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-Americans 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 sunsetting of our Federal Tax Code and the beginning of this great national debate on what would replace it a reality.

□ 2230

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

tax, or something like the Cato Institute has proposed today, the max tax, any one of these alternatives or others that may come forward, we can and will restore people's faith in this Congress and in this Government, that it has the best interest of this country at heart and offers the opportunity for great hope and optimism for this Nation as we enter the next millennium.

I hope that Members of Congress will join with me in this important crusade that we have begun today in the House of Representatives.

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

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

OPPOSING THE RENEWAL OF COMMERCIAL WHALING

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

(Mr. METCALF asked and was given permission to revise and extend his remarks.)

Mr. METCALF. Mr. Speaker, I rise in opposition to yet another proposal to renew commercial whaling on our Nation's West Coast.

Next month the International Whaling Commission will meet. On its agenda is a resolution to authorize the Makah Tribe that is on the west coast of Washington State to renew commercial whaling, to kill five gray whales annually. Just three years ago gray whales were removed from the endangered species list. If they are granted whaling rights, 13 tribes in British Columbia are prepared to begin commercial whaling themselves.

We all know that whales were hunted almost to extinction in all the oceans in the last century. I do not believe that people are prepared to renew commercial whaling in North America. There are many reasons: Guilt for the past actions a hundred years ago. People feel protective of whales. They are concerned for these great beasts. And there are economic reasons. There is a multimillion-dollar whale watching industry in northern California, Oregon coast, Washington coast, British Columbia, clear to Alaska.

The gray whales and local orcas, they are used to boats. People sort of consider them like pets. Many individuals have been identified and can be recognized. People are thrilled to get a close look at them. But these are very intelligent animals. Once commercial killing starts, even on a limited basis, explosive harpoons, whales thrashing, blood in the water, there will soon be no whale watching. No boat will get close to gray whales again. That will be the end of a major industry on the Pacific Coast.

We must ask, why renew whale hunting? What will they do with the whales that they catch? The Makah Tribe has not hunted whales for over 70 years. That is not a part of their diet at all. No, this is not subsistence. This is commercial whaling. One gray whale is worth $1 million in Japan.

The Makah Tribe has established contact with the Norwegian and Japanese whaling interests. Boats and modern stun or explosive harpoons are available. The Seattle Times reported on April 13, and I quote,

> The proposed hunt is allied with efforts by the commercial interests in Japan and Norway that hope to turn the tide against anti-whaling sentiment by promoting what they call ''community based whaling among indigenous people for cultural, dietary or economic reasons.''.

I want to read that again.

> The proposed hunt is allied with efforts by the commercial interests in Japan and Norway that hope to turn the tide against anti-whaling sentiment by promoting what they call ''community based whaling among indigenous people for cultural, dietary or economic reasons.''

Again, I must question the validity of the proposal and the motivations behind the renewed whale harvest. The fact that many whales are creatures that routinely migrate the globe demands a consistent international policy.

If a few native groups are allowed to harvest whales, then Japan and Norway deserve and they will demand the same. They have hunted whales through all recorded history. This policy is a step we must not take.

Mr. Speaker, the grim history of commercial whaling must not be repeated, and I will do my best to see that it is not. In response to this action, I am drafting a letter to the International Whaling Commission meeting in October asking that they refuse the Makah proposal. I urge every Member of Congress to sign this letter or call my office and have their name added. I believe a firm statement by this House will turn the tide and defeat the commercial whaling resolution.

ISTEA LEGISLATION

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

(Mr. FOX asked and was given permission to revise and extend his remarks.)

Mr. FOX of Pennsylvania. Mr. Speaker, dear colleagues, I come to the House floor tonight because we have legislation which is coming up next week which is very important, the ISTEA legislation. The shorthand for that is the transportation bill.

What is very important about the ISTEA legislation is this is the legislation long awaited which will give each American community and our States the kind of transportation and privilege that we need. Each State and each community has great schools, great health care institutions, and have great employers and great employees. But if they cannot get around, how will they contribute to the quality of life?

So I am hoping that my colleagues will support the Shuster bill, H.R. 2400. That ISTEA legislation will provide the following: The road construction that is needed across the country; the road repairs that are needed in each community; the bike paths that are needed to help the environment, give recreational opportunities; and the public transit assistance. By that I mean trains, buses, subways, any kind of high-tech, new technology transit, any ways of getting people around that may be more easily done in urban and suburban areas, that will cut down on the gridlock and reduce the amount of cars that are too much on the roadway. This would actually not only help people get around faster but do so more economically and preserve the environment.

My position on the Shuster bill is that this is a great piece of legislation that is going to help in a bipartisan way every single district, every single State. It is pro-environment. It is pro-jobs. It is pro-quality-of-life. The Shuster bill is consistent and supports a balanced budget.

The Nation's driving and traveling public need H.R. 2400. This bill is one that is going to set the standard, not only for making sure we have the roads and repair them and making sure we have the public transit, but also adds very important new safety guidelines which will help all of our Americans.

Finally, Mr. Speaker, the Nation's Governors support this legislation. This bill is one that is not only fiscally responsible but it is helpful to our environment, and will make sure that the driving public has safe roads now and into the future.

So I urge my colleagues to cosponsor the bill, to certainly vote for the bill, and meet with constituent groups back home so they are aware that we are looking out for them and making sure that their quality of life is improved and their neighborhoods and communities have the advantage of improved roadways and improved public transit.

THE CITIZENS REFORM ACT OF 1997

The SPEAKER pro tempore [Mr. THUNE]. Under the Speaker's announced policy of January 7, 1997, the gentleman from California [Mr. BILBRAY] is recognized for one-half of the time until midnight as the designee of the majority leader.

(Mr. BILBRAY asked and was given permission to revise and extend his remarks.)

Mr. BILBRAY. Mr. Speaker, I include for the RECORD the statement by the gentleman from Texas [Mr. SMITH], chairman of the Subcommittee on Immigration of the Committee on the Judiciary, in support of H.R. 7, the Citizens Reform Act of 1997.