

myself, I believe we all have a better understanding of the enormity of the challenge of reauthorizing the Higher Education Act and of the major issues that must be addressed. The hearing record will be made available to our colleagues on the Education and Workforce Committee, and I will be eager to work with them to ensure that these excellent ideas from the Research Triangle area of North Carolina are included in the Higher Education Act as reauthorization moves forward next session.

FAST TRACK AUTHORITY: A  
FRAUDULENT NAME AND GAME

**HON. JOHN J. LaFALCE**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. LaFALCE. Mr. Speaker, the issue most are debating today is whether Congress should give the President fast-track authority to negotiate trade agreements with foreign governments. At least, that is how the issue is usually described and debated.

But there is a real problem in both the description and the debate. And the closer you look at it, the clearer it becomes that the description is misleading and the debate often fraudulent.

First, there is nothing inherently faster about trade agreements reached under this process. In fact, we often spend more time and energy discussing fast track than we do the actual trade agreements. Second, the President does not obtain some new authority from Congress to negotiate trade deals; he has plenary authority under the Constitution to negotiate any agreement he might want with other nations. Indeed, the only question extant is whether Congress will try to relinquish or forfeit its constitutional authority to propose amendments to any proposal that the President might reach with other nations. Hence, the issue is not whether Congress will give the President any authority; it is whether Congress will give up its own constitutional authority.

So what is fraudulent about this debate? First, so-called fast-track authority is constitutionally unenforceable. Congress cannot legislatively give up its constitutional power to make laws or its powers to determine how to go about making laws. Surely, Congress can pass a law purporting to bind itself and future Congresses on a future issue, as fast-track purports to do, but, it cannot be enforced. This Congress and future Congresses could always simply ignore such previous actions and offer amendments at any time to any bill.

Second, even assuming such a limiting law could be enforced, neither this nor any previous fast-track proposal would actually eliminate congressional amendments to proposed trade bills. For every fast-track bill ever considered or proposed contains a glaring exception in the fine print making it say, in essence, that there will be no amendments unless the House or Senate passes a rule permitting amendments. In other words, the fast-track bills basically say that Congress will not consider amendments to a bill unless Congress decides to consider amendments to such a bill. So who's kidding whom? The answer is that just about everyone is fooling everyone. Such a loophole renders the law virtually meaningless, except, of course, to the extent

it deceives foreign negotiators and the U.S. Congress.

What is really happening here is a convergence of interests between the U.S. Presidents and foreign governments. Their understandable mutual desire is to minimize the role of that cumbersome, bothersome thing called Congress.

In effect, they would have us say that for purposes of trade our constitutional system of representation does not work, cannot work, and must be circumvented. Instead, they would have us adopt a parliamentary system for trade laws, making the President a de facto Prime Minister and making the de facto parliament's vote really a simple "yes" or "no" vote of confidence in the Prime Minister's leadership. This would not even be a vote on the merits of the trade deal, or even on support of a given President, but instead on support of the Office of the Presidency. That's not what the Constitution envisioned or envisions.

Lastly, every bill implementing trade agreements submitted under fast-track authority in the past has been put through a rigorous preliminary amendment process in the Senate Finance and House Ways and Means Committees. These sessions have resulted in huge numbers of amendments; then, after the committee members have offered their amendments and voted on them, the amended end product is submitted by the President to the entire Congress. That bill is then brought forward for the "yes" or "no" vote envisioned under fast track.

Thus, the debate on fast track has been riddled with fraud—fraud on foreign governments, on the Congress and on the body politic. I think we should deal with the issues openly and honestly. We can't give up our constitutional authority; we never have; and if we pass the President's fast-track proposal, we still wouldn't give up our authority. Having come to know this, I have chosen not to participate in the perpetuation of the fraud.

Some will say that a vote against fast track is a vote against global trade; that opposing fast track is putting America last, not first; that a vote against fast track is being protectionist. To those, I say, "nonsense." These ad hominem attacks and false dichotomies sully the debate and are not worthy of a response. One can oppose fast track and still strongly favor global trade. I do. One can object to fast track and also oppose protectionism, seeking to put America first. I do. And one can support constitutional processes and still support enactment of trade agreements, as I supported the Canadian-American Free-Trade Agreement, the continuance of MFN for China, various iterations of GATT, the WTO, and so forth. I'd rather do that than support and perpetuate what is an essentially fraudulent process.

MEXICAN POLITICAL SYSTEM

**HON. JIM KOLBE**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1997

Mr. KOLBE. Mr. Speaker, I would like to commend to my colleagues an article concerning the Mexican political system by Mr. C. Allen Ellis, the president of Ellis Interfin Services, Ltd.

MEXICO AT WATERSHED

On July 6 Mexico, with over 30 million of its 52 million registered voters participating, held congressional elections for all 500 members of its Chamber of Deputies, to replace one third of its Senate, and to elect a mayor of its vast capital city for the first time. The result was historic. Mexico's 65 year old one-party political system, led by a one term president having near absolute power, crumbled before an electorate slowly emerging from Mexico's worst political and economic crisis since its Revolution of 1910.

