standards. Recently, a number of colleagues from both sides of the aisle joined with me to introduce Senate bill 286, legislation to freeze CAFE standards at current levels unless changed by Congress.

There are a host of reasons why this legislation should be adopted, Mr. President. Chief among these: CAFE standards should be frozen so that we may put a stop to the highly inappropriate practice of allowing unelected bureaucrats to set far-reaching policies that have significant effects on the safety and economic well-being of the American people. I believe that such responsibility should lie with this legislature, the body entrusted by our Constitution with the duty to determine whether any proposed policy change is in the best interests of the American people.

Mr. President, in today's Washington Times commentary section, Bruce Bartlett, a senior fellow with the National Center for Policy Analysis, outlines several serious problems with increased CAFE standards. Mr. Bartlett's article illustrates clearly the need for Congress to regain control of CAFE standards and I ask that this article be printed in the RECORD.

The article follows:

[From the Washington Times, Feb. 24, 1997]

HIDDEN COSTS OF THE CAFE CAPER

(By Bruce Bartlett)

In 1975, at the height of the energy crisis, Congress passed legislation mandating auto manufacturers to meet corporate average fuel economy (CAFE) standards. Each auto company was expected to ensure that the average fuel efficiency for all its new car sales would be at least 18 mpg by 1978. The standard was raised in steps to 27.5 mpg by 1990, where it remains currently. However, the Clinton administration has signaled a desire to raise the CAFE standard, despite mounting evidence that the whole program has been a failure.

The biggest problem with CAFE is that there is virtually no evidence it has reduced aggregate gasoline consumption. It is true that auto fuel efficiency has risen 70 percent since 1973, from 13.3 mpg on average to 22.56 mpg in 1995. However, as the figure indicates, the higher fuel efficiency has simply encouraged people to drive more. The average number of miles driven per year has risen 24 percent since 1980, from 9,141 miles to 11,329 in 1995. Thus, even though the average use now uses just 502 gallons of gasoline per year, compared to 771 gallons in 1973, total fuel consumption has continued to rise.

Another problem with CAFE is that it has led to a loss of auto jobs in the U.S. The reason is that there are separate CAFE standards for domestic and imported autos. This has encouraged domestic auto companies to increase the percentage of foreign parts used in some of their models in order to reclassify them as foreign-made. For example, in 1989 Ford turned two of its least fuel efficiency cars, the Crown Victoria and the Grand Marquis, into ''imported'' cars by reducing their domestic content from 90 percent to less than 75 percent. This allowed Ford to increase the average fuel economy of its domestically produced cars, where it was having a problem meeting the new CAFE standard, while lowering the average for its imported models, where it had room to spare.

Finally, there is growing evidence that CAFE has been detrimental to safety. To increase fuel efficiency, auto companies have had to produce smaller, lighter cars that are less safe than larger, heavier cars. And auto companies have often had to heavily discount these smaller models in order to increase their sales and lower their average corporate fuel economy. Thus a 1989 study estimated that CAFE standards would cost 2,200 to 3,900 lives over the next 10 years.

Virtually all economists agree that higher gasoline taxes would do a far better job of reducing gasoline consumption than CAFE—assuming there is any real need to do so. At a minimum, there should be no further increase in CAFE standards.●

TRIBUTE TO COLIN RIZZIO FOR REVEALING A SAT ERROR

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Colin Rizzio for his outstanding math expertise, which led him to uncover an error on the SAT exams. His quick insight has gained much national recognition in the last few weeks including an appearance on ''Good Morning America'' and on the ''Today'' show. Colin is a 17-year-old senior at Contoocook Valley Regional High School in New Hampshire. He is an above-average student who kept a cool head under testing conditions. Colin discovered an error which had been overlooked by internal and external math specialists while he was taking the SAT last Columbus Day. He took the time to consider different possibilities the math question offered and revealed the error. Thanks to Colin, the test will now be rescored and students' scores will go up nationwide as the flawed math question has been tossed out.

