TRIBUTE TO PRESIDENT SOGLO OF BENIN

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1995

Mr. BURTON of Indiana. Mr. Speaker, I would like to express my support for the initiatives of the Government of Benin. Benin, a country the size of Pennsylvania with a population of 5 million, is located in West Africa on the Gulf of Guinea. It captured international attention when in 1991 it was the first African nation to democratically elect a head of state, President Nicephore Soglo, a former World Bank director and friend of the United States of America.

Over the last 5 years President Soglo and his administration have instituted a series of economic reforms intended to reduce debt, increase exports, control inflation, and foster growth in general. By 1992 Benin's economy began to respond and by the first quarter of this year, economic growth was evident. As a result of this economic turnaround, investment possibilities abound in many of Benin's industries, especially oil production and agriculture. Benin is clearly one African country setting out to disprove the notion that the continent is becoming marginalized.

One of the most important of Benin's economic reforms was the devaluation of its currency, the CFA franc, in 1994. As a member of the West African Monetary Union, Benin uses the CFA—French for African Financial Community—franc which is tied to and supported by the French franc and is fully convertible. The overvalued CFA franc had skewed the economy towards trade rather than investment which is necessary for growth. ''Finance & Development'' magazine stated in a June, 1995 article that, since the devaluation, member countries of the franc zone have made great strides toward economic recovery. The goal of the devaluation was to help member nations regain competitiveness by shifting resources from low growth sectors, often artificially protected, to sectors where the country enjoyed a comparative advantage. These objectives were largely met in Benin, as evidenced by the growth in GDP, limited inflation, and improved balance of payments.

Benin has numerous resource-based enterprises which offer many investment opportunities for American businesses. One of the most promising is oil and gas. An offshore petroleum field is located near Cotonou, the principal city in Benin, and 4 billion cubic meters of gas reserves were recently discovered in the Seme oil field. These discoveries have generated serious attention in the World Bank plans for a major natural gas trunk line from Nigeria to run west through Benin, Togo, and Ghana.

Recently, many American investment houses have started to see Africa as an economic area on the cusp of exploding growth, the last true emerging market.

Mr. Speaker, the U.S. Government must support all efforts of African nations like Benin to democratize and continue on the path of economic reform and growth. The Government of Benin's efforts will mark a new era not only in West Africa but in all of Africa.

THE FLAG IS THE SYMBOL OF OUR COUNTRY

HON. ENID G. WALDHOLTZ

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1995

Mrs. WALDHOLTZ. Mr. Speaker, the U.S. flag is the symbol of our country. It is proudly carried into battle, and it is the basis for our national anthem. It's more than a simple piece of cloth; it is the symbol of what we stand for as a nation.

Over the years, Congress has repeatedly attempted to pass legislation that would prevent desecration of our national flag. Each time, the public has expressed their overwhelming and enthusiastic support.

Unfortunately, and in my view incorrectly, the U.S. Supreme Court has ruled that burning the American flag is merely a form of free expression, and the Court overturned Congress' attempt to reflect the public's desire to protect this Nation's most treasured symbol. With that ruling, the Supreme Court left us with no alternative but to pass a constitutional amendment.

The Court's action left us with an ironic result: It is illegal to deface a mailbox or to mangle our currency—either act carries a criminal penalty—but it is not illegal to desecrate the flag. Personally, I am not comfortable with what that says about our values as a Government.

In the wake of the Supreme Court action, 49 States have passed resolutions calling on Congress to pass a constitutional amendment to protect our flag from desecration and send it back to the States for ratification. I would have preferred to resolve this issue with statutory language rather than through a constitutional amendment, but we have already attempted that. Congress is not able to pass a statute which we can guarantee will not be overturned by the Supreme Court.

Our action reflects the will of the American people to protect and preserve the most cherished symbol of this great Nation.

POLITICAL ADVOCACY WITH TAXPAYER DOLLARS

HON. ERNEST J. ISTOOK, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1995

Mr. ISTOOK. Mr. Speaker, please include the following remarks in the RECORD regarding ''Political Advocacy with Taxpayer Dollars.''