The immediate results have been the end of congressional dominance by the "Partido Revolucionario Institucional" (PRI), which now holds a minority of 239 seats in the 500 member lower chamber, and a former party opposition holding 261 seats, which has formed a working coalition at least for the present. The opposition majority is asserting itself in seeking basic prerogatives and is developing fundamental changes in congressional rules and procedures to limit the vast powers held by the president since 1928. In addition, a leftist opposition party, the PRD, has elected Cuauhtemoc Cárdenas, son of a populist former president, to govern as mayor of Mexico City's Federal District for a three year term along with a 40 member Council, of which 38 are members of his party and to which not a single P.I. candidate was elected.

President Ernesto Zedillo Ponce de León, midway through his single 6 year term of office, has emerged as a principal beneficiary of the elections whose fairness and extent of voter participation were unique in Mexico's electoral history. This success was the product of the newly independent Federal Electoral Institute, a vocal and critical press and media, the availability of public funding for all political parties, and, in general, President Zedillo's insistence on a fair and democratic election at the expense of his own presidential powers.

The emergence of a politically significant Congress has been accomplished without formal changes in the Constitution of 1917 or the laws of Mexico. Among the initial political changes that could prove to be more than transient are: limiting of our neighbor's "spoils system" whereby sitting presidents, their relatives and close political and private sector associates can amass great wealth, the greater sharing of presidential power with state and municipal governments many led by opposition parties (6 of Mexico's 31 states and hundreds of municipalities), and a stronger Supreme Court no longer serving only at presidential pleasure.

The new political system which is emerging is accompanying an economic recovery from the "Crisis" of 1995 and early 1996, led by the export sector principally benefiting approximately 200 major companies and their domestic and foreign suppliers, and, in stark contrast, a slow and painful recovery of its domestic economy. Mexico's two-way trade with its United States and Canada NAFTA partners has increased by 67% in three years from \$91 billion to \$152 billion in 1996, with Mexico this year expected to supplant Japan as the second most important trading partner of the United States after Canada. This year United States exports to Mexico are once again accelerating after their dramatic fall in 1995 (resulting from the "Crisis" and the December, 1994 devaluation of the peso), at \$32.7 billion for the first six months running 23% ahead of the same period in 1996.

Thus Mexico's new political system is emerging in tandem with a strengthening economy, and in a North American regional economy where the United States continues its remarkable seven year record of non-inflationary growth with massive job creation,

much of which is due to vastly accelerating exports of goods and services from the United States to developing nations led by Mexico.

One of the principal challenges facing Mexico, which President Zedillo emphasized in his comprehensive annual address to the Mexican people on September 1, is the development of a long-term economic strategy, based on a private sector-led market economy, and acceptable to a political consensus. This has become critical because in each of Mexico's last five presidential terms, beginning in 1970, a financial crisis has been precipitated by differing and often contradictory economic policies. This will be a particularly difficult challenge, as highlighted recently by the highly adversarial response by opposition members to the recent appearance before the Congress of several cabinet officers, urging continuation of President Zedillo's and Treasury Secretary's Guillermo Ortiz's economic recovery and growth program and its required budget.

Another principal issue confronting Mexico involves the escalating threat to the personal security of persons in Mexico, at all levels of society, from a growing crime wave overwhelming an ineffectual and often corrupt criminal justice system and federal, state, and local police forces increasingly led by Mexican Army officers. A leading force in criminal activity are the regional narcotics cartels, which with their vast financial resources are responsible for widespread corruption throughout the public and private sectors of Mexico, as well as in the Army which for years has led the national anti-narcotics campaign.

President Zedillo in his September 1 address emphasized to his country and its citizenry the threat represented by the prevailing climate of insecurity and from narcotics. Fundamental reform of the judicial and public security systems have been a particular priority of his administration, but he acknowledged these programs and policies had to be improved. He vowed to develop and fund additional public security measures and called on the Congress, state, and municipal governments to work closely with executive branch in this vital arena.

In Mexico's economy, the present state of the financial and commercial banking sector remains a principal obstacle to economic growth and development. The public finances of Mexico are strong, having recovered far earlier than expected from the "Crisis" thanks to a wise and timely financial assistance package led by the United States and the international financial agencies. Continuing consolidation, led by commercial banks in Spain and Canada, has been required among financial institutions which began to fall shortly after their poorly conceived and implemented privatization by the prior administration. Massive government assistance and debt assumption has been provided to the privatized financial sector, with accompanying widespread public criticism, to confront a bad debt overhang which now exceeds \$50 billion and will require many years of continuing economic progress to surmount.

Mexicans traditionally have had a keen awareness and pride in their own extraordinary history. However, this admirable quality has limited development of modern democratic political institutions and the ability to develop the economic and social policies required by a young, ambitious and increasingly restive population.

