and the former chairman of its Subcommittee on Energy and Water Development. He is also a member of the Appropriations Subcommittee on the Interior. Through these assignments, TOM BEVILL has been instrumental in funding the Nation's major energy research programs and our Nation's water resource development projects.

The Fourth Congressional District of Alabama has benefited as a result of TOM BEVILL's commitment and hard work. I recall working closely with TOM BEVILL on the Tennessee-Tombigbee Waterway project. It was an important initiative that could not have gone forward without his strong leadership. During his tenure in Congress, TOM has also demonstrated a steadfast commitment to education. A leading defender of Social Security and Medicare, as well as a a strong advocate for health care, TOM has earned the support of our Nation's seniors.

Mr. Speaker, I have been privileged to serve in the Congress with TOM BEVILL. He is a skilled lawmaker and a dedicated public servant. He is also a gentleman and a close personal friend. Throughout our Appropriations Committee and floor deliberations, he as been the voice of reason and compassion. Members on both sides of the aisle will agree that over the years, TOM BEVILL has taught us valuable lessons about working together and public service. I am proud to share a very special relationship with TOM BEVILL. He is someone whom I greatly admire and respect.

Mr. Speaker, as he departs this legislative Chamber, I join my colleagues in saluting TOM BEVILL for a job well done. I also extend my best wishes to his charming wife, Lou, and members of the Bevill family. TOM BEVILL will be missed in the Halls of Congress. We take pride in knowing, however, that he leaves behind a record of legislative achievement and service that will stand in the years to come.

AFFIRMATIVE ACTION

The SPEAKER pro tempore (Mr. QUINN). Under the Speaker's announced policy of May 12, 1995, the gentleman from Illinois [Mr. JACKSON] is recognized for 60 minutes.

CONTINUED TRIBUTE TO TOM BEVILL AND GLEN BROWDER

Mr. JACKSON of Illinois. Mr. Speaker, with that I yield to the distinguished ranking member, the gentleman from Ohio [Mr. STOKES].

Mr. STOKES. Mr. Speaker, I thank the gentleman from Illinois for yielding to me. I will just take a couple of moments of his time. I am sorry that I did not arrive earlier to be able to speak on Mr. CALLAHAN's special order on behalf of TOM BEVILL and GLEN BROWDER. Mr. OBEY and I have been in a House-Senate conference on the VA-HUD bill, and we just got a chance to get here to the floor.

I will just take a moment, but I do want to say that with reference to TOM BEVILL, with whom I have served almost all the time that I have been in the Congress, that I have established a lot of friendships in this Congress but no greater friendship have I had than that I have had with TOM BEVILL. I do not know of any Member of Congress who is respected any more highly than he is, nor do I know of anyone who has made a greater contribution to this Nation than he has.

We have worked on a lot of projects together over the years and it has been a real privilege and honor to serve with him, to get to know not only him but members of his family, his lovely wife and members of his family. I want to say we are going to miss TOM here.

☐ 1645

His level of leadership has been something that we can all point to as a model and with great admiration.

In the same vein, I want to take just a second to say what a pleasure and privilege it has been to serve with GLEN BROWDER. He too, following in the footsteps of TOM BEVILL and other leaders from Alabama, has been a real model here. He has had a long and distinguished record legislatively and is someone whom all of us not only admire, but we will miss greatly when he leaves this body.

And just lastly, TOM, I might say that I am sure that our good friend, Bob Jones, is watching this special order this afternoon and I am sure there is a smile on his face with the knowledge that you and I shared a special friendship over the years.

Mr. JACKSON of Illinois. I thank you, Mr. STOKES.

Mr. Speaker, I yield to the distinguished ranking member of the Committee on Appropriations, Mr. OBEY.

Mr. OBEY. I thank the gentleman. I do not want to impose on his time. I would simply ask unanimous consent that the remarks I made about our good friend, TOM BEVILL, when we considered the energy and water appropriations bill be incorporated in my remarks at this point in the RECORD and to simply say again, TOM, how much I have enjoyed the opportunity to serve with you and how grateful we are for the service you have given the country.

And I want to say to GLEN that you have, I think, performed tremendous service in this institution with good humor and with grace, with understanding of other people's points of view and with deep commitment to the things that you believe in. That is what makes this country strong, and that is what makes this institution what it is supposed to be, and I thank you both for your service here.

Mr. JACKSON of Illinois. Mr. Speaker, I certainly want to take this opportunity to thank TOM BEVILL and GLEN BROWDER, as well, for their years of service to this institution, and while I have not had the privilege of knowing and working with them at the level that I wish I could have, their reputations in this institution as genuine public servants certainly precedes them and I am just honored to have the privilege to be from the State of Illinois, to follow in their tradition of public service. The roles that they have represented in this institution are not without great distinction and without the kind of merit that truly needs to be bestowed upon public servants in this institution.

AFFIRMATIVE ACTION

Mr. JACKSON of Illinois. Today, Mr. Speaker, I am joined by the distinguished gentleman from Louisiana [Mr. FIELDS] to talk about an issue of critical importance during this electoral season, the issue of affirmative action, and with that, Mr. Speaker, I would like to ask the gentleman to engage with me in colloquy for the remainder and the balance of our time.

Mr. FIELDS of Louisiana. I thank the gentleman, and I, too, would like to add to the accolades that have been bestowed upon both TOM BEVILL and GLEN BROWDER for their years of service. As a young Member of this Congress, I want to thank each of you for the leadership that you have shown on the floor of the House. You have always conducted yourselves in a very professional manner, and I would hope that people outside of this Chamber have had the opportunity to watch the two of you on the floor, and also in committee. Hopefully, the Congress is better served because you had an opportunity, the two of you had the opportunity, to serve. And as a young Member, I say to you, I appreciate the leadership that you have given to others such as myself.

