Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, April 17, 1996, at 2 p.m., to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. HATCH. Mr. President, I ask unanimous consent that the Administrative Oversight and the Courts Subcommittee be authorized to meet during the session of the Senate on Wednesday, April 17, 1996, at 2 p.m., to hold an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, April 17, 1996, for purposes of conducting a subcommittee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to consider S. 128, a bill to establish the Thomas Cole National Historical Site in the State of New York; S. 695, a bill to provide for the establishment of the Tallgrass Prairie National Preserve in Kansas; and S. 1476, a bill to establish the Boston Harbor Islands National Recreation Area.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Readiness of the Committee on Armed Services be authorized to meet at 9:30 a.m. on Wednesday, April 17, 1996, in open session, to receive testimony on the privatization of Department of Defense depot maintenance and other commercial activities.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

VETERANS AND SPENDING REDUCTIONS

● Mr. SANTORUM. Mr. President, I wanted to take a few additional minutes today to talk through my recent discussions with veterans' organization from Pennsylvania about legislation recently introduced by Senator SIMPSON.

Senator SIMPSON, at the request of four major veterans organizations, has introduced legislation addressing various inequities in the manner in which we treat the health of our Nation's veterans. Many of those issues addressed in the bill speak to issues I have witnessed, discussed, and worked on during my 5 years in Congress and as a former member of the House Veterans' Affairs Committee. Issues relating to the care and treatment of veterans and efforts to improve the veterans' health delivery system are very familiar and important to me.

Mr. President, I was born and raised on the grounds of a VA hospital facility, and I understand the concerns of veterans in this matter. My mother and father spent their careers working for veterans in Veterans' Administration hospitals. Our veterans fought on many battlefields to preserve the liberty of succeeding generations of Americans.

Today, one of the greatest threats to our children and grandchildren is not as much the imminent outbreak of war and the subsequent call to service, but rather the massive national debt and annual Federal deficits. If nothing is done, the next generation will face a future of diminished opportunity and a declining standard of living.

While service to our country has entitled veterans to very unique benefits that are available to no other single group of Americans, these benefits are by no means the root cause of our huge Federal deficits. I have fought against unnecessary cuts in veterans' programs that would have compromised our Nation's commitment to those who have served in defense of our freedom.

At the same time, however, any new spending on veterans' programs or benefits must be treated with an equal eye toward fiscal responsibility—sufficient spending reductions must occur within the Veterans' Administration itself or in other areas of Federal spending. At this time, the Simpson bill carries with it a revenue effect of $13 billion in new spending. I believe that the sponsor and I would both acknowledge that this bill should not move through the legislative process without a corresponding $13 billion in spending reductions.

These rules and budget realities are the same that I have operated under during my entire service in Congress. Recently, I fought on the Senate floor for sufficient spending reductions of $1.2 billion to cover and offset the costs of Federal disaster assistance, a large portion of which would benefit Pennsylvania communities as we rebuild from a blizzard and flood-ravaged winter. And in continuing to address the needs of our Nation's veterans, I will maintain this same standard.

Until such spending reductions are finalized and presented, Mr. President, I will temporarily withhold my own efforts and development on S. 1543. I understand that the administration is working on a legislative proposal similar to the Simpson bill, and that they are working through the same budget realities in producing a revenue neutral package. I remain committed to supporting our Nation's veterans. I support the direction and concept of the Simpson bill, and I will work with the sponsor to find cuts to pay for the costs of the bill.●

BOSTON'S ENGLISH HIGH SCHOOL

● Mr. KERRY. Mr. President, on Thursday, April 25, 1996, the English High School in Boston, MA, will be celebrating its 175th anniversary. The oldest public high school in the United States, English High School has changed with the times but has always maintained a high standard of education and compassion for its students. With award-winning teachers, students, and graduates, Boston English High is among the finest educational institutions in our Nation.

I would like to take this opportunity to recognize the English High School and join with the Boston Public Schools in celebrating its 175th anniversary.●

MISSED VOTES ON APRIL 16, 1996

● Mr. MURKOWSKI. Mr. President, while the Senate was in session yesterday, I was unable to participate in our proceedings because I was attending the funeral of my late uncle, Harry Murkowski, in Washington State.

My late uncle, Harry was 92 when he passed away late last week. He was the last of my relatives who was of my parents' generation and I felt it was important that I share my mourning with members of my family.

Harry, who was widowed several years ago, lived in Puyallup and Enumclaw, WA, worked his entire life as a fire fighter on the McChord Air Force Base. He is survived by his daughter, Beth Newman.