As a former teacher, I am always heartened by stories of students who go the extra mile for educational integrity. Colin is the type of student who asks ''What if?'' In this case, his inquisitive nature gained him much notoriety.

It is students like Colin that contribute to the future of the Granite State and I am proud to be his Senator. I congratulate Colin on his outstanding achievement and I wish this exemplary student all the best for his future educational endeavors. ●

NARCOTICS CERTIFICATION

● Mr. BIDEN. Mr. President, I wish to discuss an important decision facing the President this week in the fight against drug trafficking: Whether to certify that Mexico and Colombia have taken sufficient steps in the past year in combating the narcotics trade. The choice is important not merely because it affects our bilateral relations with these countries, but also because it will send a broader signal about our seriousness of purpose in the war on drugs.

Of course, there will be other nations whose performance on counternarcotics will be assessed by the President this week. But when it comes to the narcotics trade, Mexico and Colombia are in a league by themselves—Colombia, as the leading source country for cocaine, and a major source of heroin, and Mexico, as the leading transit country for cocaine, and as a significant source for heroin, methamphetamines, and marijuana. And it is because of their predominance in the narcotics trade that the President's decision becomes a barometer of the U.S. commitment to this effort.

Before discussing my specific views on the Colombian and Mexican cases, however, I want to briefly offer some general observations about the drug certification process.

Just over 10 years ago, in the 1986 omnibus drug bill, the United States began a process of annually certifying the performance of countries which were either a major source of narcotics, or a major transit route for narcotics trafficking. Decertification does not merely carry a stamp of political disapproval. By law, nations decertified are ineligible for most U.S. foreign aid, and the United States is required to vote against loans for such nations in international financial institutions such as the World Bank.

The President has three choices: First, he can certify that a country is fully cooperating with the United States, or is taking adequate steps on its own, to combat the narcotics trade. Second, he can decertify a country—a statement that it has not met that standard. Finally, he can provide a national interest waiver—a statement that the country has not met the standards of the law, but that the U.S. national interest lies in continuing the assistance programs.

Not surprisingly, the nations subject to the scrutiny of the decertification process have not been thrilled with the honor. Indeed, many nations have protested that the United States has no right to challenge their performance on counternarcotics—given that the large demand in this country helps to generate the supply. Other nations perceive the certification process as an effort to shift the blame for our drug problem.

I firmly reject such arguments.

First, while I concede that the demand in the United States for narcotics has contributed to the explosive growth of the drug trade in Latin America in the last two decades, the dramatic increase in the power of the narcotics cartels—particularly in Colombia and Mexico—cannot be blamed upon the United States alone. The nations themselves must bear responsibility for their own neglect—for failing to take effective action against vast criminal enterprises which arose before their eyes.

Of course, the United States must do its part to combat the drug problem. Over the past decade, we have. For example, we have steadily increased both our financial resources and our political commitment to combating the narcotics trade. We now spend $16 billion annually on our national drug program, as compared to $4.7 billion a decade ago. We have devised a national

strategy, written by a drug czar who coordinates national policy from the White House. We have increased sentences at the Federal level for narcotics traffickers. We have strengthened controls on money laundering and the trade in precursor chemicals. There is more to be done. But by any objective measure, the United States continues to do its part.

Second, I strongly disagree with the suggestion that the United States has no business assessing the performance of other nations in the drug war. The decision by the United States to maintain a partnership with another government—any government—must be based on an assessment of whether the cooperation between the two sides advances American interests. This is hardly a radical concept; rather, it is the daily practice of diplomacy.

The people of the United States should expect nothing less. How else can we justify providing the full benefits of partnership—including foreign assistance and special trade preferences—unless we are satisfied that the other nation is doing its part on issues of great concern to us?

After a decade of experience with the certification law, we can reach a conclusion about its utility—and whether it is worth preserving. I believe a strong case can be made that it should be.

In the first few years after enactment of the law, the certification process, it is fair to say, was less than effective. It was the custom of the Reagan and Bush administrations to only decertify those nations with which our relations were already badly damaged. In other words, the primary focus was not on narcotics performance but on geopolitics.

