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.

Mr. SMITH of Texas. Mr. Speaker, the United States is one of the few major industrialized countries in the world that still grants automatic citizenship to the children of illegal aliens. Only three other countries do so—Mexico, Argentina, and Canada, and Canada is in the process of changing its law.

Some argue, though I disagree, that birthright citizenship is anchored in the first section of the 14th amendment to the Constitution, which states that ''all persons born * * * in the United States and subject to the jurisdiction thereof, are citizens of the United States * * *.''

The 14th amendment was written to guarantee citizenship to those formerly held in bondage and their descendants after the Civil War.

The Supreme Court did not consider application of the citizenship clause of the 14th amendment to children born in the United States to legally-residential aliens until 30 years after the amendment was ratified. The court ruled that children born in the United States to parents who were lawfully admitted for permanent residence should receive automatic citizenship.

But while the Supreme Court has consistently held that the citizenship clause of the 14th amendment applies to children born to legal immigrants, it has never held that this principle extends to children born here to illegal alien parents.

Because of the adverse effects of our present policy, it should be changed.

Those effects include smugglers bringing pregnant women into this country to give birth only because their children will become citizens. Approximately 16 percent of all the births taking place in California each year are to illegal alien mothers.

The county of Los Angeles estimates that almost 200,000 U.S. citizen children of illegal alien parents living in Los Angeles are collecting $461 million per year in AFDC benefits.

And an estimated 10 percent of total education costs to school districts in Los Angeles County are attributable to primary and secondary education for citizen children of illegal aliens.

Apart from the costs, isn't citizenship being devalued when it is given away as a result of illegal behavior?

I support H.R. 7, legislation introduced by Representative BRIAN BILBRAY of California, because it would do a great deal to discourage illegal aliens from entering the United States. And it would make U.S. policy consistent with the vast majority of countries around the world.

Mr. BILBRAY. Mr. Speaker, those of us who have had the privilege of being American citizens and being raised here in the United States know that the United States has always prided itself as being a Nation of laws, of citizens that respect their laws and serve the Nation, rather than a Nation that serves men and ideas of individuals over the concepts of good laws.

Mr. Speaker, H.R. 7, the Citizens Reform Act of 1997, is a legislative correction by Congress for an issue that has been ignored for much too long. The issue really before us is the issue of who qualifies for automatic citizenship in the United States by right of birth.

Now, many of us assume that if we are born on U.S. territory, no matter what the situation, we get automatic citizenship. The fact is, here in Washington and in New York the diplomats and their children do not get automatic citizenship in the United States, because the Fourteenth Amendment clearly states that not all persons born in the United States are given citizenship, only those who are born or naturalized and who are subject to the jurisdiction thereof.

Now, that conditioning clause has been interpreted in many different ways over the hundred years and plus that it has been in effect. The definition of ''subject to the jurisdiction'' has clearly stated that the children of diplomats do not get automatic citizenship, and that is not a punitive action. That is a calculated interpretation of the fact that diplomats do not owe allegiance, loyalty to the United States Government, and that their children do not receive the rights of automatic citizenship because the parents do not bear the obligation of loyalty.

Now we may ask, what does this have to do with 1997? Well, Mr. Speaker, across this country there are individuals who are entering this country illegally, who are violating the law, who are violating the trust of the American people, and then are demanding or acquiring automatic citizenship without due process for their children.

Now I, for one, am very sensitive to this. I was raised by an immigrant of a foreign country who came here legally, who played by the rules. I think it is just an assault on our entire concept of fair play to say that there are those who are waiting patiently to immigrate legally, whose children are born in foreign countries, who do not acquire automatic citizenship but who are required to go through the process and naturalize.

At the same time, there are those who enter this country illegally or enter this country, as most illegals do, and I want to point this out, legally, and then violate their agreement with the Federal Government by overstaying their visas. Then their children who are delivered here in the United States gain the right of automatic citizenship, while those who are playing by the rules, their children, as I stated before, do not.

H.R. 7 points out that we need to address this issue of fairness, we need to make sure that we send a very clear message to everyone. And I want to point out quite clearly, it is not the immigrants' fault; it is Congress' fault. The Fourteenth Amendment says that Congress will have the responsibility to statutorily enforce these sections. Congress has ignored this problem because they did not think the problem was very big, did not think it was worth addressing.

