

then they should be addressed directly by those who fashion these laws.

I am simply convinced that Members of Congress who are confronted with the reality of having to comply with the same legal structure as other Americans are likely to be: first, more careful in their craftsmanship in drafting laws; second, more attentive to detail in saying precisely what is meant by the law; third, more concerned about resolving legal issues and definitions within the text of the legislation rather than effectively delegating these decisions to unelected and unaccountable Federal judges; and fourth, more conscientious in carefully balancing the costs and benefits of their legislative product.

To have separate classes of Americans, some subject to the law and others exempt from it, is to have a fundamentally inequitable situation, particularly when that line of division is drawn along the lines of legislators and legislatees. Also, the incentives in the legislative process are skewed in the wrong direction when those who draft the laws do not have to live with the consequences of those laws.

Although I recognize that constitutional considerations—separation of powers considerations—come into play whenever relationships are created between the Congress and enforcement agencies of the executive branch, I do not understand there to be anything in the Constitution which would stand in the way of the immediate legislation. The Congressional Accountability Act attempts to address the concerns about separation of powers by enacting a specific enforcement mechanism unique to this act. Although I do not believe that such a precaution is constitutionally necessary, and would prefer that this special mechanism not have been included, ultimately I do not believe that it undermines the critically important thrust of this legislation.

Madam President, it is imperative that this institution restore to the American people a sense of trust and confidence. Rightly or wrongly, too many Americans have viewed the Congress as increasingly arrogant in their toleration of double standards of public policy. Passage of this legislation should be revived as a necessary step in reestablishing the proper relationship between our Government and its citizens.

If we are going to ask the American people to make sacrifices as we attempt to restructure our bloated Federal Government, the Congress will need credibility. This legislation can contribute to that credibility. In a Congress that promises to be as active and aggressive as the 104th in reforming the way that government does business, there may be no more important legislation than this measure. By restoring public trust, S. 12 would enable us to do a better job in all of the rest of the areas of our public responsibility.

Because this legislation represents sound public policy, and because its en-

actment would signal a new sense of relationship between Washington and the rest of the country, I urge its enactment.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. I ask unanimous consent to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 10 minutes in morning business.

POLICIES THAT ADVANCE STANDARD OF LIVING

Mr. DORGAN. Madam President, thank you very much. In the last day or so, we have seen in this Congress a shift of power, which is really quite a remarkable thing to see in a very successful democracy, the oldest and most successful democracy on this Earth. Power shifts not at the point of a bayonet or not in the track of a tank, but it shifts with one simple act of an American citizen casting a vote.

Because of the vote last November, power shifted in the U.S. Senate and in the U.S. House. It is the way that our system works. There are ebbs and flows over the centuries in political fortunes of political parties, and the American people decided to suggest a change in course and have now done that.

I think it is important not to misread the election. The election did not produce a massive national mandate. Twenty percent of those eligible to vote cast their vote for Republicans, about 19 percent of those eligible voted for Democrats, and 61 percent of those eligible to vote said, "It doesn't matter to us. We're not going to vote."

Mandate? Not really. A change of direction? In this country, majority rules. The Republicans have won in the legislative races.

Now the question for us is not just how do we serve those who voted—Republicans and Democrats—because we serve all of them, but how do we get the rest of the American people interested and involved in this process. Democracy must be a participatory activity.

Thomas Jefferson and Ben Franklin and others who sat in that room in Philadelphia a couple hundred years ago and wrote the Constitution, always knew in a representative government there would be just enough people who were willing to work and participate to make this system work. And the storm clouds grow over our democracy largely because not enough people are involved. Over half of the people do not even vote.

The task for us, it seems to me, as Democrats and Republicans, is to find ways of advancing policies that advance the standard of living for every American. If, at the end of the process, we have not advanced policies that improve the lives of the American people, then we will all be judged as failures.

Oh, I have people say to me, "Gee, the economy is booming, GDP is up, unemployment is down. Our economy is all revved up and I don't understand why people are upset."