I want to thank the gentleman from Illinois [Mr. JACKSON] for yielding to me. I want to apologize to the gentleman. I had intended to be a part of this entire hour. I will not be able to participate the full hour, but I want to thank the gentleman for bringing such an important issue to the forefront, and that is affirmative action.

Today, the Small Business Committee held hearings which assessed the value and the continued need for the Small Business Administration's 8(a) program—one of the most successful programs for helping the socially and economically disadvantaged to become self-reliant entrepreneurs. It is no surprise that we find ourselves addressing the issue of affirmative action during this political season—for despite what all of the macroeconomic indicators may describe, many in our Nation find themselves dominated by economic anxiety. We know from past experience that in such a climate politicians use the fear-driven dynamic of scapegoating and blame to divide us from each other.

We are at a critical juncture in the way our Nation addresses issues of race and gender. The greatest civil rights gains were achieved in the 1950's and 1960's at a time of economic health, prosperity, and growth. Today, as we face the results of the globalization of the economy, the downsizing of Government and corporate America, fear-driven political divisiveness abounds and threatens the gains we have made.

There is probably no issue in current political discourse that speaks more to the Nation's acceptance or denial of the existence of race and gender discrimination than affirmative action.

After his review of existing affirmative action programs, President Clinton strongly endorsed the principle of equal opportunity and the means to achieve it—strongly and adequately enforced affirmative action programs.

Opponents of affirmative action, who use the issue as a wedge to divide society for the sake of political expediency, uniformly deny that discrimination continues to be a pervasive evil—a fact of life for a majority of Americans. Opponents perpetuate the idea of achieving a colorblind society despite overwhelming evidence of discrimination against people of color. When opponents present their rationale for eliminating affirmative action as a remedy for such discrimination, they often take Dr. King's quote about ''judging people by the content of their character and not the color of their skin'' out of context. What Dr. King actually said was that ''He looked forward to the day'' that people would be judged by the content of their character, not the color of their skin. We know that such a day has yet to arrive.

In order to understand why we are discussing affirmative action today, it is important to place the development of affirmative action programs in their proper historical context. To this end, today we would like to first trace the history of affirmative action in America. Second, we will attempt to dispel the myths surrounding this complex arena, and finally, we will specifically address the merits of the 8(a) program and the positive effects it has had and will continue to have on our Nation's small businesses if we sustain this valuable program.

Mr. JACKSON of Illinois. Contrary to popular opinion, the concept of affirmative action has a very long and protracted history in the United States. The longer, more pervasive form has been exclusive affirmative action which established and perpetuated the dominance of white male Anglo-Saxon landowners. For a brief period following the Civil War and then not again until the Civil Rights era of this century, a positive inclusive affirmative action was enacted into law in an effort to end the institutionalized racism and sexism in our society.

The highest law of the land, the U.S. Constitution, codified State-sanctioned preferential treatment for white male landowners, guaranteeing the slave trade, the return of fugitive slaves and the counting of African descendants as three-fifths human. African descendants were prohibited from learning to read, from marrying or giving their children names. Women were not allowed to vote. Native Americans, the original inhabitants of the land, were decimated as a people, and survivors were stripped of political and human rights. Tenant farmers and other nonlandowners lacked political rights. While white male landowners reaped the tremendous group benefits of the Homestead Act and the land reclamation laws which provided them with oil and soil-rich land they earned purely by luck of birth, those who had worked the land, mostly Mexican-Americans and Asian-Americans and immigrants, were prevented from owning land by anti-alien laws which were on the books until the 1950's. Asian men were imported to work on the railroad in the West while Asian women were employed in menial positions and Asians were often not allowed to marry.

The judicial branch also enforced exclusive affirmative action. In the 1857 Dred Scott ruling, the Supreme Court made the strongest possible statement of white males' preferred treatment and status, that a black man had no rights that a white was bound to respect. It was not until the Emancipation Proclamation that the concept of inclusive affirmative action originated with the Civil War amendments to the Constitution. The first major Reconstruction legislation was enacted specifically for the benefit of African Americans as a group. The Freedman's Bureau Act of 1865 allowed for provisions, clothing, and for land and for lease of land and sale to descendants of slaves. It also set up schools to educate freed slaves who had previously been denied access to education. This healing period, however, was short-lived.

In 1873, just 8 years later, the Supreme Court narrowly redefined the 14th amendment, giving States broad authority to reestablish second-class citizenship for former slaves. The Tilden-Hayes Compromise of 1877 cut short the potential reconstruction by eliminating the promise of ''40 acres and a mule,'' taking land away from freed slaves, redistributing plantations to original Confederate owners, pulling out Federal troops who were sent in to protect the freed slaves and allow the Ku Klux Klan to reign by terror and oppression.

Then, in 1896, the Supreme Court in Plessy versus Ferguson codified American apartheid with its mandate of separate but equal, legally sanctioning the segregation of the races. Jim Crow laws strictly segregated African Americans in every facet of life from public transportation and accommodations to schools. The disparities were beyond severe with white schools spending more than 10 times the amount of money per pupil than black schools.

Mr. FIELDS of Louisiana. African Americans were not the only group to have suffered at the hands of white male supremacy. White women and women in general did not gain the right to vote until the 19th amendment afforded them suffrage in 1920. Mexican Americans in the southwest were subjected to widespread discrimination in housing, education, and employment. They were murdered, executed without trial, and lynched. Asians were denounced for taking white men's jobs, and the feat of yellow peril led to anti-Asian immigration laws on the books in 1924 and 1945. Japanese Americans were illegally confined to detention cams during World War II and lost most of their property while wrongfully incarcerated.