Mr. Speaker, let me just say quite clearly, even if it was one person benefiting from the violation of our national laws, that would be enough. But in California alone in 1993 we had 96,000 children born to illegal aliens who qualified for automatic citizenship. That is 40 percent of the Medicaid births in the State of California, the largest State in this Union. That population in itself sends a very clear message that we are sending the wrong message to the rest of the world.

Now I did not do a poll, and a lot of people in Washington did not do a poll, but I just received information from California that a group did a poll asking women who are illegally in the country, why did they come to the United States. Frankly, even those of us who are involved in illegal immigration were shocked to see that a quarter of them stated that one of the major reasons to come here was so that their children could gain the privileges and rights of automatic citizenship, of citizenship in the greatest Nation in the world.

Now, I do not fault them for doing that. But I do fault a Congress that stands by and ignores the fact that we are telling people who want to come to this country, ''Come here illegally and we will reward you. Wait patiently to come here legally, and we will make you toe the line.''

□ 2245

I think that is a very wrong statement to send. I think it is one that we need to correct.

H.R. 7, Mr. Speaker, corrects it. It says if you are a citizen of the United States, a resident alien in the United States that has been accepted as a resident by the United States, then you bear the responsibility of loyalty and service to the American people, and we will give your child automatic citizenship. With the obligation goes the rights. But if you are a tourist who is just asking to pass through, or if you are an illegal alien who has violated our laws, we will not reward you or your child for you breaking the law while we require those who wait patiently to immigrate to play by the rules.

Mr. Speaker, this item goes back many years. First of all, many may say, again, I thought everyone on U.S. soil was automatically a citizen. In fact, it was not the 14th amendment that allowed native Americans to become automatic citizens of the United States. In fact, many, many individuals in this country who come from native American backgrounds did not get their right of being automatic citizens from the 14th amendment, because the Supreme Court ruled in a case back in the 1880s that Indians, native-born Americans, did not qualify as being subject to the jurisdiction thereof as conditioned by the 14th amendment. The fact is the Supreme Court ruled that Native Americans could not be tried for treason and could not be drafted and could not be held liable, though they could be arrested, but they could not be held liable for not being loyal to the U.S. Government, and thus their children did not qualify.

The first case of that, that reflected that, was the Elk versus Wilkins, which was a situation where an Indian who had left his tribe went to qualify as a voter and tried to register as a voter. The registrar of voters refused to register him because they said, you are not a citizen. John Elk, an Indian born within the territory of the United States, in Nebraska, went to the Supreme Court and said, I was born within the United States; the 14th amendment gives me automatic citizenship. The court ruled that the Indian born of a member of the tribe within the United States was still not subject to the jurisdiction thereof, and that Mr. Elk was not a U.S. citizen by right of the 14th amendment.

Let me remind my colleagues that this is the same 14th amendment that a lot of people say illegal aliens should get automatic citizenship for, that a legal Native American within the United States has been ruled not to be a U.S. citizen. But this House and this Congress and this Federal Government has continued to assume that illegal aliens qualify under that category.

I think that any reasonable person would say there should be some major questions raised here. I think the question illustrates quite clearly that not all individuals born within the territory of the United States automatically get citizenship under the 14th amendment, because there is that conditioning clause ''subject to the jurisdiction.''

The next case that is always brought up on this issue, Mr. Speaker, is a case that people that want to give automatic citizenship to illegal aliens point out, and that is U.S. versus Wong Kim Ark. Wong Kim Ark was an individual who was the son of two Chinese immigrants, legal resident aliens, who were allowed to set up business within the United States, and the child was born while they were here legally in the United States. When Mr. Wong Kim tried to come back from a visit after his parents had been extradited through the Chinese Exclusion Act, he went to visit them in China, tried to come back into the United States, and he was told he could not because he was not a citizen.

The Supreme Court ruled quite clearly on that and made a reference to a case, which was our British common law case, that the parents had been legal under a case called the Calvin case, and that the Supreme Court ruled that because they were residents of the United States and had been permitted under British common law and United States immigration law to be in the United States, that the child had the rights, because while the parents were in the United States, they had a temporary allegiance through legal immigration.

