

proposal I am transmitting to you recognizes the importance of those concerns. It makes clear that the agreements we conclude should complement and reinforce those values.

Ever since President Franklin Roosevelt proposed and the Congress enacted America's first reciprocal trade act in the depths of the Great Depression, the Congress and the President have been united, on a bipartisan basis, in supporting a fair and open trading system. Our predecessors learned from direct experience the path to America's prosperity. We owe much of our own prosperity to their wisdom. I urge the Congress to renew our longstanding partnership by approving the proposal I have transmitted today.

WILLIAM J. CLINTON.

THE WHITE HOUSE, September 16, 1997.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

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

[Mr. JONES addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Ms. PELOSI] is recognized for 5 minutes.

[Ms. PELOSI addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

PROCEDURAL JUSTICE FOR NICARAGUANS AND OTHER CENTRAL AMERICANS: THE CASE FOR H.R. 2302

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. DIAZ-BALART] is recognized for 5 minutes.

Mr. DIAZ-BALART. Mr. Speaker, on June 24 the U.S. District Court for the Southern District of Florida granted a preliminary injunction in favor of thousands of Central American immigrants in Georgia, Alabama, and Florida. The court in its decision concluded that the Immigration and Naturalization Service violated the due process rights of thousands of Nicaraguans and others bringing suits.

□ 2215

The court stated that an interpretation of a statute that has the effect of barring completely access to the courts irrespective of the merits of a person's claim is violative of due process. A retroactive application of the Immigration Reform Act of 1996 violates due process by barring persons completely

from even applying for suspension of deportation.

I firmly believe that U.S. District Judge James King captured in his decision the essence of a key issue that is before Congress: Due process of law for immigrants. Legislation that I have introduced, the Technical Revisions Act, H.R. 2302, in conjunction with legally compelled administrative action will restore due process of law to Central American refugees. The administration, however, must also contribute toward ensuring that Central American immigrants will receive procedural justice.

I would like to commend the Attorney General for her decision in July to set aside the Board of Immigration Appeals' ruling in the case of N-J-B; however, at this urgent time I renew my appeal to her, to her good will so that she will act in accordance with her existing authority to completely reverse the N-J-B decision. Given the persistent demonstration of support for that result and the substantial equities involved, I am hopeful she will render this reversal in the near future.

At this time, Mr. Speaker, I want to also urge very especially and personally that the Attorney General issue a parole for a young lady at the Krome Detention Center in south Florida, Cindy Zuyen Martinez, a 19-year-old Nicaraguan young lady who has been unfairly detained for over 10 months. It is Cindy's 20th birthday on Friday, and I would hope and expect that the Attorney General, with using her good will and her good offices and the power of her office, would issue a humanitarian parole to Cindy Zuyen Martinez before her birthday this Friday.

We in Congress, Mr. Speaker, cannot let the misdirected retroactive effects of the 1996 Immigration Act destroy whole families. In case after case, the Supreme Court has noted that the presumption against retroactive legislation is deeply rooted in our jurisprudence and embodies a legal doctrine centuries older even than our Republic. Consistent with that tradition, I do not believe that a majority of the Members of Congress ever intended that those provisions should apply retroactively to our immigrant communities.

By way of example, a distinguished Member of this Congress, my fellow colleague from Florida, Mr. PETER DEUTSCH, who voted for the 1996 act, testified in Federal Court that he never contemplated that the new law would be implemented to operate against those who had sought relief under prior existing rules.

I have introduced House bill 2302 to seek to clarify the ambiguities in the 1996 Immigration Act and to eliminate arbitrarily harmful and retroactive effects of that law. My bill is a technical corrections bill to the 1996 Immigration Act. It merely ensures that immigrants receive a fair hearing, Mr. Speaker.

Refugees from Central America came to the United States for protection

from Civil War and, in the case of our Nicaraguan brothers and sisters, from political persecution. Countless Nicaraguans fought courageously in the Nicaraguan resistance to defeat communism in their homeland. During the Civil War, and after it formally ended in 1990, many resistance members sought refuge in the United States based on the Federal government's pledge they would be able to remain as long as they complied with their application procedures for suspension or asylum.