Thus, in the late 1980's, the nations regularly decertified were Syria and Iran—both on the list of state sponsors of terrorism; Afghanistan, then a satellite of the Soviet Union; and Panama, then under the control of General Noriega. In the Bush administration, after the U.S invasion ousted Noriega, Panama again was certified, and the nation of Burma—by then under the control of despotic generals—was added to this list of usual suspects. But not once did either President Reagan or Bush decertify a democratic ally.

The message of this action was clear: Maintaining normal diplomatic relations took precedence over our antinarcotics interests. As a result, most nations that were major drug trafficking centers came to expect that certification would be the norm—and that for all the talk and supposed pressure from Washington, they would not pay a price if they failed to meet our expectations.

Under President Clinton, that approach has changed for the better—and for that change much credit must go not only to the President, but also to the previous Secretary of State, Warren Christopher. Most significantly, last year President Clinton decertified Colombia—a democratic nation which had, for much of the 1990's, been a close partner in the war on drugs. But when it became clear that the President of Colombia had taken campaign contributions from drug dealers—a matter that I will discuss shortly—and that his government lacked the political will to confront the drug trade, President Clinton stated plainly that Colombia had not met the standard of the law.

That decision has profound implications elsewhere. Nations everywhere took notice—and are now on notice that the United States would make its decision on certification based on the standards of the law, not on the dictates of diplomacy. That, in turn, has greatly empowered the State Department and the law enforcement agencies—which now have greater leverage in holding our foreign partners to their counternarcotics commitments.

In sum, because of the ''truth-in-certification'' which we now practice, I believe that the process has become a useful tool in our ongoing effort to procure the assistance of other nations in the war on drugs. Any effort to repeal the law or alter it significantly would be misguided.

That is not to say the law is perfect—few laws are. During consideration of the foreign assistance legislation in the Foreign Relations Committee, I will be open to exploring ways of improving the certification process—to assure that the law advances our common objective: of ensuring that all nations join us in fighting the scourge of drugs.

But that question is for another day. Today our primary attention must be devoted to the issue at hand: whether to certify that Colombia and Mexico have met the standard of the law. I renew my call—which I also made last year—to decertify Colombia and to not fully certify Mexico, but instead grant a national interest waiver.

As has been widely reported, credible evidence suggests that Colombian President Ernesto Samper accepted millions of dollars in campaign contributions from the Cali cartel during the 1994 Presidential campaign. An investigation by the Colombian Congress—an investigation which our State Department has described as a ''patently flawed process''—absolved Samper. But the conclusion of the Congress is not surprising, because many members of that body are also under investigation for accepting bribes from the cartel.

President Samper might have overcome the stain of these allegations by taking concrete action to combat the drug trade. In fact, Samper had pledged such action in a letter to many members of this body in July 1994. But Samper's pledge proved to be, in large part, an empty gesture.

For example, long-promised reform of the sentencing system—which provides inadequate penalties for drug trafficking—has not been enacted, although the Colombian Congress is just now taking up the issue. The inadequacy of the current system was amply demonstrated last month, when two noted leaders of the Cali cartel were sentenced to relatively light sentences—10½ years in one case, 9 years in another. They were fined just $2 million. None of their assets were forfeited. Under the sentencing system in effect, the actual time served may be reduced by half. Worse still, the evidence is strong that they continue to operate their empires from prison—operations which the Colombian Government has done little to prevent.

Other measures, such as reconsideration of extradition or strengthening the Colombian money laundering statute, might have permitted the certification of Colombia. But extradition is not on the table; and the money laundering statute is only now being considered in a special session—a transparent last-ditch effort to head off decertification.

I say all this in full knowledge that there are thousands of dedicated officials in the Colombian National Police, and millions of ordinary Colombian citizens, who abhor the destructive nature of the drug trade on their own society, and are fully committed to combating it. I admire their courage and determination to fight on, despite the dangers of confronting the drug lords, who have no respect for human life.

But how can we be assured of the Government's commitment against drug trafficking when the President of the country himself almost surely benefited from the drug trade?