This may really sound like a bunch of legal gobbledygook, but it comes back to the point of fairness, and it comes back to a point that I think those of us in Washington forget too often. The whole case that we are talking about citizenship and automatic citizenship comes back to a basic rule that there are rights and responsibilities, and that people or individuals cannot claim rights without bearing equal responsibilities.

Actually in the Calvin case, which was a case where a Scotsman was basically told by one group that he was not a citizen and could not qualify in the English courts, that he had no rights there, that Calvin was able to prove that he had rights because he had obligations; that his parents could have been tried for treason, could have been drafted for service to the king; that his parents in a most gross sense could have been drawn and quartered as traitors because they had an obligation to be loyal to their government, and because of that obligation, there became a right to the child.

The same argument has to be reflected, that there are those in our society who think that rights come without responsibilities. I think we may debate back and forth when and where those begin, but I think it is quite clear here with this case that the law that we base our immigration birthright citizenship is based on a British law that was articulated in the Calvin case which said if the parents are obligated to be loyal and to serve the government, with that obligation comes the rights of the child to be a citizen. The British said it in their very poetic way. It says quite clearly that it is not the ground that really matters, it is the state of mind. The terminology that was used in the Calvin case was that it is not the soil or the climate, but the loyalty and the obedience that makes the subject born.

I think anyone here would agree that it would be absolutely absurd to think that an illegal alien owes loyalty and allegiance to the U.S. Government. If we can come to that conclusion, that a person who has violated our immigration laws, that has come into this country illegally or stayed in this country illegally obviously does not have either the concept of loyalty to the United States or the obligation being enforced of that loyalty.

In fact, I would remind a lot of my colleagues who think that the concept of not giving illegal aliens automatic citizenship is such an outrageous concept, I would ask those colleagues to remember how long would you stand by in this House if an illegal alien was tried for treason, if an illegal alien was being drafted to serve in the U.S. Army, and that illegal alien said, ''Look, I want out of it, I don't want to have to serve, I would rather go back to my country.'' The concept of trying an illegal alien for treason is as absurd today as it would be in the 1860s when the 14th amendment was passed. That same absurdity applies to the fact that you give automatic citizenship to somebody without the related obligation to them or their parents.

Mr. Speaker, it may seem like an academic debate. I think that we have pointed out again and again as we talk about illegal immigration that this city, Washington, DC, and this Federal Government has an obligation, an obligation to start clarifying what behavior is appropriate, and what behavior will be rewarded, and what behavior is inappropriate, and what behavior will not be rewarded. That may seem radical and extreme to somebody. In my family, I try to make sure that we send that message to our children and to our friends, and it is about time Washington understands that common sense may seem extreme here, but America wants to see more of it coming out of this place.

It is not the obligation of illegal immigrants to make rhyme and reason out of our immigration laws. It is not the mothers of illegals who are responsible to make sure that our citizenship laws reflect common sense and reflect the historical precedents that have been set over the decades, over the centuries, that to have the rights you must bear the responsibilities.

When we talk about who bears the responsibility here, it is not the mother who wants to cross a border or come in from Europe or Asia illegally to get automatic citizenship. The responsibility bears right here in Washington, DC. Washington, DC, has to bear that responsibility.

I still remember an illegal woman telling me one time, an illegal alien woman saying, ''Mr. Bilbray, if you really didn't want us to do it, you wouldn't be rewarding us for doing it.'' I think that it is time that we send that clear message, and we send it quite fairly and quite strongly, that we do not blame them, we blame ourselves, for the lack of commitment and involvement in this issue; that we have sent the wrong message for too long, and that we are going to address it.

The 14th amendment, Mr. Speaker, does not say that all persons born or naturalized in the United States are citizens of the United States. The 14th amendment says that you have to be born in the United States and must be subject to the jurisdiction thereof. To be subject to the jurisdiction thereof, you do not only have to be subject to being arrested and prosecuted, as so many people assume in this country, but to be subject to the jurisdiction as defined in British common law and as inherited by us through our own Constitution, because even in the Wong Kim Ark case, it was quite clear the Supreme Court ruled there is no common law in America except the British common law; that the British common law said that to be subjects, you must be not only obedient, but you must be loyal; that the obligation of obedience is only one-half of the responsibility of being subject to the jurisdiction thereof, and that loyalty is the other half.