Nicaraguan families acted accordingly and patiently waited to have their applications considered, many sacrificing their family savings to pay for legal representation during their long pending asylum processes. In some cases our courts have even certified these delays have been the fault of the Immigration and Naturalization Service.

Our Nation owes a great deal of gratitude to our Nicaraguan brothers and sisters, and I think it is our moral obligation and a requirement of elemental fairness that at the very least these refugees be considered under the rules in existence when they filed their applications.

Since these refugees were admitted to the United States, I have witnessed in South Florida how they have made significant social, economic and cultural contributions to my community. They have built businesses, created jobs, they pay taxes, and these hard working families now have children, many of them who are native born American citizens. My bill ensures that these refugees will be able to obtain basic procedural justice in recognition of their historically unique and important circumstances.

Mr. Speaker, we will continue to work with all intensity until we prevail. This issue requires it.

UT PROFESSOR WHO BLASTS EFFORTS FOR DIVERSITY ON CAMPUS SPEAKS FOR NO ONE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, in the swirl of discussions of color-blindness and civil rights, I rise this evening to comment on unfortunate and misdirected comments, without academic content, made by one of our University of Texas professors in the State of Texas. Taken from an article in the Houston Chronicle, this professor offered to give his philosophy on the intellectual capacities of blacks and Mexican Americans.

It is my understanding that his training is in law. I do not view him or have no knowledge of his background in sociology or psychology, but his comments are as follows:

"Racial diversity among students adds little to their education", a University of Texas law professor said

Wednesday, adding that "blacks and Mexican Americans can't compete academically with whites" and that they come from cultures in which "failure is not looked upon with disgrace."

Professor Lino Graglia's thoughts on affirmative action and minority students' abilities have been publicly known for years. In 1986, his controversial views cost him an appointment to the United States 5th Circuit Court of Appeals after objections were raised to his use of the word "pickaninny" in the classroom and to his published articles in which he seemed to urge Austinites in Austin, Texas, to defy court ordered bussing of public school students.

Let me, in contrast to his remarks, say that I am completely confident in the tenure system as well as the first amendment and academic freedom. I do recognize that our Nation's universities, both public and private, are havens for philosophical thought that I may not agree with and that I may agree with. And I recognize that Dr. Graglia hides behind that shield. Many of my colleagues in the State legislature and community activists have rightly called for these unfortunate, untimely remarks to be "taken down," if I may characterize it that way, in that the professor be asked to resign.

I believe that they have the authority and, of course, the initiative to address whether he comes or whether he stays or goes at the University of Texas, but I offer to say as this Congress looks at debating affirmative action, looks at MWBE programs or programs in the Federal Government that respond to creating opportunity for minority contractors, that we listen to the misguided and misdirected sentiments of individuals that are not informed and are not trained.

The UT law school this year expects 4 blacks and 26 Mexican-Americans among its 468 new students. Final figures will not be available until Friday. Last year 31 blacks and 42 Mexican-Americans enrolled at the University of Texas law school. Graglia, who made his comments at the announcement of a new organization, Students for Equal Opportunity, for which he is the faculty adviser, insisted that "blacks and Mexican-Americans are not academically competitive with whites in selective institutions. It is the result primarily of cultural effects." "Various studies," he says, "seem to show that blacks and Mexican-Americans spend much less time in school. They have a culture, it seems, not to encourage achievement. Failure is not looked upon with disgrace."

Let me simply say to the professor that I find him a disgrace. For it is interesting that with his limited training, no expertise in sociology, or the data of gathering any substance to give support to the comment that their culture seems not to encourage achievement, that here he is, isolated in Austin, TX, and he rises to a national platform to characterize all African-Ameri-

cans and Mexican-Americans in this Nation.