However, in judging the economy, the American people do not spend their evenings reading the dials and gauges that economists study to make determinations about our economy. When they sit down for dinner at night, the question for the American family is: Am I better off? And the answer for 60 percent of the American families is, no, we have less money now than we did 10 years ago and we're working harder. That is the standard by which they judge all of us, in our ability to manage this country's fortunes and its future.

We have massive problems in a whole range of areas, and we have to come up with new approaches to resolve them and respond to them.

UNFUNDED MANDATES

We were talking today about unfunded mandates in the Governmental Affairs Committee. It is an issue on which Republicans and Democrats will demonstrate wide agreement. Do we too easily decide to mandate someone else do something without providing the money? Of course, we do. But, as I said in the committee this morning, trouble runs on a two-way street. We are going to reform our ourselves on the trouble of unfunded mandates, and you Governors, mayors, and other local governments who are complaining about it—justifiably so—you have to reform the way you do business as well because while you complain about unfunded mandates, you want to hook your hose up to the Federal trough and suck money out in all kinds of schemes and ways, including a bogus phony tax called the provider tax, Medicaid, and I can describe all kinds of schemes in which they want the Federal money, and then they want to complain about the mandates.

We should do something about mandates because it is right and necessary to reduce them. On the other hand, local and State governments have a responsibility to reform the way they do business as well because all of the money ultimately is the taxpayers' money.

Next week, when we bring the unfunded mandates bill to the Senate, I intend to offer an amendment on something not a lot of people think much about: The metric system.

Did you know there is a Federal mandate in this country to move toward the metric system? There is. Some people say that is just trying to provide

leadership, and that our Government should be a leader in going metric. I do not care how many kilometers it is to the next rest stop when I am driving down the highway, and I don't want some bureaucrat to change the sign that says 65 miles an hour to a sign that says how many kilometers per hour I should drive. They do not need to do it on my account. Do not spend millions of dollars changing signs. I want to know how many miles it is to the next off-and-on ramp. I want to know how many miles it is to the next rest stop. I want to know how many miles an hour I am supposed to drive as a speed limit.

We are building more than 20 houses on Indian reservations in North Dakota to house doctors from IHS. We should not use the metric system in such a project because it increases costs and the time to get things built.

For 3 months, I tried to change that. They want to use the metric system because they say the current rules require it be a metric system construction design and engineering. I am saying, look, if we are going to get rid of mandates, let us get rid of mandates like that. Why on Earth would we want to require the metric system be used on that kind of construction? It makes no sense.

I am pleased to tell the Members of this body that I am going to give us a chance to express bipartisan support on that issue. Incidentally, I have a Republican cosponsor who will join me next week on this issue.

A TAX POLICY THAT EXPORTS AMERICAN JOBS

There are a couple of other issues I am going to be involved in next week. I am going to introduce a bill, again, that I hope this Congress will do something about this time.

We are all concerned about jobs in this country and income. The bottom line answer to the question of whether the standard of living of the American family is improved is this: Does the family have decent jobs that pay a decent income? Do you know, we still have in our Federal Tax Code this perverse, insidious incentive that says to somebody, If you have a choice, don't build your plant in America, don't keep the plant you have open in America; close the darn thing and move the jobs overseas to a tax haven, manufacture there and then ship back to the United States. We will give you a tax break if you do that.

We have something called deferral, which is deferral of income tax obligation. It occurs in cases where a U.S. business closes its plant doors in the United States, moves the plant overseas, manufactures the same product and ships it back here. Our tax policy says: "Hooray for you, not only did you ruin the opportunity for jobs for Americans and move them overseas, we're free to give you a tax break for doing so."

I tell you what, that is a tax break that ought to be gone in a nanosecond. We ought to decide here and now that

our jobs in this Congress are to find ways to nurture and protect and support and provide incentives for jobs here in the United States of America.

So I am going to offer that amendment next week, or at least offer the legislation and find an appropriate time to offer the amendment. Congressman GEPHARDT, who offered that legislation on the House side last year, will do the same, I believe.