POLITICAL ADVOCACY WITH TAXPAYER DOLLARS VIOLATES THE RIGHTS OF ALL TAXPAYERS

(Testimony of Representative Ernest J. Istook, Jr., June 29, 1995, before the House National Economic Growth, Natural Resources and Regulatory Affairs Subcommittee)

It is time to end taxpayer funded political advocacy! Over 40,000 organizations receive over $39 billion in Federal grant funds directly. Preliminary examination of the problem makes it apparent that grant abuse is rampant and needs to be addressed with systemic reform. Systemic reform must not be targeted at any particular group nor any particular political philosophy but must allow the U.S. Congress to perform its fiduciary responsibility to the American taxpayer. That responsibility requires the Congress to track Federal Budget dollars to their usage point.

I feel strongly that these Federal dollars represent the hard work of many Americans who deserve the assurance that when they are compelled to pay taxes, that these tax dollars are being used appropriately. Using tax dollars for political advocacy not only violates the principles of free speech and free association. Just as the U.S. Supreme Court has ruled (Abood v. Detroit Board of Education, 1977) that compulsory union dues cannot be used to fund political activity, so, too, compulsory taxes should not be used for this purpose. The legislation several of us are working on is but one step, though a major step, in stopping some of the fraud, waste and abuse that plagues the Federal Budget.

The various attempts at addressing taxpayer-funded political advocacy problem have proven to be inadequate. Were this not the case the problem would not continue to be a significant problem. The IRS Code restrictions on many of the non-profit organizations and the Byrd amendment in 1990 have all proven to be inadequate. Though it is technically illegal to use taxpayer funds for lobbying, schemes have been created to circumvent the law. These include automatically sending a certain percentage of grant money to cover overhead for the lobbying arm, and subgranting funds to other organizations, in which case the audit trail ends. Sometimes the laws that exist are so vague and unenforceable that they are not satisfactory. An example of this is the lobby registration and reporting requirement for Congress. Lobbying is not defined in the law, so lobbyists only report time and expenses for time on Capitol Hill, not time spent in the office studying the issues, making phone calls to prepare for visits, etc. The Byrd amendment never defined appropriated funds, so funds are no longer considered appropriated after they've been deposited into the organization's checking account.

The goal is not and never should be to restrict free speech. Instead, the goal is to avoid the use of tax dollars to subsidize the private speech of those who have political connections or who rely on taxpayers' money to advocate their political views.

Upon examination of this problem, I feel the following principles must be put into law regarding the usage of Federal funds by Federal grantees:

a. The term ''lobbying'' is too narrow to be useful for this purpose. The broader term ''political advocacy'' should be used and defined under the law. This definition would extend to Federal grantees engaging in political campaigns, lobbying the legislative or executive branch agencies from the Federal to the state and local level, and engaging in efforts to influence general and specific public policy through confirmations, referendums or judicial action.

b. No federal funds should be used for political advocacy.

c. No grant funds should be used to provide support to other organizations who, in turn, conduct political advocacy.

d. No organization that receives a federal grant should, in turn, grant those funds to others, except as provided in the authorizing law that created the organization (i.e. the Institute of Peace, the Corporation for Public Broadcasting, etc.) Such grantees should be under the same obligation as if they received the Grant directly from the Federal government. Current law does not require this. This will not include state and local governments, but would include any private entity which receives federal grant funds, passed through to them by state or local governments.

e. Any Federal grantee should be subject to an audit, at the government's request, and must prove ''by clear convincing evidence'' that any funds used for political advocacy did not come from Federal funds. Grantees are expected to use ''generally accepted accounting principles'' (GAAP) in keeping records. This provision will not require any unusual accounting methods, and will deter, in fact, ''creative'' or otherwise lax accounting.

f. The federal dollar should be followed to its point of use. This will insure Congress is able to insure each taxpayer dollar is appropriately used for its intended purpose.

g. Information about all of these grants should be available to the general public.