I assume maybe he has done a national polling, even to the extent of going into each and every household, starting from slavery for African-Americans and maybe from the first immigrant from Mexico, and he now has the absolute results, almost like the Emmy or the Oscars, he has the final tally that culturally we do not encourage achievement amongst African-Americans or Mexican-Americans.

So the leaders of this Nation, who have been African-American and Mexican-American scientists, lawyers, doctors, teachers, business persons, multimillionaires, billionaires, all do not count for this professor. He sits in his isolated shell, protected by the first amendment and academic freedom, and wants to insult a nation of people.

Graglia said, "Admitting less qualified students because of their race brings down the class and denies admissions to qualified white students." I would simply say to this professor that maybe he should remain isolated, protected by academic freedom and the first amendment, but he speaks for no one, and least of all he speaks not with reason, understanding, and intelligence. He speaks with no data. He speaks with no knowledge of the cultural expressions of African-Americans and Mexican-Americans. Frankly, he says nothing. And, frankly, if I were him, I would silence myself.

SUNSETTING THE U.S. TAX CODE

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

Mr. PAXON. Mr. Speaker, I would like to take the opportunity this evening to outline a measure I think, on a bipartisan basis, can say a lot about where this Congress believes the future of our country should be, about what our vision as a Congress is all about for the future of our country.

Mr. Speaker, for decades, few Americans ever really believed in their hearts that this Congress could work together to balance our Nation's budget, yet it was in 1994 our Contract With America finally, and I think clearly, established that we could do it because we put a date certain on it. We said we are going to do this by 2002, let the debate begin on how we are going to accomplish the specifics of balancing this Nation's budget, which in July of this year we finally have done.

In so doing, by establishing that date of 2002, we really captured the attention and the support and the enthusiasm of the American people, and it overrode a lot of obstacles, frankly obstacles at the other end of Pennsylvania Avenue and some right here in this Chamber. I believe that by initiating that balanced budget debate in 1994, with our Contract With America, we defined the playing field and we won an important legislative victory for the American people.

Now, similarly, for years we have talked about abolishing the Tax Code and replacing it with something different, with either a flat rate income tax or a national sales tax or some other alternative. Every day we wait, that 5.5 million word "Tax Code" that is administered by 110,000 IRS employees defines just about everything we do as citizens. It limits our economic freedom, it discriminates against children, families, and entrepreneurs. It encourages hundreds of billions of dollars in the underground economy or in tax avoidance and, most importantly, I believe the complexity of the Tax Code, in its unfairness, turns off many millions of Americans to the government that administers and creates this program.

I do believe that it is time to apply the same defining principles that we did on balancing the budget; establishing a date certain and then letting the debate begin, that same defining approach to the issue of changing our Tax Code.

My colleagues, I believe this fall we should put on the President's desk a bill repealing the entire Federal Tax Code, and today I submitted legislation that would do just that. My bill will effectively sunset the Federal Tax Code at midnight on December 31, the year 2000. It eliminates all elements of the Tax Code except those dealing with Medicare and Social Security.

Now, if this Congress has the courage and the commitment to see this through, think of what it means. Three short years from now Americans everywhere will celebrate New Year's Eve by wishing good riddance to 5.5 million words of Federal bureaucratic gobbledegook along with the 110,000 bureaucrats who enforce all this with a guilty until proven innocent sledgehammer.

Now, I think my colleagues might agree that nothing gets Washington off its duff like a deadline and, frankly, this bill would impose one heck of a deadline. That is why I am calling my legislation No Taxation Without Reformation. I am pleased that already colleagues here in Congress have come forward to support this, and organizations like the NFIB, the National Federation of Independent Businesses, have decided to make the sunset of our Federal Tax Code and the beginning of this great national debate on what would replace it a reality.

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I think if we have the courage and commitment as a Congress to start the national debate on this issue, it will mean first it will involve every American in helping us figure out what the ultimate solution, the replacement of the current tax code and its complexity, is all about.

Second, it will help change specifically the system we have in front of us.

And, third, by replacing the Tax Code with an alternative, a flatter, fairer income tax system, other national sales