The 14th amendment specifically was trying to address, after the Civil War, the issue of the Dred Scott case, to ensure that everyone was given equal protection for the right of citizenship

regardless of race. One of the biggest problems we had was that there was an assumption that only white Europeans had the rights under the British common law. So to clarify that it was universal, the 14th amendment was passed to specifically say that everyone, regardless of their race or their past servitude or any other condition, had the same rights.

But the 14th amendment did not change the conditions for birthright citizenship in a general sense. The Supreme Court ruled over three times that the 14th amendment was to reinforce the concepts that had been accepted by the United States, and by the Colonies before the United States, and by the English empire before that, that being that those who are going to gain automatic citizenship have to be the children of people who are subject to the jurisdiction, people who are obedient to the law, and obligated to serve the Government and to be loyal to the Government.

Today, Mr. Speaker, most people do not know this, but legal resident aliens are obligated to serve in the military and are obligated to be loyal to the Government while they are here. They have a temporary allegiance of loyalty. When the courts reviewed this under the Calvin case, they clarified that when a legal resident comes into the United States, there is a contract between a legal resident and the Government. The act of allowing someone into your country, you are saying to them, or your Government is, you may come into this country and be a resident, but you must act with the obligations of being a citizen, and you can be drafted, you can be taxed, and you are obligated to be loyal. When an illegal alien comes into the country or when a diplomat comes into the country, there is no contract between the Government and the person entering the country. That contract has not been made, and the obligation does not exist. The obligation does not exist and the rights of automatic citizenship do not exist.

□ 2300

I know there are those in this city that would love to say there are all kinds of rights out there, but no obligations and no responsibilities. That is not reflected in the text of the law or the historical background of automatic citizenship.

Now, we can debate the issues of rights and responsibilities, but one thing that is made quite clear, when the Senators were debating the 14th amendment, there was no concept that they were going to pass an amendment that would encourage people to break the laws of the United States.

Senator Howard, who was one of the authors of the citizenship clause, specifically made reference to the fact that he wanted to treat fairly those individuals who had lived in our country and lived by our rules and followed our laws. In fact, his statement, referring to the slaves, were that they lived by our laws, they have borne the responsibility of citizenship, they are here because we choose them to be here, and, in fact even, without them having a choice to be here, and they have the right and their children and grandchildren have the right of citizenship.

Mr. Speaker, that does not exactly sound like an illegal immigrant to me. It sounds like exactly what it was meant to mean, that those who played by the rules, that have been loyal and served this country, have a right for their children to be automatic citizens. But those who have violated our laws, again, should not be rewarded for it.

I have to say that I live on the Mexican border and I see very interesting things happen. I know of individuals who were in Mexico who are waiting patiently for their immigration status, and I know they are having children in Mexico. When they get here, they will immigrate, they will come here legally, they will wait for years and years to be able to play by the rules, and their children will then have to apply to naturalize, just like everyone else.

But when I talk to a lady, like this one lady from El Paso, about how outraged she was at the concept while she played by the rules, someone could cross the border illegally and their children get automatic citizenship, and then their children qualify for welfare, and their children qualify for Medicare, that is probably the greatest sin, is to continue to tell those who have played by the rules, ''Hey, you were crazy to play by rules. Break the rules. This is what this country rewards.'' I do not think the American people want that to continue.

Mr. Speaker, if the people that really believe that everyone who was born on U.S. soil should get automatic citizenship, if they really believe it would be so unjust to enforce the clause that says that you have to be subject to the jurisdiction thereof, if people think that my legislation and that H.R. 7 is so outrageous, then let them have the guts to finally stand up and say, look, from now on, every child born to a diplomat will get automatic citizenship. From now on, any time anybody violates U.S. territory, there will be no problem, they will get automatic citizenship. But today, tomorrow, and next month, there will be children born in the United States to people who we allowed to come here legally, who will not get automatic citizenship, and those are the children of diplomats and their aides and their support staff. Those individuals are not having their rights taken away. We are not punishing their children. We are just reflecting not only the 14th amendment, but the British common law and the law that we have all inherited into this land.

So the hypocrisy of this issue is there are those who will oppose H.R. 7 and then will continue to ignore the fact that we are today saying not everyone born on U.S. soil is a U.S. citizen.