CASE STUDY: THE NATURE CONSERVANCY

We have already heard testimony today about the Nature Conservancy's use of Federal taxpayer dollars to crush local opposition to a nature sanctuary. This action, even if it were authorized by Congress, violates the rights of the citizens of that county in Florida. The Nature Conservancy, from what we know in this case, used at least $44,000 from the Department of Commerce to National Oceanic and Atmospheric Administration (NOAA), plus $75,000 (most likely Federal funds) from other organizations' subgrants.

In the Nature Conservancy's ''NOAA Performance Report for the Quarter Ending September 30, 1993,'' they discuss 21 items, 19 of which are clearly political advocacy under the definition I expect to outline in my proposed legislation. Items included preparing testimony for people to testify before Congress and ad campaigns. Please notice their item 17, which states that they spent money for this effort:

Developed and directed plan to counter opposition's push for a county-wide referendum against the establishment of the Sanctuary. Recruited local residents to speak out against referendum at two Board of County Commissioners hearings. Organized planning conference call with members of the Center for Marine Conservation, the Wilderness Society, and the Nature Conservancy to discuss plan. Plan was successful in blocking referendum (a 3–2 vote), and generated many positive articles and editorials using many of the messages discussed in plan.

They blocked a public vote on their plan. This is raw political activity. It does not deserve a subsidy from the voters who they sought to silence.

The issue is not which organization was bigger, more organized, etc. I would be just as disturbed with any other group Federal grant dollars and using those dollars to crush local opposition to their members' goals.

We have the right to freely associate with those who espouse principles that we endorse. The key word here is ''freely.'' When tax dollars are used for political advocacy, this is not, by any definition, a free speech or free association.

FIRST AMENDMENT PROTECTION

Some opponents have a general misconception that it is unconstitutional to prevent organizations, especially non-profit organizations, from engaging in political advocacy with taxpayer dollars. Nothing could be further from the truth. It is, in fact, unconstitutional to permit recipients of federal funds from engaging in political advocacy with those dollars. In the case of Rob Jones University v. United States, the Supreme Court noted that, ''When the Government grants exemptions or allows deductions, all taxpayers are affected; the very fact of the exemption or the deduction for the donor means that other taxpayers can be said to be indirect and vicarious 'donors'.'' In 1977, the Supreme Court ruled in Abood v. Detroit Board of Education that it was unconstitutional to require teachers to contribute to a union where the dues were used to support ideological causes the teacher opposed. The court said that taxpayers should not be required, either directly or indirectly, ''to contribute to the support of an ideological cause [they] may oppose.'' Where recipient organizations receive both a tax exemption and government funding and then use government funds to engage in political advocacy, it is clear the government, and hence the taxpayers, are both supporting the political views advocated by the recipient organization. The Supreme Court noted several years ago in First National Bank of Boston v. Bellotti that where governmental action ''suggests an attempt to give one side of a debatable public question an advantage in expressing the views to the people, the First Amendment is painfully offended.''

Thus the right of free speech also includes the right not to speak. It includes the right not to support causes or ideologies with tax dollars. No taxpayers should be compelled to support ideological causes or political points of view with which the taxpayer disagrees. This is very important because taxes compulsory, not voluntary. Thus the federal government has a special duty to protect free speech and prevent, whenever possible, the infringement of the free speech of all taxpayers.