This must be an essential consideration in any certification decision: whether there exists corruption at high levels of government. We cannot demand perfection in implementation of policy. We cannot impose impossibly high burdens. But we can demand that the highest levels of government remain free from suspicion.

Colombia has failed that test. Stated plainly, the corruption at the top in Bogota is the single most glaring failure in Colombia's performance—and the overriding reason that I recommend decertification.

Mr. President, there is no joy in this conclusion. But we cannot overlook the corruption involving President Samper and the Congress, and we cannot avoid the conclusion that Colombia has not done enough to combat the drug trade.

The story for Mexico is different than Colombia's. The key difference is the commitment of the President of Mexico, who I believe is steadfast in his determination to root out corruption in the Mexican police system. Unfortunately, his personal commitment has, thus far, been insufficient to cleanse a police system that is rotten to the core.

The examples of police corruption in Mexico abound. The most troubling example was revealed just last week. A veteran general of the Mexican Army, a man hired just 3 months ago to head

Mexico's antinarcotics agency—precisely because he was believed to be incorruptible—was fired after being accused of taking payments from one of Mexico's leading drug barons.

The arrest of General Gutierrez raises several important questions about the United States-Mexican relationship in fighting the drug war. First, why did Mexico fail to alert us when it first suspected General Gutierrez some 2 weeks before his arrest? As a consequence, how much intelligence did the United States share in that 2-week period with Mexico that has now been compromised? Additionally, why did our intelligence assets fail to learn that the general had been placed under investigation? Finally, will we be able, in the short term, to continue cooperative law enforcement efforts—or will we have to step back and reassess the level and scope of our joint programs?

Mr. President, we must have answers to these questions—both from our Government and from the Mexican Government.

But until we get those answers, and until we see follow through by the Mexican Government on certain promises, I do not believe that we should certify that Mexico has provided full cooperation in the war on drugs. Instead, however, I do believe that the President would be justified in granting Mexico a vital national interest waiver. That decision—less than full certification—would send a strong political signal to the Mexican Government that its performance last year was inadequate, without causing a total disruption in our joint efforts.

In making this recommendation, I should note that Mexico has made some progress in its effort to combat the narcotics trade. Last year, at our urging, it enacted several important anticrime laws—an organized crime law, a money laundering statute, and a chemical diversion statute. It has agreed to extradite, under exceptional circumstances, Mexican nationals. It has agreed to set up organized crime task forces in key locations in northern and western Mexico.

All this is important. But, as the saying goes, the proof is in the pudding. We have seen only a handful of extraditions. We await implementation of the new anticrime laws. And we await full funding and adequate support for the task forces.

Most important, we must see institutional changes to root out corruption—for that remains the largest obstacle to combating the drug cartels. All the laws, all the promises, all the task forces will be insufficient if Mexico cannot rectify the systemic corruption in its law enforcement agencies. Mexico's efforts to confront corruption, ultimately, will be the test of whether it is serious in combating the narcotics trade.

Let me reiterate that I believe that, in contrast to the case of Colombia, Mexico has a President who is on our side. President Zedillo has demonstrated great courage in advancing an agenda of institutional reform and in trying to weed out corrupt actors in his government. We must stand with him in this effort. But we must also be honest about the situation as we now see it —and honesty compels the conclusion that Mexico should not be fully certified.

But I do not believe that we should take the step of decertifying Mexico. President Zedillo's demonstrated leadership amid the growing drug threat is the fundamental reason I propose a national interest waiver for Mexico. A full decertification of Mexico could have long-lasting, damaging repercussions that we cannot now predict. At a minimum, it could inhibit the political space that President Zedillo has to press forward with his agenda of reform. And if we destroy the President's political ability resolve to combat the drug traffickers, we will have achieved nothing—and we may well lose the gains that we have recently achieved.

Even as I recommend decertification for Colombia, and a national interest waiver for Mexico, I should emphasize that this issue can—under the law—be revisited during the coming year as to Colombia. The law permits the President to provide a national interest waiver during the course of the year provided there has been a fundamental change in government, or a fundamental change in the conditions that led to not providing a full certification in the first instance.

