committee on Armed Services.

EC-1208. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the fiscal year 1994 financial statements of the United States Mint; to the Committee on Banking, Housing and Urban Affairs.

EC-1209. A communication from the Assistant Attorney General, Office of Legislative Affairs, transmitting, a draft of proposed legislation to provide administrative procedures for the nonjudicial foreclosure of mortgages on properties to satisfy debts owed to the United States, and for other purposes; to the Committee on the Judiciary.

EC-1210. A communication from the Assistant Attorney General, Office of Legislative Affairs, transmitting, a draft of proposed legislation to amend title 17, United States Code, title 18, United States Code, and for other purposes; to the Committee on the Judiciary.

EC-1211. A communication from Commissioners of the United States Commission on Civil Rights, transmitting, notice of errors in the transmittal of the report "Funding Federal Civil Rights Enforcement"; to the Committee on the Judiciary.

EC-1212. A communication from the Assistant Attorney General, Office of Legislative Affairs, transmitting, a draft of proposed legislation to enable the United States to meet its obligations to surrender offenders and provide evidence to the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law in the Territory of the Former Yugoslavia and to the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of Humanitarian Law Committed in the Territory of Rwanda and Citizens Responsible for Genocide and other such Violations Committed in the Territory of Neighboring States; to the Committee on the Judiciary.

EC-1213. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, transmitting, pursuant to law, the Attorney General's Report on Risk Exposure of Private Entities Covered by the Federally Supported Health Centers Assistance

Act of 1992; to the Committee on Labor and Human Resources.

EC-1214. A communication from the Director of the National Science Foundation, transmitting, pursuant to law, the NSF report on women, minorities and persons with disabilities in science and engineering; to the Committee on Labor and Human Resources.

EC-1215. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation entitled "Older Americans Act Amendments of 1995"; to the Committee on Labor and Human Resources.

EC-1216. A communication from the Secretary of Labor, transmitting, a draft of proposed legislation entitled "ERISA Enforcement Improvement Act of 1995"; to the Committee on Labor and Human Resources.

EC-1217. A communication from the Secretary of Labor, transmitting, a draft of proposed legislation entitled "Individuals with Disabilities Education Act Amendments of 1995"; to the Committee on Labor and Human Resources.

EC-1218. A communication from the Members of the Railroad Retirement Board, transmitting, pursuant to law, the 1995 annual report of the Board on the financial status of the railroad unemployment system; to the Committee on Labor and Human Resources.

EC-1219. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to persons with mental illness in the criminal justice system; to the Committee on Labor and Human Resources.

EC-1220. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, a report relative to the impact of the National Voter Registration Act of 1993; to the Committee on Rules and Administration.

EC-1221. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, a proposed regulation relative to "express advocacy"; to the Committee on Rules and Administration.

EC-1222. A communication from the President of the Kennedy Center for the Performing Arts, transmitting, pursuant to law, the annual report of the Kennedy Center for 1994; to the Committee on Rules and Administration.

EC-1223. A communication from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to permit the Secretary of Veterans Affairs to reorganize the Veterans Health Administration notwithstanding the notice and wait requirements of section 510 of title 38, United States Code, and to amend title 38, United States Code, to facilitate the reorganization of the headquarters of the Veterans Health Administration; to the Committee on Veterans' Affairs.

EC-1224. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the cumulative report on rescissions and deferrals, pursuant to the order of April 11, 1986, referred jointly; to the Committee on Appropriations, the Committee on the Budget, the Committee on Agriculture, Nutrition and Forestry, the Committee on Banking, Housing and Urban Affairs; the Committee on Commerce, Science and Transportation; the Committee on Environment and Public Works; to the Committee on Finance; to the Committee on Foreign Relations; to the Committee on the Judiciary; to the Committee on Labor and Human Resources; and the Committee on Small Business.

EC-1225. A communication from the Director of the Office of Management and Budget,

Executive Office of the President, transmitting, pursuant to law, a supplemental summary of the budget submitted earlier in the year, pursuant to the order of April 11, 1986, referred jointly; to the Committee on Appropriations and to the Committee on the Budget.

#### PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-231. A resolution adopted by the Greater Sitka Chamber of Commerce of the City of Sitka, Alaska relative to the timber industry; to the Committee on Energy and Natural Resources.