This position is clearly supported by the Supreme Court. On May 23, 1983, the United States Supreme Court unanimously upheld the right of the Federal government not to subsidize the lobbying activities of private, nonprofit, tax-exempt organizations. In the case of Regan v. Taxation with Representation of Washington, 51 U.S.L.W. 1588 (1983), Taxation with Representation of Washington (TWR), a nonprofit corporation organized to promote what it conceived to be the ''public interest'' in the area of federal taxation, applied for tax-exempt status under Section 501(c)3 of the Internal Revenue Code. The IRS denied the application because a substantial part of the organization's activities consisted of lobbying activity. TWR sued based on First amendment and equal protection under the fifth amendment. The court rejected TWR's contention that the government may not deny their application for tax-exempt status. The Supreme Court stated:

Both tax exemptions and tax-deductibility are a form of subsidy that is administered through the tax system. A tax exemption has much the same effect as a cash grant to the organization of the amount of tax it would have to pay on its income. . . . Congress has not infringed any First Amendment rights or regulated any First Amendment activity but has simply not chosen to subsidize TWR's lobbying out of public funds. . . . A legislature's decision not to subsidize the exercise of a fundamental right does not infringe on that right and thus is not subject to strict scrutiny. It was not irrational for Congress to decide that tax-exempt organizations such as TWR should not further benefit at the expense of taxpayers at large by obtaining a further subsidy for lobbying. . . . We have held in several contexts that a legislature's decision not to subsidize the exercise of a fundamental right does not infringe the right. . . . It is also not irrational for Congress to decide that, even though it will not subsidize substantial lobbying by charities generally, it will subsidize lobbying by veterans' organizations. . . . Congress is not required by the First Amendment to subsidize lobbying. . . . Congress—not TWR or this Court—has the authority to determine whether the advantage the public would receive from additional lobbying by charities is worth the money the public would pay to subsidize that lobbying, and other disadvantages that might accompany that lobbying.'' (Regan v. TWR) 461 U.S. 540 (1983)

There is no attempt in our proposed legislation to suppress or limit the First Amendment rights of recipient organizations. There is no ideological classification to apply this to some groups while exempting others. That would not be right. The same standards must apply to all organizations, regardless of their place on the political spectrum. Potential federal grantees would remain free to engage or not to engage in political advocacy as they see fit. I repeat, potential federal grantees would remain free to engage or not to engage in political advocacy as they see fit. They are simply prevented from receiving a tax-paid subsidy for their political advocacy.

Our legislation also should not be compared to the anti-lobbying bill in the 103rd Congress. There is no attempt in this bill to curb or restrict grass-roots lobbying organizations. Nor is there a focus on lobbying as a whole. The touchstone, the trigger for this act, and its provisions, would specifically apply to federal grantees engaging in political advocacy, directly or indirectly, with those funds, thus violating the free association rights of U.S. taxpayers.

LIMITED PUBLIC ADVOCACY

To be sure, many individuals, organizations and businesses in this country spend some of their funds on political advocacy. This is a normal activity and should not be suppressed. After all, we live in a civil society that depends upon democratic participation in the political process. Thus, the fact that an entity engages in political advocacy should not automatically bar the receipt of federal grant money. However, government oversteps the bounds of neutrality when it begins to award grants to selected entities that have as one primary purpose the conduct of political advocacy.

The First amendment guarantees the right to petition the government for a redress of grievances. But it does not require the government to pay you for it. After careful review, I have found that a reasonable threshold is when organizations spend 5% or more of their annual expenditures to conduct political advocacy. This provision is similar to the IRS 501(h) safe-harbor provisions of the IRS Code for non-profit organizations. This code provision prohibits a wide variety of political activity over $1,000,000 in expenditures. While the 5% threshold is seemingly small, such a percentage is, in fact, quite significant: First, in this modern information age, with cheap and high-speed means of communication, a little money can go a long way; and second, because of the fungibility of cash, each federal dollar received by a grantee frees up more private dollars for political advocacy, thereby leading to a growing amount of indirect government support for political advocacy.

CONCLUSION

Provisions of the legislation we are proposing is designed to protect the First amendment rights of all Americans and, at the same time, fulfill the trust that voters in this Nation have given members of Congress. As the Supreme Court has stated, ''Congress is not required by the First Amendment to subsidize lobbying. . . . Congress—not TWR or this Court—has the authority to determine whether the advantage the public would receive from additional lobbying by charities is worth the money the public would pay to subsidize that lobbying, and other disadvantages that might accompany that lobbying.'' (Regan v. TWR) Congress is charged with insuring taxpayer funds are spent properly, for the public good. The legislation we are crafting has been carefully designed to keep the compliance burden as

low as possible, while insuring that the rights of all Americans are protected.