Exclusive affirmative action remained the law of the land until Brown versus Board of Education in 1954. Brown rejected ''separate but equal'' as inherently unequal and laid the legal basis to end segregation across the country. Momentum for this milestone had been building since the 1940's and had its roots in educational opportunity. Following WWII, the GI bill laid the groundwork for the first affirmative action plan in education. Upon their return from the war, veterans of all races were offered home loans, job training and a free college education. Veterans of all backgrounds benefited from the college waiver and lower interest requirements that were given extra points on entrance exams and provided extra help for education. Veterans prospered, and so did the Nation. It was in the spirit of equal opportunity that President Truman 47 years ago desegregated, not integrated, the Armed services in 1948. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. President Kennedy was the first to coin the phrase of ''affirmative action'' in his Executive order of 1961 which barred discrimination in Federal employment and in private firms that entered into contracts with the Federal Government. His premise was that those who had been historically locked out by law or by practice would have the opportunity to prove themselves on the job. This order though had no enforcement powers.

In 1964, Lyndon Baines Johnson and Congress passed the Civil Rights Act—the first truly effective piece of civil rights legislation since Reconstruction. Title VII prohibited public and private employers from discriminating based upon race, gender, national origin, or religion. It specifically outlawed the use of ''preferential treatment'' to any protected group. The act established the right of courts to order affirmative action plans to remedy widespread practices of discrimination.

However, after its passage, individual victims of discrimination found it difficult to prove their cases in court since employers were able to craft counterstrategies which hid their bias. For example, how do you prove that the job has not already been filled, or that you would've received the job on your merit if the employer hadn't hired his son-in-law; or that the employer, upon finding that the most qualified applicant was a person of color, internally filled the slot; or that you were barred from tenure-track position because of your gender?

□ 1700

The reality is that it is really hard to do so, especially for unemployed victims of discrimination who are trying to find a job to survive.

It became clear to policymakers of that day that a proactive government strategy would be necessary to overcome the vestiges of discriminations

past. It was not enough to merely cease discriminatory practices. We needed measures to undo or compensate for the effects of past discrimination. We needed an affirmative action to overcome a negative action.

Mr. FIELDS of Louisiana. Mr. Speaker, to that end, in 1965, President Johnson issued Executive order 11246, which required all employers with Federal contracts to file written affirmative action plans with the Office of Federal Contract Compliance Programs, giving a Federal Government review of one-third of the private work force. Announcing his rationale in his famous ''to fulfill these rights'' speech at Howard University commencement, he stated:

> You do not take a person who, for years, has been hobbled by chains and liberate him, bring him to the starting line of a race and then say, ''You are free to compete with all others,'' and still justly believe that you have been completely fair.

He recognized that merely outlawing discrimination and equalizing the law of competition was not enough. He called for ''equality as a result, not as a philosophy.'' In 1967 the order was extended to women.

By the end of his administration, LBJ was mired down by the Vietnam War and unable to carry out his enforcement and promise of his economic justice agenda. Interestingly, it was under President Richard Nixon that the parameters of modern affirmative action programs were set. Several hundred large corporations recommended use of a management by objective concept of goals and timetables, not quotas. The order required that employers make a good-faith effort to hire women and people of color by setting targets and timetables to achieve these goals. Penalties were not invoked if employers made good-faith efforts to make their goals, and the Executive order specifically prohibited the use of quotas.

This standard remains the state of the law today. In 1973, affirmative action was extended to people with disabilities, and in 1974, to veterans.

Mr. JACKSON of Illinois. Mr. Speaker, in 1978 a divided Supreme Court in University of California versus Bakke struck down a UC Davis admission program, which set aside 16 out of 100 slots for disadvantaged students, as an impermissible quota. The Bakke court did, however, affirm the use of race or ethnicity as a factor to be considered, along with many other factors.

It is commonplace for schools to seek out students with special talents or skills or leadership ability or unique geographic origins, to consider whether they are veterans, or promising athletes, or children of alumni. Significantly, the court recognized a diverse student body as a compelling State interest. The vote by the UC regents, however, has circumvented the Supreme Court's recognition of the public schools' ability to enrich their educations and the educational environment. We now sit in fear of the long-term implications that this will have, not only in California, for California residents, but for the students of other States who have followed suit.

Two decades of constitutional law have defined lawful affirmative action plans in employment, in contracting, and education, which include activities from recruiting and special outreach to goals, targets, and timetables, not quotas. The court requires that the following five guidelines are met when implementing an affirmative action plan:

No. 1, race, national origin, or gender is one of several factors to be considered;

No. 2, relevant and valid job or educational qualifications are not compromised;

No. 3, numbers do not amount to numerical straitjackets or quotas and reflect the relevant pool of applicants;

No. 4, timetables for achieving the goals are reasonable, and there is an appropriate review of the plan's continuing value;

No. 5, the rights of nonbeneficiaries are respected.

The court has held a plan is illegal if any of the following five situations occur:

An unqualified person receives a benefit over a qualified one;

Second, numeric goals are so strict to the degree of being inflexible;

Third, the numeric goals do not reflect the available pool of qualified candidates, and thus easily become a quota;

Fourth, the plan is of indeterminate length, causing it to outlast its objectives; and

Fifth, innocent bystanders are impermissibly burdened.