Mr. President, yesterday I missed two rollcall votes because of my attendance at the funeral. The April 16, CONGRESSIONAL RECORD reflects how I would have voted, had I been here to participate in the Senate debate. As the RECORD reflects, my vote would not have changed the outcome of either vote. ●

BAD LAW ON AFFIRMATIVE ACTION

● Mr. SIMON. Mr. President, one of the recent decisions that was a most unfortunate one was the decision by the U.S. Court of Appeals that colleges and universities cannot keep in mind diversity as they put together a student body.

No one was advocating quotas in this case, nor advocating that people who are not qualified should be admitted.

But to deny that diversity is part of the learning experiences of colleges and universities is to deny reality.

I hope the decision will be overturned.

We have enough backsliding in the field of race relations. We do not need to add the handicap of a bad court decision as another barrier.

Recently, Anthony Lewis had a column titled, ''Handcuffs on Learning''; and the New York Times had an editorial titled, ''Bad Law on Affirmative Action''. I ask that both articles be printed in the RECORD and I urge my colleagues to read them.

The articles follow:

[From the New York Times, Mar. 22, 1996]

BAD LAW ON AFFIRMATIVE ACTION

For two decades the governing principle of affirmative action in higher education has been that race and ethnicity may be a factor, but only one factor, in choosing among applicants in pursuit of the legitimate purpose of a diverse student body. That was the judgment of the Supreme Court in the celebrated 1978 case of Allan Bakke, a white applicant who sued for entry to a California state medical school.

Now a panel of the U.S. Court of Appeals for the Fifth Circuit declares that the Bakke decision is no longer good law. In a lawsuit by four rejected white applicants, the court strikes down a program of the University of Texas Law School to bring more blacks and Mexican-Americans into its student body. This tool is impermissible, say the judges, ''even for the wholesome purpose of correcting perceived racial imbalance in the student body.''

The ruling is hasty, aggressively activist and legally dubious. If the Bakke decision is no longer the law, it is for the Supreme Court to say so. We hope the high court does not, for its basic rule is sound. Rigid racial quotas are out, but no serious educational institution should be forced to disregard the goal of educating a diverse population.

To reach this result, the appeals judges engaged in exotic reasoning. They found that a now-retired Justice, Lewis Powell, who announced the judgment in Bakke, spoke only for himself on the racial diversity question. It is true that he was joined in the judgment by four other justices who relied on different legal grounds, but Justice Powell's announcement has soundly been regarded as the rule of the Bakke case for nearly a generation. Moreover, it has been widely hailed as the work of a respected moderate well grounded in experience as head of the school board in Richmond, Va.

Texas higher education officials have commendably sought diversity, but they cannot fairly be accused of adhering to rigid quotas. The diverse statewide population is 11.6 percent black and 25.6 percent Hispanic; while the 1992 law school entering class was 8 percent black and 10.7 percent Hispanic. Yet the appeals court says the school may not use ''ethnic diversity simply to achieve racial heterogeneity, even as part of the consideration of a number of factors.''

That is the doctrine of a ''color-blind'' Constitution, but it speaks to a time not yet here when the historic stain of racial oppression is erased, competition is truly equal and diversity comes more naturally. As another former Justice, Harry Blackmun, observed in the same Bakke case, ''In order to get beyond racism, we must first take account of race. . . . And in order to treat some persons equally, we must treat them differently. . . . The ultimate question, as it was at the beginning of this litigation, is: Among the qualified, how does one choose?''

The appeals court judges, eager to be the first to declare the battle for equal right over, have rendered a judgment that should not stand.

[From the New York Times, Mar. 22, 1996]

HANDCUFFS ON LEARNING

(By Anthony Lewis)

SAN DIEGO.—Universities around the world came to understand long ago that the quality of education improved if they had students with varying life experiences. That is why Oxford colleges sought working-class students. It is why Harvard, Yale and Princeton are far better universities today than when they were confined largely to privileged young white men.

In the life of Americans, race is a profound factor. Blacks may be bright or dull, rich or poor, but their experience in life has been different from whites'. And so, long before the phrase ''affirmative action'' was invented, universities thought it wise to have students of varied racial backgrounds.

The freedom of American universities to consider race along with other factors in choosing students has just been struck a devastating legal blow. It came in the decision of the United States Court of Appeals for the Fifth Circuit in the case of Hopwood v. Texas.

The University of Texas Law School some years ago had what amounted to a segregated admissions process. Minority applicants were considered by a separate committee and on different standards.