I invite public comment on the ideas presented in my testimony and regarding our proposed legislation.

WORLD FOOD DAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1995

Mr. GILMAN. Mr. Speaker, for 11 years the U.S. National Committee for World Food Day has offered a teleconference on critical food policy issues to colleges and universities in the United States and through the facilities of the U.S. Information Agency WorldNet service to embassies and institutions throughout the Western Hemisphere. In 1993 and again in 1994, WorldNet also made it possible for the telecast to be received in Africa and Asia.

The World Food Day program dealt with the increasing use of water and the decreasing quality of the supply in nearly all world regions. Abundance is giving way to public policy decisions on resource allotment and cost sharing. There is an urgent need for the international community, national governments and citizen organizations to make decisions relating to the competing uses of the environment, agriculture and human consumption needs.

I want to thank the U.S. National Committee for World Food Day and the Committee's national coordinator, Ms. Patricia Young, for their efforts in bringing this important subject to public attention and in helping prepare for the international conference. I want to thank the U.S. Agency for International Development for their support and technical assistance in the organization of the World Food Day Teleconference. I also want to praise USIA WorldNet for a job well done in carrying the program throughout Latin America and the Caribbean and to additional sites in the rest of the world.

Mr. Speaker, I urge my colleagues to read the exclusive summary of the World Food Day Teleconference, and I wish to insert it in the RECORD at this point.

1994 TELECONFERENCE EXECUTIVE SUMMARY

The eleventh annual World Food Day Teleconference was broadcast from the studios of George Washington University Television in Washington, DC on October 14, 1994. It linked a distinguished international panel of experts on food, water and agriculture to more than 1,000 receive sites in the United States and the Western Hemisphere. There were also a number of passive sites in Asia and Africa. The theme for the teleconference was ''Sharing Water: Farms, Cities and Ecosystems.''

After years of growth since the World Food Day teleconference series began in 1984, the program is believed to be the largest, single development education broadcast ever organized in the U.S. The Spanish-language broadcast, involving simultaneous interpretation from English, began in 1990 with a pilot project in Mexico through the cooperation of the Instituto Tecnológico de Monterrey, which relayed the broadcast in Spanish to its 26 national campuses. Outreach to the rest of Latin America and the Caribbean was initiated in 1992 with the support of the UN Food and Agriculture Organization and the U.S. Information Agency WorldNet system.

World Food Day, held for the first time in 1981 and marking the anniversary of the founding of FAO in 1945, has captured the imagination of people throughout the world. In the U.S. the day is observed in virtually every community in the country, with especially strong support in schools, worship centers and food banks. The U.S. National Committee for World Food Day has grown in membership to more than 450 private voluntary organizations and works directly at the grassroots through more than 20,000 community organizers.

Serving on the teleconference expert panel in 1993 were José Felix Alfaro, international consultant on water resource planning, Sandra Postel, director of the Global Water Policy Project in Cambridge, Massachusetts, Rita Schmidt Sudman, executive director of the Water Education Foundation in Sacramento, California and Hans W. Wolter, chief of the Water Resources Development and Management Service of the UN Food and Agriculture Organization. The moderator was Alex Chadwick of National Public Radio.

THE TELECONFERENCE CONCEPT

In the U.S. the World Food Day teleconference has become a model for development education on global issues, in part because of the enormous growth in interactive site participation and the additional millions of viewers accessed through collaborating networks and in part because of the year-around use of the program's study materials and the teleconference videotape itself in college-level courses in a great variety of disciplines. The ''internationalization'' of the program since 1990 has further increased its impact and was broadly welcomed by participating colleges and universities in the U.S. The main components of the teleconference package are: (1) a Study/Action Packet of print materials prepared by the non-governmental U.S. National Committee for World Food Day and distributed to all participating schools and other study centers (and distributed in Spanish to the participating sites in Latin America); (2) the three-hour satellite telecast on World Food Day composed of three hour-long segments for expert panel presentations, site consideration of the issues and a site-panel question and answer interchange; (3) publication of the teleconference report including written responses by panelists to questions that were not taken up on the air for reasons of time; and (4) analysis by selected site organizers after each year's program to make recommendations for the year to follow. All of the main teleconference components are designed as college-level curricular aids.

