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 ''spoil 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,