Again, Mr. Speaker, I must apologize for the fact that this bill has to be brought up, but I think that there are those who have not read the law, the root law, which was the case where you had an individual claiming to be a citizen, and some people saying he was not, and that case goes all the way back to 1607. This is not a new case, 1607.

You had a Scotsman who said I am a British subject, and I am a British citizen, and I should have some rights. The courts ruled then that the determining factor was did the parents have responsibilities? With those responsibilities, they investigated that the parents did have them, they were obligated to be loyal, they were obligated to serve the Government, they did not have the right to leave the country based on the fact that they were aliens and foreigners, that they had the obligation of loyalty, and with that obligation the child received automatic citizenship.

It is not a popular thing to talk about, Mr. Speaker, but it is a fairness issue now. No one in the United States can say that it is a good policy to reward individuals and their families for breaking the law, and that it is a good policy to tell people that if you play by the rules, you will be disadvantaged, if you follow the law, you will be disadvantaged.

Now, I am not talking about punishing the children or punishing immigrants. I am talking about let us stop punishing the people who play by the rules. Let us make a law statutorily under section 5 of the 14th amendment that reflects the intent of the Senators when they stated we are here to protect those who have played by the rules, are here because we choose for them to be here, and we look forward to their ancestors being here henceforth.

I think that we can talk about Elk versus Wilkins, we can talk about the Calvin case, we can talk about many different cases, but I think when it really comes down to it, Mr. Speaker, we have to talk about the future. We have got to talk about how many people are being smuggled in from all over the world. What is the message being told to people, like my cousins in Australia, that say my God, we hear you guys really want illegal immigration; my God, you reward people for breaking the laws.

We have got to send a message that ambassadors are not being discriminated against and their children are not being discriminated against. There is no impunity meant here. We are just reflecting what the law is, and we need to send a quite clear message around the world that if you want to come to the United States, then come here legally. We will reward you and your children if you play by the rules. We will reward your generations to come. But we will not reward you for violating our national sovereignty, for breaking our laws, and for violating the basic concept that when you go

into somebody else's neighborhood or somebody's home or into their country, you go there as a guest, not as an intruder.

Mr. Speaker, I hope this House, I hope the Committee on the Judiciary, will consider H.R. 7, and at least have the guts to raise the issue and quit ducking the issue. The 5th article of the 14th amendment specifically says Congress will have the responsibility to enforce the appropriate statutory sections. This is our responsibility. It is not the states of the United States, it is not even the illegal aliens' responsibility, it is our responsibility.

If those of us think that this is too hot an issue to talk about, too hot to take care of, then maybe we ought to talk about going somewhere else, because the Constitution says this issue falls square in the lap of the Congress of the United States.

Mr. Speaker, I ask you to clarify this, and I ask the Speaker and the leadership to allow H.R. 7 to be brought up for a vote and to move through committee so this issue can be debated at length. It is one that has been ignored for too long, it is one with many misperceptions, and it is one that can be really clarified very quickly.

I am sure there are those that will say if somebody is in the United States illegally by their presence, they have obviously showed they are not obedient to the Federal Government's laws. If somebody is here in the United States illegally, they are not held to the same loyalty standards, which is obviously one of the conditions.

With those two conditioning clauses, the children of illegal aliens and the children of tourists who are just passing through fall in the same category as native-born Indians did before 1924 when Congress, Congress, had the guts to finally give all Indians automatic citizenship. The children of illegals, of tourists, fall in the same category as children of diplomats, and the Congress, as it had the guts to address the issue in 1924, has to have the guts to address the issue now in 1997.

## FAST-TRACK AUTHORITY SOUGHT ON TRADE AGREEMENT NEGOTIATIONS

The SPEAKER pro tempore (Mr. THUNE). Under the Speaker's announced policy of January 7, 1997, the gentleman from Michigan [Mr. STUPAK] is recognized for 41 minutes as the designee of the minority leader.

Mr. STUPAK. Mr. Speaker, I will not be using all my time tonight, but I do want to say a few comments. Today the President and Vice President came to the legislative hill, to the Capitol Hill to detail for us, at least the Democratic Caucus, the fast-track trade authority that the President would like this Congress to approve.