THE STUDY/ACTION PACKET

The Study/Action Packet is designed as an integral part of the teleconference package, but also serves as a separate study resource for groups planning World Food Day observances but not participating in the telecast. More than 1,500 copies of the packet were distributed on request in the months prior to the broadcasts to colleges, other institutions, community study groups, schools and individuals. All or part of the packet materials were reproduced by many of the participating sites.

Again in 1994 the Study/Action Packet was translated into Spanish and reprinted by the FAO Regional Office for Latin America and the Caribbean and distributed throughout the region by the network of FAO country representatives. Copies of the English version were also distributed to U.S. embassies on request.

The 1994 packet was developed by the U.S. National Committee for World Food Day with the cooperation of several institutions and organizations which contributed material from their own research and analysis. The teleconference theme, exploring the growing scarcity of water and conflicts over the division of available supply among agriculture, industry, urban needs and the environment, was discussed by panelists in a global context, but with special emphasis on problems and needs of North and South America. Water issues facing the western part of the United States were featured, and for the fourth year one of the invited international panelists came from Latin America.

This Study/Action Packet is not intended to be a comprehensive analysis of global water issues but as an overview and introduction to the theme, special viewpoint papers included in the packet and donated by their authors came from Sandra Postel, author of the book ''The Last Oasis,'' B. Delworth Gardner and Ray G. Huffaker from Brigham Young University in Utah and the University of Tennessee, Matias Preto-Celi of the FAO Regional Office for Latin America an Professor Nnamdi Anosike of Rust College in Mississippi. Also included was a special interview on western water issues with Secretary of the Interior Bruce Babbitt.

The packet also included a special 24-page Manual for Community Action on Water Policies and Programs. This was the eleventh study/action packet prepared in conjunction with the teleconference series and the fifth to be undertaken directly by the U.S. National Committee for World Food Day. Previous packets were prepared by the Center for Advanced International Studies at Michigan State University and by the Office of International Agriculture at the University of Illinois. Funding for the 1993 packet was partially provided by the Agency for International Development. General funding for the teleconference program was provided by the U.S. National Committee for World Food Day, FAO and Covenant Presbyterian Church of Scranton PA.

TELECONFERENCE OUTREACH

The WFD teleconference has grown each year since it was begun in 1984. Teleconference impact continued to grow in 1994 in at least three other ways. For the ninth year the program was used by professional organizations for continuing education credits. These credits (or professional development units) were offered again in 1994 by the American Dietetic Association, the American Home Economics Association and through the Catholic University of America to clergy and social service professionals. Beginning in 1989 there has been a steady rise in teleconference participation by high school students, initiated by both individual schools and school systems. The audience of home television sets accessed by cooperating networks is believed to be in the millions, reached through the Catholic Telecommunications Network of America, AgSat, Vision Interfaith Satellite Network, PBS Adult Learning Satellite Service and individual PBS and cable stations.

THE TELECONFERENCE BROADCAST SUMMARY

The telecast opened with questions from the moderator to each member of the panel in the area of their special interest or expertise. Dr. Alfaro was asked to judge the gravity of water problems in Latin America. He replied that water concerns are very widespread in the region in large part owing to the rapid human migration from rural areas into cities and the consequent overwhelming of water services and infrastructure. Professor Postel was asked her views on problems of irrigation. She pointed out that while only 16% of world cropland is irrigated this land produces more than a third of all the world's food. Since population continues to rise very quickly, she said, it is a cause of major concern that the amount of irrigated land per capita has been slowly declining for