One year ago the Supreme Court dealt a blow to affirmative action policies. The court, in the Adarand versus Pena decision, made it more difficult to implement Federal affirmative action programs as it raised the level of review to the highest measure of scrutiny. Significantly, seven out of nine justices, excepting Scalia and Thomas, rejected the notion of color-blind justice. Prior to Adarand, the court would defer to Congress and to Congress' expertise in crafting programs to ensure that victims of past governmental or societal discrimination were able to benefit from the educational opportunities and business of the Federal contracts that their tax dollars actually went to support.

Mr. Speaker, while strict scrutiny is certainly a higher threshold, the Department of Justice has studied affirmative action programs and is promulgating regulations to ensure that existing programs are narrowly tailored to meet their ''compelling government interest.''

Prior to the Adarand decision last year, the Supreme Court likewise declined to overrule a lower court decision which outlawed the University of Maryland's Banneker scholarships. This was a program which attracted high-achieving African-Americans to the university, leaving minority targeted scholarships severely jeopardized. Earlier this year, in the April Hopwood decision, the Fifth Circuit Court of Appeals ruled that the use of racial diversity as a remedy for past discrimination is not enough of a compelling Government interest to justify an affirmative action program.

Prior to Hopwood, the University of California dismantled its affirmative action programs, and several State universities are following suit. We are pleased to hear that the extremist Dole-Canady bill will not come to the floor for a vote due to the lack of support for the outright dismantling of this very effective mechanism for equal opportunity, and note that the same opposition applies to the so-called California civil rights initiative and other State efforts to undermine equal opportunity, whether in employment, in education, or in contracting.

Mr. FIELDS of Louisiana. Mr. Speaker, I want to talk a moment about dispelling the myths of what affirmative action is and what it is not.

Today most discussions of affirmative action start at the end, discounting the entire history of affirmative action by claiming that affirmative action really means quotas and preferential treatment. I thought it was important to start at the beginning and not at the end.

After 250 years of slavery, 100 years of apartheid, the 1954 decision ending segregation, nondiscrimination laws—negative action to offset negative behavior, and then positive action to overcome the vestiges of a discriminatory past—we are not yet to the day of Dr. King's rainbow. It is a myth that affirmative action is no longer necessary.

The Glass Ceiling Report, a study commissioned by the Department of Labor and created by the 1991 Civil Rights Act by a bipartisan majority in this Congress, and a Republican administration, found that women in the largest corporations hold less than 5 percent of the top management posts, while African-Americans, Latinos, and Asian-Americans, hold less than 1 percent of these positions. White males comprise 43 percent of the work force, yet hold 95 percent of these jobs.

The unemployment rates of African-Americans and Latinos are twice that of whites. Women are 53 percent of the population, African-Americans are 13 percent, Latinos, 10 percent. Yet, in the 1994 labor market 22 percent of all doctors were women, 4 percent African-American, and 5 percent Latino. Twenty-four percent of all lawyers were women, 3 percent African-American, and 3 percent Latino. Thirty-one percent of all scientists were women, 4 percent African-American, and 1 percent Latino.

The well-documented pay gap between white men, and women, and people of color persists. In 1993, on the average, for every dollar a white man

earned, an African-American man made 74 cents, a white woman 70 cents, a Latino man 64 cents, and an African-American woman 63 cents.

Mr. JACKSON of Illinois. Divisive forces claim Asian-Americans no longer affirmative action protections against current discrimination. Yet, whites with high school degrees make up almost 11 percent more than Asian-Pacific-Americans with college degrees. As a group, whites make almost 26-percent more than Asian-Pacific-Americans. Asians remain vastly underrepresented in many occupations. Furthermore, many groups within the Asian community, the Vietnamese, the Laotians, and Filipinos, are characterized by high rates of illiteracy and poor job skills.

Asian-Americans are rarely seen in tenured faculty or administrative positions in academia, comprising only 4 percent of all full-time professors. It is manipulative to claim that Asian-Americans are the model minority in an effort to eliminate race-conscious inclusion policies.

A 1990 Urban Institute study stands as empirical proof of the pervasive nature of discrimination in the workplace. Comparing African-Americans and white job applicants with identical credentials, the study found unequal treatment was entrenched and widespread. In nearly a quarter of these cases, whites advanced further through the hiring process than blacks. A similar study with Latinos found whites received 33-percent more of the interviews and 52-percent more job offers than equally qualified Latinos. Even when African-Americans and Latinos are hired, they are promoted and paid less.

In 1992, Manufacturers Hanover Trust rejected 18 percent of loan applications from high-income whites, yet rejected twice as many, 43 and 45 percent, from high-income African-Americans and Latinos. In 1994, the Chevy Chase Federal Savings Bank agreed to an $11 million settlement of a lawsuit for redlining in mortgage lending, refusing to serve neighborhoods predominantly comprised of people of color.

Last summer the Chicago Federal Reserve Bank reported that African-Americans are twice as likely to be denied home loans, and Latino applicants one and one-half times more likely to be rejected as equally qualified whites.

Less than 2 weeks ago, on September 5, 1996, the Long Beach Mortgage Company paid a $3 million settlement to African-American, Latino, female, and elderly borrowers who were victims of unlawful pricing practices. The settlement resulted from allegations of race, gender, and age discrimination, in violation of the Equal Credit Opportunity Act and the Fair Housing Act.

Mr. FIELDS of Louisiana. Mr. Speaker, academia is not immune to discrimination. A study of faculty hiring practices found that once a hiring goal was met, departments would stop seeking out people of color, pulling their ads from relevant publications, despite the number of vacancies that subsequently arose. People of color, and in particular women of color, remain clustered on the lower tier of professorship as assistant professors and nontenure track lecturers.