POM-232. A resolution adopted by the New Jersey State Federation of Women's Club relative to the New Jersey Highlands; to the Committee on Energy and Natural Resources.

POM-233. A resolution adopted by the Minnesota Division of the Izaak Walton League relative to waterfowl production areas; to the Committee on Energy and Natural Resources.

POM-234. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Energy and Natural Resources.

#### "SENATE CONCURRENT RESOLUTION NO. 15

"Whereas, many local groups, local governmental bodies, and interested citizens have shown interest and a keen desire for continued economic opportunity and development in Rapides Parish; and

"Whereas, the opportunity for such continued development could result from the construction of a Job Corp Center at Camp Claiborne; and

"Whereas, there has been great community and political support for such a project; and

"Whereas, the Kisatchie National Forestry Service, which is part of the U.S. Forestry Service, has as of March 14, 1995 deadline, made an application for construction of a Job Corp Center to be located on Camp Claiborne in Rapides Parish; and Therefore, be it

*Resolved*, That the Legislature of Louisiana does hereby show its support and endorsement of the Kisatchie National Forest Service as the sponsoring agency for a Job Corp Center to be located in Rapides Parish; be it further

*Resolved*, That a copy of this Resolution be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana Congressional Delegation."

POM-235. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Energy and Natural Resources.

#### "SENATE JOINT RESOLUTION NO. 7

"Whereas, the people of the State of Nevada have a long history of being productive and successful ranchers and farmers; and

"Whereas, the money received from the production and sale of livestock, crops and other agricultural products contributes millions of dollars each year to the economy of Nevada; and

"Whereas, because of Nevada's arid climate and lack of abundant supplies of water, large amounts of land are required to graze cattle and sheep effectively; and

"Whereas, much of the land needed for grazing livestock must be leased under permit from the Federal Government, thereby making many of the ranchers and farmers in

Nevada involuntarily dependent upon the Federal Government and its regulations governing the use of the rangelands located on the public lands of the United States; and

"Whereas, the Secretary of the Interior has adopted major reforms to the existing regulations of the Federal Government concerning the management of the rangelands located on the public lands of the United States which will become effective on August 26, 1995; and

"Whereas, such proposed reforms are extremely broad and extensive, and seek to impose numerous changes in the administration of the public rangelands which are not necessary or reasonable in order to maintain the public rangelands in a healthy and productive condition;

"Whereas, a bill has been introduced in the Senate, S. 852 of the 104th Congress, 1st Session (1995), The Livestock Grazing Act of 1995, which would prevent the reforms adopted by the Secretary of the Interior and would establish reasonable provisions relating to the proportional ownership of improvements made on the public rangelands by ranchers in cooperation with the Federal Government, the requirement of compliance with state law relating to water rights, the clarification of the types of violations of federal law relating to the management and administration of the public rangelands which are subject to civil or criminal penalties and other matters relating to the management and administration of the public rangelands of the United States; and

"Whereas, an identical bill has been introduced in the House of Representatives, H.R. 1713 of the 104th Congress, 1st Session (1995); Now, therefore, be it

*Resolved* by the Senate and assembly of the State of Nevada jointly, That the Nevada Legislature hereby expresses its support for the ranching and farming industries in Nevada; and be it further

*Resolved*, That the Nevada Legislature opposes any extensive and unreasonable reform of the existing regulations of the Federal Government concerning the management of the public rangelands in Nevada; and be it further

*Resolved*, That the Nevada Legislature hereby urges the Congress of the United States to pass S. 852 or H.R. 1713 of the 104th Congress, 1st Session (1995), The Livestock Grazing Act of 1995, which would prevent the reforms adopted by the Secretary of the Interior concerning the management of the rangelands located on the public land of the United States and establish reasonable provisions relating to the management and administration of the public rangelands of the United States; and be it further

*Resolved*, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives, the Chairman of the Senate Committee on Energy and Natural Resources, the Chairman of the House of Representatives Committee on Natural Resources and each member of the Nevada Congressional Delegation; and be it further

*Resolved*, That this resolution becomes effective upon passage and approval."

POM-236. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Energy and Natural Resources.

#### "Senate Joint Resolution No. 11

"Whereas, the present demand on the limited supply of water in the State of Nevada is threatening the vitality of the lakes in western Nevada including Pyramid Lake and Walker Lake; and