The crossroads at which Mexico finds itself has been particularly well-stated in a recently published history of Mexico:

"The ordinary Mexican is no longer obsessed by the gravitational pull of the past. Intoxication with history is now more an

issue for political and intellectual elites. In the midst of the Crisis, in a national mood of confusion and unease, today's Mexican is turning toward the future. And the man and woman in the street have begun to understand that, even if the lack of democracy is not Mexico's foremost problem, the country's other problems cannot be resolved without democracy. These are the issues of the past and the present and the future, including the ancient social and economic problems that Mexico has endured as "the land of inequality." Without a legitimate division of powers, the President, if he wishes, can reign as an absolute for six years. Without a solidly based and independent system of justice, the corrupted "Revolutionary Family" will continue exploiting "public posts as private property," sacking the country as it has from the days of Alemán to Salinas de Gortari. Without a truly efficient and honest civil service, neither a just system of taxation nor a way of delivering benefits directly to the poor are possible, as modes for reducing the enormous inequalities between great wealth and great poverty. Without a reliable and honest police system, the streets will be insecure and the financial influence of drug cartels will grow geometrically. Without true and effective federalism, the capital will continue to exercise a form of imperialism over the provinces and the cities. Without democracy—the ideal of Madero (and less completely of Juárez)—any economic reforms, even if they move in the right direction, will always be fragile and endangered."<sup>1</sup>

My own view of the road ahead for Mexico, at this watershed in its history, is that our neighbor has found in President Ernesto Zedillo a wise and dedicated leader whose policies, along with the present confluence of events, can produce a presidency sharing power with a representative Congress having real legislative, oversight and budgetary powers, and with an independent judiciary providing the rule of law and the fair administration of justice.

Whether Mexico is continuing on the course this paper has described will become more apparent in its crucial political year 2000 when presidential, state and municipal elections are scheduled. These will constitute a plebiscite on Mexico's emerging political system, on present economic and social policies, and on those to be followed in the next three years.

The course of present and future developments in Mexico will have profound implications for our own country and national interest. A growing and increasingly prosperous Mexico, with responsive and representative political institutions, will remove, or at least substantially reduce, many of the conflicts which have characterized our nation's historic relations with Mexico. This relationship is the most complex and wide-ranging we have with any nation, and in coming years will continue to be among our most important.

OPPOSITION TO H.R. 2621

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 13, 1997*

Mr. THOMPSON. Mr. Speaker, I rise today in opposition to H.R. 2621, the Reciprocal Trade Agreement Authorities Act—the so-called fast track authority legislation.

<sup>1</sup>Mexico: biography of power: a history of modern Mexico. 1810-1996/ by Enrique Krauze

The take it or leave it approach fast track authority brought to the NAFTA and GATT agreements a few years ago led to the acceptance of trade negotiations that have damaged my home State of Mississippi and this Nation's economy, labor force, and environment. This is not an issue of free trade; I support free trade as most Members of both sides of the aisle and the President do. My opposition to fast track authority and that of many of my colleagues is part of an effort to permit Congress to have real input into the negotiation of trade agreements and the ability to properly inform the public of their possible effects.

NAFTA and other trade agreements have severely hampered Mississippi and the Nation's opportunities for faster rates of economic development. Although United States exports have increased by 26 percent to Mexico and Canada since NAFTA's enactment in 1993, imports from those regions have increased by 47 percent according to Bureau of Labor Statistics and Census Bureau data. As a result, the Nation has lost a net total of 394,835 jobs since 1993. In Mississippi alone, major employers have moved across borders, forcing 6,671 people to face unemployment and difficult transitions to lower paying jobs. Moreover, as employers use the threat of moving their businesses overseas, employees are forced to take cuts in their paychecks and health benefits that have led to a 4-percent decline in nationwide median wages since 1993.

Fast track authority would be a blank check for extending NAFTA and other international trade agreements that tend to neglect the delicate economy of small States, like Mississippi, that heavily depend on low-wage labor and manufacturing. In addition, these agreements have encouraged other countries to develop unsafe products and to ignore environmental standards. It is no mystery why the National Consumers League as well as the Nation's premier environmental organizations—the Sierra Club, the Audubon Society, the National Wildlife Federation, the World Wildlife Fund, and others—oppose fast track authority.

Granting fast track authority will send the wrong message to other nations about child labor, the environment, safety standards, and the United States willingness to support its workers. Mr. Speaker, I object to providing new fast track authority on behalf of the 6,671 Mississippians who lost their jobs since fast track was used to pass NAFTA in 1993, and I object to it in the name of my State and this Nation's future.

SENSE OF HOUSE REGARDING  
IRAQ

**HON. TOM LANTOS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 13, 1997*

Mr. LANTOS. Mr. Speaker, the House of Representatives late today approved House Resolution 322, which places this body on record in favor of using force against Iraq if that is necessary in order to compel Iraq to comply with U.N. Security Council resolutions which call for the elimination of Iraq's capability to produce nuclear, chemical, or biological weapons and missiles capable of delivering