In 1989, for example, a study showed that 30 percent of all faculty members were women, 26 percent were white, with women of color making up about 4 percent. Without affirmative action, the precarious position of women of color in higher education is seriously threatened.

As in most States across the country in higher education, it is the perception or fear, rather than the reality of loss of which make opportunities. And I think that is something we must deal with, because that is what many people talk about today.

Even though more African-American, Latinos, Asian-Americans, Native Americans students have enrolled in higher education, whites still constitute 75 percent of the student body nationwide, earn 88 percent of the Ph.D.'s awarded to American citizens, are 87 percent of college administrators, hold 87 percent of full-time faculty positions. The Chronicle of Higher Education, for example, listed the racial composition of 3,400 schools across America and their student bodies. Thirty-two percent of the schools proved to be more than 90 percent majority.

Many have claimed that we do not need affirmative action any longer because we still have title VII in the statutes of the Civil Rights Act, and nondiscrimination laws to punish violators. Title VII is good, but it is not enough. It only kicks in after an instance of discrimination is claimed.

Affirmative action means taking positive or proactive and preemptive steps to root out the pervasive discrimination as we know exists. Rather than waiting for an after-the-fact lawsuit, it is there to provide an opportunity for people before they are faced with such problems. It provides a far less costly and disruptive alternative to a protracted litigation.

Mr. Speaker, I want to thank the gentleman for this special order. I want to thank the gentleman for basically putting together the historical context of affirmative action, because all too often, the gentleman is absolutely right, people view affirmative action as two parallel lines, where you take somebody who is not qualified and elevate them to the level of somebody who is. As the gentleman has stated over and over again, that is not affirmative action, it is a circle. The first requirement is one must be qualified to do the job.

People in America must realize this. People do not get jobs because of affirmative action, they only get a chance to compete because of affirmative action. I want to thank the gentleman for this special order today.

Mr. JACKSON of Illinois. I thank the gentleman, who has represented the people of the Fourth Congressional District of Louisiana with great distinction. I am really going to miss the gentleman from Louisiana, Mr. CLEO FIELDS, in the 105th Congress. He has opted not to return to this institution, in light of serious redistricting that is being challenged, that is not inconsistent with some of the history that we have discussed on this occasion.

☐ 1715

I want to deal with some more myths concerning affirmative action. The distinguished gentleman from Louisiana spoke of just one myth, but there are others out there.

Some have suggested that affirmative action means quotas. Affirmative action has never been about quotas. It has always been about providing women and people of color with full educational and workplace opportunities. Quotas are illegal and they should be illegal.

What affirmative action programs do is provide a measurement of their own effectiveness. School admission officers and employers must only prove that they have made a good faith effort to achieve the flexible goals that they have set. If employers persist in illegal discrimination, then a court can impose a rigid quota to bring them up to the level of a nondiscriminating employer. Quotas are only imposed as a last resort and they are imposed only by the courts, not schools or employers or by the government.

Is it a myth that affirmative action is preferential treatment for the unqualified over the qualified? Now, this is one of the biggest myths of affirmative action. Affirmative action does not demean merit. In school admissions, race and gender are considered along with many other factors. Where two equally qualified applicants have applied for a job, then and only then can race or gender be considered. This is the only one, and I emphasize, very limited situation where preference arises.

Affirmative action is a conservative legal remedy. If affirmative action policies truly granted group preferences, African-Americans would have long ago received the proverbial 40 acres and a mule, native Americans would be governing vast areas of the country, and women would be at the helm of half of the country's major corporations, maybe even President of the United States and Speaker of this institution. Affirmative action is indeed a conservative form of redress when one takes into account that true reparation for past discriminations entail.

Practically, poor management on the part of an employer may have led to the hiring or promotion of an unqualified person. These abuses must be corrected and punished. We do not need to throw the baby out, however, with the bath water. These violations do not indict the overall effective mechanisms for achieving equal access for all.

What just amazes me about affirmative action, oftentimes when we look

at the NCAA and we look at professional basketball, we see Michael Jordan and Toni Kukoc on the Chicago Bulls playing together, we see equal opportunity and we see fairness. As the football season begins, we see African-Americans and we see Anglo-Americans enjoying equal opportunity and playing because of their merit and their ability to play professional or college athletics.

But what do we not see as Americans? We do not see in the NCAA the vast recruitment mechanism that goes into finding qualified basketball players. The booster clubs all across our country send in newspaper articles to coaches and they say, listen, here is a qualified person who can shoot, here is a qualified person who can dribble, here is a qualified center, someone who can rebound and grab the ball and pass the ball.

We find qualified people based on merit until we get to the area of coaching, and then we have a problem when we suddenly cannot find coaches all across our country who may be female or who may be African-Americans. Suddenly when we are no longer on the football field, in the NCAA and colleges across our country, suddenly when we are no longer playing basketball where blacks and whites play together, and we start looking at the classroom, at these major universities, suddenly the same aggressive recruitment that went into looking for qualified basketball players and football players did not go into looking for qualified people who can write, people who can think, people who can administrate and run these institutions.

Here is another myth. It is a myth that affirmative action amounts to reverse discrimination against white males. Reverse discrimination is not only unlawful, it is also very rare. Of the 91,000 cases before the Equal Employment Opportunity Commission, less than 2 percent are reverse discrimination cases. A Rutgers University study commissioned by the Department of Labor found that reverse discrimination is not a significant problem in employment, and a high proportion of claims brought by white men are without merit. Many of the claims were brought about by disappointed job applicants who are found by the courts to be less qualified for the job than the successful applicant.