In this regard, I encourage the Clinton Administration to spell out benchmarks for Colombia to achieve in the coming months —benchmarks that, if achieved, would permit the President to move forward with a national interest waiver.

Mr. President, I do not underestimate the difficulties facing Colombia and Mexico in combating the power of the drug barons. But the difficulty of the challenge cannot be an excuse for insufficient action. Given the massive scourge of drugs confronting us, we must continue to raise the level of expectations and attention given to the drug trade by our southern neighbors. This is what the certification process calls for, and this is what our nation must do.●

REGULATIONS REGARDING DISCLOSURE OF CERTAIN PRO BONO LEGAL SERVICES

● Mr. SMITH of New Hampshire. Mr. President, consistent with the provisions of Senate Resolution 321, adopted October 3, 1996, I ask that the ''Regulations Regarding Disclosure of Certain Pro Bono Legal Services,'' adopted by the Senate Select Committee on Ethics on February 13, 1997, be printed in the CONGRESSIONAL RECORD of the 105th Congress.

The regulations follow:

SENATE SELECT COMMITTEE ON ETHICS
REGULATIONS

On October 3, 1996, the Senate agreed to S. Res. 321, which provides:

Resolved, That (a) notwithstanding the provisions of the Standing Rules of the Senate or Senate Resolution 508, adopted by the Senate on September 4, 1980, pro bono legal services provided to a Member of the Senate with respect to a civil action challenging the validity of a Federal statute that expressly authorizes a Member to file an action: (1) Shall not be deemed a gift to the Member; (2) shall not be deemed to be a contribution to the office account of the Member; and (3) shall not require the establishment of a legal expense trust fund.

(b) The Select Committee on Ethics shall establish regulations providing for the public disclosure of information relating to pro bono legal services performed as authorized by this resolution.

The following regulations, adopted on and effective as of February 13, 1997, are promulgated by the Select Committee on Ethics pursuant to S. Res. 321, and are applicable to Members to the United States Senate during the time of their service in or to the Senate.

REGULATIONS REGARDING DISCLOSURE OF CERTAIN PRO BONO LEGAL SERVICES

A Member who accepts pro bono legal services with respect to a civil action challenging the validity of a Federal statute as authorized by S. Res. 321 shall submit a report to the Office of Public Records of the Secretary of the Senate and the Senate Select Committee on Ethics within 30 days of the date on which an attorney or law firm begins performance of the pro bono services for the Member (or, for such services provided to a Member prior to the publication of these regulations, within 30 days of the publication of these regulations in the Congressional Record).

All reports filed pursuant to these Regulations shall include the following information: (1) A description of the nature of the civil action, including the Federal statute to be challenged; (2) the caption of the case and the cause number, as well as the court in which the action is pending, if the civil action has been filed in court; and (3) the name and address of each attorney who performed pro bono services for the Member with respect to the civil action, as well as the name and the address of the firm, if any, with which the attorney is affiliated.

All documents filed pursuant to these regulations shall be available at the Office of Public Records of the Secretary of the Senate for public inspection and copying within two business days following receipt of the documents by that office.

Any person requesting a copy of such documents shall be required to pay a reasonable fee to cover the cost of reproduction.

REMINDER REGARDING AMICUS CURIAE

The disclosure requirements for accepting certain pro bono legal services pursuant to S. Res. 321 do not affect the ability of a Member to accept pro bono legal services to appear in a legal proceeding by amicus curiae brief without necessity of a Legal Expense Trust Fund and without disclosure or reporting. See, Committee Interpretative Ruling 442 (4/15/92), and Committee Regulations Governing Trust Funds (9/30/80, amended 8/10/88).●

FIVE POINT PLAN TO BRING FREEDOM AND DEMOCRACY TO CUBA

● Mr. MACK. Mr. President, 1 year ago today, Fidel Castro brutally murdered Armando Alejandre, Jr., Mario de