Cheryl Hopwood and other rejected white applicants sued, claiming that that system denied them the ''equal protection of the laws'' guaranteed by the 14th Amendment. The Fifth Circuit, ruling in their favor, could have limited itself to the particular admissions process at issue. But it went much further.

The court said that the Texas law school ''may not use race as a factor'' in admissions. It did not speak of a dominant or even significant factor but outlawed consideration of race as any factor at all. Moreover, in an extraordinary display of hostility, the court left the way open for the plaintiffs to collect money damages for what it said was ''intentional discrimination.''

The Equal Protection Clause of the Constitution, which the court found violated, applies only to state action. But private universities may also be affected. Civil rights laws forbid racial discrimination at private universities that receive any kind of Federal aid—and nearly all do.

The ultimate danger is to the freedom of American universities. The Fifth Circuit treated this case as if it were the same as the Supreme Court's recent decisions limiting set-asides for minority contractors and broadcast licensees. But education is different. Its freedom in decisionmaking—an urgent need in our society—has to be weighed against the rightful claims of equal protection.

Reading the Fifth Circuit's opinion, by Judge Jerry E. Smith, one feels a sense of detachment from reality. For instance, it rejects as racist the assumption that an individual ''possesses characteristics'' because of his race. Right. But the issue is not characteristics. It is experience. And any judge who thinks black Americans have not had a different experience is blind.

Think about women judges or Supreme Court justices. They are not wiser or less wise by virtue of their gender. But they have had a different experience from men, and that is why it is important to have them on the bench.

The reality of university admissions, as opposed to the mechanical abstractions of the Fifth Circuit decision, is on display here in California. Gov. Pete Wilson, playing to white male resentment, pushed through the Board of Regents a rule forbidding the use of race or gender as a factor in admissions to the University of California.

Now it turns out that regents who voted for what they called ''merit'' admissions had leaned on the University of California at Los Angeles to admit the children of friends. An investigation by The Los Angeles Times shows that U.C.L.A. gave special consideration to children of politicians and the rich.

In other words, we have affirmative action for the privileged. But not for the race that was enslaved for 200 years and abused for another 100 and more.

Universities, in their freedom, can increase understanding across the racial lines in this country. Unless the Supreme Court undoes this assault on their freedom, we are going to be an even more divided society.●

THE RECENT BOMBINGS IN ISRAEL

Ms. MOSELEY-BRAUN. Mr. President, I would first like to congratulate President Clinton for his leadership at the ''Summit of Peacemakers'' conference which was recently convened in Egypt. I salute the President and the other world leaders who gathered in Sharm El Sheik for their avowed support of the Middle East peace process and their strong showing of international solidarity against terrorism.

I also want to extend my heartfelt sympathy and condolences to the families of those murdered in the recent terrorist attacks in Israel. May the Almighty comfort them among the mourners of Zion and Jerusalem. As the Nation of Israel mourns the loss of its sons and daughters, I pray that the story of Purim will serve to comfort the entire family of Israel and give it hope, knowing that God will deliver the Jewish people today as in the past.

Mr. President, I condemn in the strongest of terms the barbarous acts of organized and random terrorism against innocent Israeli civilians, including young children. Those responsible for these indiscriminate and cowardly acts of murder and violence must be held accountable for their actions and brought to justice. Their punishment must be swift, decisive and thorough, not only to serve as a deterrent, but as a reminder that the world community will never allow the evils of terrorism to triumph over the forces of peace.

I call upon the peace and freedom loving peoples of Gaza, the West Bank and the Arab world to condemn outright these heinous acts of barbarism allegedly committed on their behalf and in their name. These acts do not further Palestinian interests nor, I believe, do they represent the sentiments of the overwhelming majority of the Palestinian people. I further enjoin them to outlaw, expose, disarm and arrest members of paramilitary organizations within their midst and to deny them sanctuary and safe haven. Their presence and actions are a threat not only to the State of Israel, but also to the Palestinian self-rule national authority in the West Bank and Gaza.

Mr. President, we can no longer afford to look at terrorism and suicide bombings in Israel—and in other parts of the world —as a distant danger. The bombing of the World Trade Center in New York City in February 1993 and the bombing of the Federal building in Oklahoma City last April have shattered our false notions of security. Anti-terrorism units, swat teams, and bomb squads train with the same intensity and seriousness of purpose as sprinters, long distance runners, swimmers, and gymnasts in their preparation for this summer's Olympic games in Atlanta. In truth, every act of terrorism—in Israel or elsewhere—strikes