White men are 33 percent of the population and 48 percent of the college-educated work force, but they hold 90 percent of the top jobs in the news media, are over 90 percent of the officers of American corporations. They are 88 percent of the directors, they are 86 percent of the partners in major law firms. They are 85 percent of tenured professors. They are 88 percent of the management level training jobs in advertising, in marketing and public relations. They are 90 percent of the House of Representatives, 90 percent of the U.S. Senate, 100 percent of all Presidents. I fail to see why some of them could be so angry. Affirmative action has not caused jobs to go from white to black to brown.

It is also a myth that programs for the economically disadvantaged can substitute for race and gender-conscious programs. This nonsolution cynically rejects the notion that plain old-fashioned racism and sexism are alive and well.

I do not need to repeat the data above to drive in the point that such proposals would not rectify the realities of the glass ceiling. Women are sexually harassed no matter their income. Women and people of color are still denied promotion, job opportunities or access to credit and equal opportunities in education based upon their race or their gender, not their income.

Is it a myth that affirmative action has not benefited the Nation as a whole? Everyone has benefited from fair employment practices. Everyone has benefited from the Voting Rights Act of 1965 which desegregated this Congress. It has allowed 39 African-Americans who represent majority-minority districts to come to this floor of this Congress and represent the disenfranchised, the locked out, points of view different than traditional Anglo-American points of view.

It was the desegregation of these laws and the desegregation of these institutions that were the goal of the civil rights movement of the 1960's. Since the standard of living started falling in 1973, fathers and husbands have benefited from two-wage-earner households. Pre-affirmative action, Mississippi State troopers were also adjusted under affirmative action laws. It is really a myth to assume that affirmative action has only helped African-Americans. It has ushered in a broad-based body of equal employment opportunity laws.

For example, there was a time in Mississippi where in order to be a State trooper you had to be 6 feet tall. Now, as a result of equal employment opportunity laws, as a result of affirmative action, you can be a 5 foot 8 white male applying for that job. You can be 5 foot 4, 5 foot 2. You do not have to be 6 feet tall to be a State trooper in Mississippi any longer. That law did not just help African-Americans. It made it possible for short white males in Mississippi to become State troopers.

Now with the elimination of such irrelevant job classifications, even African-Americans and women can also serve as State troopers in Mississippi.

Diversity in professional schools has been good for America. With the inclusion of women in medicine, strides have been made in breast cancer research and other areas of women's health. Recruitment and training of women police officers, of judges and prosecutors have led to treatment of domestic violence for the crime that it is. The enrollment of people of color in higher education has increased from practically zero percent to 20 percent over the last 20 years. But we still have a long way to go. Public services have benefited from the increase of African-Americans, of Latinos and Asians and native American personnel who more genuinely reflect the diversity and the needs of the communities that they serve. A diversified corporate America has become more competitive in this increasingly globalized economy. They have opened up new markets in the African-American community, in the Latino community, by advertising with not only African-Americans but also with female advertisers. Upgrading the educational and employment skills of a majority of the Nation has been good for the country. To turn back the clock on equal opportunity for the sake of political gain is not only immoral as public policy but it is also misguided. It is counterproductive, and it does not bode well for the future of our Nation.

To that end, today we began discussions in the House Committee on Small Business. In that particular committee, we are talking about the 8(a) program which was a program that has really been used to serve as an incubator for businesses, particularly businesses that affect minorities. But it is not limited to minorities. If white women can demonstrate that they qualify as a disadvantaged business, they can apply through the 8(a) program. White males can also apply through the 8(a) program. But there has been a history of Federal contracts that have historically denied African-Americans, women and those who have been historically disadvantaged the opportunity to participate. There is a movement afoot in this body to eliminate the 8(a) program. I am asking Democrats and Republicans on both sides of the aisle, particularly in this church-burning climate, to thwart that movement. We need not engage during this electoral season in race-based politics, and that is what challenging the 8(a) program really is.

One of the myths about the 8(a) program is that it is no longer necessary. Programs like 8(a) have not outlived their usefulness because discriminatory treatment of certain groups of Americans is really not a thing of the past. The burning of churches with predominantly African-American congregations is just one tragic example of this discrimination that persists. I have only been a Member of this institution for 10 months. Usually I do not wear this little pin right here which I do not particularly care that much for but it is a little identification that lets everyone around Capitol Hill know that you are a Congressman. Not long ago I was speaking to a group of African-American interns here in the U.S. Congress and I told them, when you walk down the halls of the U.S. Congress without this pin on, no one ever mistakes you for being a Member of Congress. But every time I see an elderly white gentleman with a briefcase or with gray hair in this institution, I have to assume first that they are a

Member of Congress, and then second, I assume that maybe they are a lobbyist or maybe they are the head of some corporation coming to meet with some significant Member of Congress in this institution. But never, as a young African-American in this institution, am I ever mistaken for being a Congressman except for by my colleagues who know me.

Toward that end, I got up one morning a few months ago, at 7:30 in the morning I came to work determined to serve my country and the people of the Second Congressional District that day, and stayed here until 11:00 that night. After I got off work, the same time most Members of Congress got off work, I decided to go to my office and check for my schedule tomorrow to find out what time I had to come back to the institution. Once I got ready to go, my assistant asked me if she could give me a ride home, and I said ''No, that's quite all right, I will just go outside and catch a taxi.'' Well, I went outside to catch a taxi. The first taxi passed me by at 11:30. I waited for a couple of minutes and another taxi passed me by. I could have just gone and asked someone from the Capitol Police to give me a ride home, but I just decided to wait as a young Member of Congress to find out how many taxis were going to pass me by in the District of Columbia. That night more than 17 taxis passed Congressman JESSE JACKSON, Jr., by. They did not see a Member of Congress first, they saw a young African-American first.