NAFTA RESULTS: LESS EXPORTS, FEWER JOBS

Let me make one additional point that deals with jobs and income. Today I want to make the point about a subject that was very controversial, debated here in the Senate last year called NAFTA, the North American Free-Trade Agreement. I want to make the point that we—all of us—have been left holding the bag on NAFTA.

Do you recall those glorified claims of new jobs, new opportunity, new expansion if we can simply pass this trade agreement with Mexico? Gee, if we can just build this highway to heaven, this trade agreement with Mexico, there will be massive new opportunities for the American people.

Has anybody paid any attention to what has happened since then? What has happened since then is the trade surplus we had with Mexico has now vanished. In the first 9 months of NAFTA we lost 10,000 jobs.

It is interesting, the administration only puts out the good news. They said, "You know, we sent 30,000 more cars to Mexico," and you think, "Boy, that is quite a success record, we sent 30,000 more cars to Mexico."

But, as Paul Harvey would say, the rest of the story that they did not tell you is Mexico sent 70,000 more cars to the United States. That means we had a net inflow of 40,000 additional Mexican-built cars into our market. The fact is, if you look at the whole picture, we lost jobs, but the surplus we had with Mexico in recent years has now vanished, turned to a deficit.

And do you know something else? In recent days, the devaluation of the peso in Mexico has meant that United States-made goods now cost 40 percent more in Mexico, and Mexican-made goods now cost 40 percent less in the United States. In one swipe they far more than wiped out every single advantage we gained in this country by negotiating a reduction in tariffs under NAFTA. The advertised benefit of NAFTA was to get more American goods into Mexico.

Have you heard anybody talking about that? Do you hear the trade negotiators talking about that? The ones that boasted as if they had just won the gold medal in the Olympics when they finished the trade agreement? "What a wonderful thing it is for our country," they said, busting their suit buttons talking about what a wonderful thing NAFTA would be for Americans. Do you hear them now talking about the fact that we were left holding the bag? The trade surplus is gone; the peso is devalued. Every single gain

that was achieved in negotiating for lower tariffs on American goods going into Mexico is now gone, just vanished. In fact, much more than the gain is gone.

The fact is we have been ill-served by Republican and Democratic administrations who, if you put a blindfold on, you cannot tell the difference in their trade policy. They stand around like the Hare Krishna chanting "free trade, free trade, free trade." Free trade means absolutely nothing if it is not fair and you do not have protections to deal with currency fluctuations and other things that determine which way trade moves and who it benefits.

The plain fact is, after only 12 months, we now know NAFTA has cost this country jobs, and after the devaluation of the peso we now know that we are left holding the bag.

I hope, I really hope, that we can find a way for all of us to finally get involved in a meaningful real debate about trade and what it means to jobs in this country. Every time some one of us stands up to talk about trade, we are put in two camps. There are the free traders who are big thinkers and they can see over the horizon and have a world view, and then there are the xenophobic, isolationist stooges who do not know anything and want to build a wall around our country.

Debate on that basis is meaningless. However, trade policy is a very important issue for every American family. American trade policies that are fundamentally unfair to this country are creating conditions in which American personal income is pressed down and opportunities are diminishing.

Should we build a wall around America? No, I do not suggest that. Should we have open trade? Yes. But we ought to finally insist on fair trade opportunities, and we ought to insist there is an admission price to come into the American economy. And the admission price is you have to pay living wages. You have to have safe workplaces. You have to help take care of your environment.

We have to start standing up for our economic self-interests. If we do not care about American workers, who will? If we do not negotiate on their behalf, who will? Every other country with whom we have negotiated on trade has had negotiators who have worn their jersey that says, "We are for our side." I want our trade officials wearing our jersey, saying we insist on fair trade for American producers and fair trade for American workers.

Madam President, I appreciate the patience of my colleagues who are waiting to speak, and I yield the floor.

CONGRESSIONAL ACCOUNTABILITY ACT OF 1995

The Senate continued with the consideration of the bill.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada is recognized.