As I listened to the comments being made by my colleagues and others on fast-track legislation, and I hope the listeners understand that fast track means give the President the authority to enter into a trade agreement mostly with South America, Chile, and the Caribbean Basin, and that authority or that agreement, frayed agreement, that the President would negotiate on behalf of his negotiators, would then come before the Congress for approval or disapproval. There would be no opportunity to amend this fast track. You have no opportunity to alter it. You have to accept it as is and vote yes or no.

I sit on the Subcommittee on Health and Environment of the Committee on Commerce, and as we have dealt with over the past few years food safety and food standards in this country and how it was affected by the NAFTA agreement, and what can we expect as we look for a new round of trade negotiations under a fast track authority with South America, Chile, or the Caribbean Basin. In the caucus today when the President came, we heard a lot of discussion about labor standards and environmental standards, and those are very important, and those standards in and of themselves would be enough to defeat any kind of fast-track legislation, if not adequately covered.

But I come to the floor tonight because I did not hear a lot of discussion about the food safety issue and the pesticides that are used in other countries. As food is developed in other countries and shipped here to the United States, of course the United States being the largest consuming Nation, do those standards underneath these trade agreements, our standards, the U.S. standards, the highest in the world, are they going to be upheld? Or do the trade agreements, as is pointed out in NAFTA, will they be lowered, either due to the written word of the agreement or because of the lack of inspection of the vehicles, container ships, coming into the United States?

Understand when a container ship comes into the United States, and let us say it has bananas in the container, the large container on the outside may be marked bananas from Ecuador. But once they are removed from that container and put into boxes and on our grocery shelves, we do not know where they come from. There is no way. There is no labeling required.

Therefore, you do not know what pesticides, what country it even came from, and do they have standards that you wanted for yourself and for your family?

Recently in this country we have had a lot of outbreak of E. coli and hepatitis A breaking out throughout this country, including my own State of Michigan. How does it get by our inspectors?

If you take NAFTA alone, if you look back at NAFTA, North American Free-Trade Agreement with Mexico and Canada, coming up through Mexico, 12,000 trucks a day, 3.3 million trucks a year cross the border. Less than 1 percent are inspected.

Now, there is not enough inspection, there is no enforcement. I am not talking about the trucks, which are another story in and of themselves, but I am talking about the container and what do these trucks contain, what kind of food, what have we found?

The Government Accounting Office in May of 1997 reviewed NAFTA and the effect of the food and use of pesticides on food products coming into this country, and they found strawberries alone, about 18 percent, just a random sample, 18 percent violate our standards for food safety and the use of pesticides. Head lettuce, which we get a lot from Mexico, 15 percent is in violation of our food standards in the pesticide use. Carrots, another 12 percent of them.

There is not enough enforcement, there is not enough inspection, not just the vehicles they are traveling in, but also what pesticides are used on these food products and how they are shipped, handled and labeled and sent to the United States.

I mentioned hepatitis A. If you take a look at Texas, where most of the food comes in through this country from Mexico, you will find that along these border communities, hepatitis A outbreak is 2 to 5 times greater than other parts of the country. In fact, there are some counties in Texas where it is 10 times greater than the state average and the national average.

I mentioned Michigan, and being from Michigan, even in Michigan we have the strawberries where we had 130 children affected with hepatitis A because of strawberries, when after we traced back, came out of Mexico, because they do not have the same sanitation requirements, the same safety inspections, the same food inspection. Once they get across the border, again, in a truck, only 99 percent of them are not inspected, less than 1 percent are inspected. Of 12,000 trucks per day, then you can see how these things easily get into our society, into our food chain, and on our dining room table.

Pesticides, if you take a look at it under NAFTA, and in the past agreements and the studies have shown, that basically we have waived our standards. When we come to food safety, we should not be waiving our high standards, and we have. It is not necessarily a trade issue, but reality is a health issue, about the health and safety for our families.

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So those who would argue that those of us who may oppose any kind of NAFTA or fast track authority, it is not because we are against trade, it is the health and safety of our families that we are concerned about.

In fact, the concern is not just for our own families and what is happening from other countries and food being shipped into this country that we are consuming, but even if we take a look at it, what have we seen? Even the Department of Agriculture, Secretary