So why is it that the 8(a) program is so necessary? Because there are Federal agencies out there that engage in almost any kind of business, from selling widgets to selling bolts to selling airplanes, to selling F–22's, we sell everything to the Defense Department. The Defense Department must buy everything. There are hundreds of Federal agencies that make purchasing decisions in our Nation. The only issue really before us when we consider eliminating a program like the 8(a) program is whether or not those Federal agencies are going to drive right past qualified Latinos, qualified women, qualified African-Americans, or whether or not we are going to slow the Government down long enough to help people who have been historically locked out. Discrimination is not gone. If it is gone, it is only underground. Discrimination is insidious because it affects the individuals with whom one associates, the businesses one patronizes, the perception of who gets a job and when they get a job.

I was talking to another group of businessmen not along ago. They were very proud to hear from a young African-American, a Member of Congress, and so we began talking about affirmative action. Some of them began questioning whether or not affirmative action was necessary. And so I asked them, I said, ''How many of you do business with the Federal Government?'' A significant number of them raised their hand. I asked them how many of them did business with local municipal governments. A significant number of them raised their hands. I then turned around and asked them, ''How many of you have an African-American that is a lawyer with your firm or with your business and general counsel?'' Very few hands went up. How many of you have women that head up your accounting department or your finance department? Or how many of you put money in banks that are owned or operated by women or by African-Americans or by Latinos? How many of us spread the wealth out from the benefits that we have received from these local municipalities and the Federal Government? Very few hands went up. So what are we suggesting? We are suggesting that these businesses and that these individuals continue to drive by at 11:30 at night, no matter who serves their country, they just drive right by in search of their friend who went to school with them.

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They drive right by in search of someone who went to Harvard or someone who went to Yale or someone who went to North Carolina A&T State University.

How do we break up the good old boy network? One way to do it is to have programs on the books like the 8(a) program that make it possible for minorities to participate. It does not mean they do not compete. Of course they compete within the 8(a) program. But a lot of these businesses that have been in this incubator for 9 years and then subsequently leave the 8(a) program, they end up facing the same kind of discrimination that the 8(a) program sheltered them from and, therefore, beyond the 8(a) program many of these businesses, quite frankly, cannot survive.

It is a myth. The 1994 Federal Acquisition Streamlining Act, FASA, addresses all concerns of those seeking to assist the socially and the economically disadvantaged. FASA will expire in 2000, and it has not been implemented because all affirmative action programs have been attacked since the 1995 Adarand versus Peña Supreme Court decision.

Fact: While FASA regulations have not even been promulgated to avoid Adarand roadblocks, 8(a) has survived strict administration reviews because of its focus on business development.

Another myth: Many businesses see 8(a) as an end in itself. SBA rarely or never graduated businesses out of the 8(a) program.

Fact: Businesses participate in the 8(a) program for a maximum of 9 years and must withstand annual reassessments of their eligibility every year. This is a 4-year developmental stage, and then there is a 5-year transitional stage for these businesses that are being groomed to do business with the Federal Government.

In 1987, Alfred Ortiz, for example, went into business for himself and found Source Diversified Inc. in Laguna Hills, CA. His company customizes computer hardware. Now Source Diversified has $21 million in sales and employs 15 workers.

Alfred is just one successful graduate of the 8(a) program who attributes the strong and rapid growth of his business to the program.

Myth: If you teach a man to fish, he can feed himself for a lifetime. Well, I really like this one. Here are the facts. 8(a) participants do not have any fish handed to them. These minority-owned businesses competed with each other for those procurements which have been set aside. The 8(a) program teaches businesses to fish. It teaches businesses to fish. This is not about a handout, this is about a helping hand. It teaches businesses to fish.

When minority-owned businesses start out looking for contracts in the private sector, their proven ability to win a Government 8(a) contract is actually their diploma, or their doctorate in fishing, and in that way they can come back and approach the Federal Government or they can approach the private sector after having developed a proven track record under the shelter of the Government's protection, because racism, discrimination, and sexism exist outside of that shelter which does not allow those businesses the opportunity to foster, to grow and to develop.

Myth: The 8(a) program does not foster the free enterprise system. Nothing could be further from the truth.

Here are the facts. The free enterprise system flourishes when there is full participation, and without the 8(a) program there would not be as much participation for minority-owned businesses.

Supporting a development of minority-owned businesses through the 8(a) program puts market forces and the free enterprise system to work for all Americans because those minority-owned businesses eventually buy supplies and services from other businesses. Moreover, last year 8(a) participating firms paid more than $100 million in Federal taxes.

Myth: The 8(a) program does not encourage opportunity for everyone to compete. Nothing could be further from the truth. Here are the facts. The 8(a) program is precisely the ray of hope which encourages all Americans, regardless of ethnicity, gender, or economic condition. Those opponents of 8(a) who accuse it of excluding certain Americans from procurement opportunities are guilty of scapegoating.

The answer is not to turn one group of Americans against the other. Rather than dismantle 8(a), we need to improve and augment educational and training opportunities for all Americans so that no one in this country can complain about being overlooked.

The 8(a) program exists to provide opportunities for everyone to compete, opportunities many have not had and would not have without this program.

Here are three quick myths: 8(a) wastes money through reliance on sole source contracting. This is not true; 8(a) is riddled with fraud and abuse even after 3 congressional attempts to reform it. That is not true; and 8(a) has failed to help fledgling minority businesses and is primarily a rich-get-richer program for Beltway bandits. That is not altogether true.

Here are the facts. Total 8(a) contracts in 1994 represented only 3.2 percent of all Federal contracts. We are talking about only 3.2 percent of all Federal contracts.

And in this institution we have a budget of $1.7 trillion every year and we are talking about 3.2 percent of Federal contracts. That does not include the entire $1.7 trillion. It is even smaller than that, 3.2 percent of Federal contracts. Just 3.2 percent. The total 8(a) program received less than half of the actual contract dollars than were awarded to either of the top two defense contractors. The total program received less than half.

Reforms to further bring 8(a) into compliance with the strict Adarand standard are included in proposed regulatory changes that have been published in the Federal Register. The Department of Justice believes that these changes will, one, allow agencies to use race conscious tools to assist disadvantaged businesses, enable agencies to assess what level of minority procurement would be probable in the absence of discrimination, require agencies to implement measures that do not rely on race to broaden opportunities for small minority firms, tighten certification and eligibility requirements.

Mr. Speaker, I hope today that with our brief colloquy between the gentleman from Louisiana and myself on the issue of affirmative action, 8(a) programs, and the need to offset years of historical discrimination against African-Americans, minorities, women, and people of color in this country will not go unheeded and unheard by the membership in this august and esteemed body.

The challenges before us are great as a nation, and I am more convinced than ever if we can move beyond racial battle ground to economic common ground and on, as my father would say, to moral higher ground, we can make sense and make sense for all of America.

Many Americans still long for the day when they can say, ''My country 'tis of thee, sweet land of liberty.'' That day has not yet arrived, and many African-Americans and disadvantaged businesses in our Nation need a helping hand. Not a handout, a helping hand. It would serve this institution well, it would serve all of us as Democrats and Republicans if we could move beyond the politics of divisiveness and expand programs that make sense for the most people.

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the special order today by the gentleman from Alabama [Mr. CALLAHAN].

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

There was no objection.

JOINT ECONOMIC COMMITTEE SETS OUT TO DISCOVER SOURCE OF PESSIMISM REGARDING ECONOMY

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from New Jersey [Mr. SAXTON] is recognized for 60 minutes.

Mr. SAXTON. Mr. Speaker, I have had the pleasure for the last 2 years of serving as the vice chairman of the Joint Economic Committee, and I found it to be quite an interesting task because I am not an economist and, in fact, I do not think any of the members of the Joint Economic Committee are true economists, although some studied history and some courses in economics, but none of us are truly economists.

Our job is, however, to try to understand as best we can, as Members of the House who are former schoolteachers or real estate salespeople or car salespeople or doctors or housewives or lawyers or whatever we may be, we need to understand the process of our Nation's economy so that when we enact laws here we will know, hopefully before we enact those laws, what effect those laws have on the performance of our country's economy.

And of course in order to do that we do talk with economists and we do read things that they have written and we try to understand ourselves and explain to our colleagues what it is that we have done or are about to do or may do in the future that will help our economy grow, help to provide jobs, help to provide a larger set of opportunities for people who are involved in the economic sector, as we all are as we make our daily livings.

And to the extent that we can be successful in doing that, and to the extent that we can successful in imparting what we think we have learned to our colleagues on both sides of the aisle, then we are successful as Members of the Joint Economic Committee in carrying out our function.

Now, as I have gone about the business of this task over the last couple of years, I have also talked with lots of American people who are involved every day in the economic system; people that work, people looking for jobs, people looking to advance, people looking to get wage increases and people just looking to go to work every day so they can earn a wage to bring home to their families.

And I have noticed in the last several years that there has been a marked upturn in people who know that I do this job here and who have come to me and have said, well, this year I am not making as much as I made last year. What is wrong? And people who have said, well, when I go to look for a job, like my son or daughter did when they graduated from college, all they could find was a temporary job because employers did not want to pay benefits. When other people go looking for a job or go into the workplace they say, well, gee, I have not been able to advance as I thought I would.

All of these kinds of things have made people nervous about the economy and nervous about opportunities, and for the first time public opinion polls show that it is the opinion of the younger generation that they probably will not do as well as the former generations.

This is unique in our country's history, because always before the new generation aspired to do better than the older generation and thought they would and were optimistic about it. But today that is not the case.

And so the Joint Economic Committee set about trying to find out what it was that was causing this aura of pessimism about our economy. We had a lot of research, read a lot of books, listened to a lot of economists and we began to see that there was, in fact, a trend that is occurring, and that trend was not necessarily good news for Americans.

I brought some charts with me today to try to demonstrate what it is that we have found about our economy. This chart has two lines on it. I hope those who are further away can see it has a solid line and kind of a dotted line. The dotted line shows what economic growth has been in our country and how well the economy has done since World War II.

It is a rather steady increase. That increase is actually about 3.5 percent, on average, each year. In other words, the economy grows. There are more jobs by a substantial margin each year since World War II than there were the year before. As the economy grew, wages went up and people prospered and everybody was happy.

The black line shows what actually happened in the economy at any given point along that trend, and we can see that at some point the black line, in terms of what was really happening, was above the dotted line and that other points, when there was a recession, it fell back to or below the dotted line. But by and large, until this point, the lines tracked along pretty well together.

Where the dark line begins to fall below the dotted line, that happens to be in 1993. And the Congressional Budget Office here, which does all kinds of economic projections and forecasts and estimates about money and what is going to happen and economic growth, has forecasted here that the outlook