

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

la Peña, Carlos Costa, and Pablo Morales—three Americans and one a legal U.S. resident. These men were shot down while flying on a humanitarian mission over international waters between the United States and Cuba.

This incident was the latest in Fidel Castro's reign of tyranny over the people of Cuba. The unjustified downing of the two brothers to the rescue planes came shortly after Fidel Castro had stopped a prodemocracy and human rights meeting in Havana. Dozens of prodemocracy Cubans were arrested, detained, and harassed. Just the year before, on March 13, 1994, a tugboat brimming with freedom-seeking Cubans headed for America was rammed by Castro's government ships until it sank. Some 40 people died, only because they yearned to be free. Year after year, Fidel Castro's Cuba tightens the stranglehold it has on basic political and economic freedom.

To those who believe in the cause of Cuban freedom—in *libertad*—it is unfortunate that it took an act of such callous disregard for human life and freedom to get the world to pay attention to Fidel Castro's repression of the Cuban people.

As we honor the memory of the downed pilots today, we should take time to reflect upon the current state of United States policy toward Cuba. We must ask ourselves—are we doing everything we can to isolate Fidel and to save the Cuban people from the jaws of tyranny? I believe the answer is, unequivocally, no.

After the attack on the American pilots, President Clinton appeared to reverse his policy of appeasement toward Fidel Castro by signing the Helms-Burton legislation. Unfortunately, the administration's actions since the signing have been weaker than the President's rhetoric.

First, the President has failed to stand firm in the defense of freedom—not once, but twice. He has chosen to protect the interests of foreign companies over the cause of Cuban freedom by postponing implementation of a key part of the Helms-Burton law. He has unilaterally placed a moratorium on the right of U.S. citizens to sue foreign companies that profit from property those citizens owned before Fidel Castro stole it.

Second, after the downing of the brothers to the rescue aircraft, President Clinton promised compensation to the families of the victims and criminal indictments against those in Cuba responsible for the murders. On March 7, 1996, then-Senate Majority Leader Bob Dole, along with myself and Representatives LINCOLN DIAZ-BALART and ILEANA ROS-LEHTINEN sent a letter to President Clinton urging him to "immediately direct the Attorney General to seek the indictment of all those responsible for the heinous crime of February 24, 1996." Now a year later, the families still have not been fully compensated and the Cuban officials who committed these murders are still free.

For the sake of the people of Cuba, Mr. President, the United States cannot waiver in its commitment to bringing an end to Castro's rule. If we demand of other nations that they not do business with the Castro government, then we must demand of ourselves a steadfast policy of concrete action, not just empty words.

America must do everything we can to bring freedom and democracy to Cuba—not just for the benefit of Cubans, but to protect the security of Americans.

Mr. President, it is with this commitment to action that I offer the following five points to bring freedom and democracy to Cuba, and I call on the President to take these steps without delay.

First, Fidel Castro must be exposed for what he really is—an authoritarian dictator worried only about maintaining power at any expense. The Cuban people have a word for this called *desenmascarar*, which means to remove the mask. We need to remove the mask of Fidel Castro as a romantic and cigar-smoking friend; he is a murderer and drug trafficker; and he tortures and imprisons political dissidents.

Second, we must reverse our policy since 1995 of returning freedom-seeking Cuban refugees and political dissidents to Cuba, and promote the same level of compassion among our allies and friends around the world. At a time when our own State Department classifies Cuba as one of the greatest violators of human rights in the world, it is unconscionable for the President to order the return of these brave people back into the hands of their oppressor. In addition, we should encourage our friends and allies to exhibit the same level of compassion in dealing with the suffering Cuban people. We should further promote the efforts of the United Nations and the International Committee for the Red Cross in gaining access to Cuba.

Third, we must increase our efforts to support and encourage Cuba's budding civil society. This is best accomplished by increasing support for pro-freedom and democracy groups through the National Endowment for Democracy and other effective groups dedicated to democratic reforms.

Fourth, military and nuclear subsidies to Cuba must be halted. Fidel currently benefits economically from the presence of the Russian intelligence facility at Lourdes, Cuba. In addition, International Atomic Energy Agency money is being spent to maintain the Juragua nuclear power plant, in contradiction to current United States policy.

Fifth, stop the flow of drugs from Cuba. For the past several decades, Cuba has served as a transshipment point for narcotics entering the United States. Castro uses this drug flow as a means of acquiring much needed cash and as a weapon against the United States. High-ranking members of the Castro government benefit from this

source of revenue and several are currently under indictment in the United States on drug trafficking charges.

If we implement these specific actions identified in my five points and insist upon executing the strategy mandated by Congress in Helms-Burton of isolating Castro and supporting the Cuban people, we can hope for a free and democratic Cuba.

Mr. President, I would conclude my remarks with a plea to those who would appease Fidel Castro. Castro heads a government which denies basic freedoms to 11 million people. Fidel Castro will not change. His only interest is the perpetuation of his totalitarianism. He continues to force his people to work for slave wages; he denies them the freedom to read and speak freely, to associate freely, and to work hard and profit from their effort and intellect so that their children can live better lives.

Over the years I have consistently said that freedom is the core of all human progress. Mr. President, on the anniversary of the downing of the brothers to the rescue pilots, let us honor their memory by fulfilling their commitment—and our American commitment—to a free and democratic Cuba.●

RULES OF PROCEDURE OF THE SELECT COMMITTEE ON ETHICS

● Mr. SMITH of New Hampshire. Mr. President, in accordance with rule XXVI(2) of the Standing Rules of the Senate, I ask that the Rules of Procedure of the Select Committee on Ethics, which were adopted February 23, 1978, and revised May 1993, be printed in the CONGRESSIONAL RECORD for the 105th Congress.

The rules follow:

SELECT COMMITTEE ON ETHICS—RULES OF PROCEDURE

RULE 1. GENERAL PROCEDURES

(a) Officers: The Committee shall select a Chairman and a Vice Chairman from among its Members. In the absence of the Chairman, the duties of the Chair shall be filled by the Vice Chairman or, in the Vice Chairman's absence, a Committee Member designated by the Chairman.

(b) Procedural Rules: The basic procedural rules of the Committee are stated as a part of the Standing Orders of the Senate in Senate Resolution 338, 88th Congress, as amended, as well as other resolutions and laws. Supplementary Procedural Rules are stated herein and are hereinafter referred to as the Rules. The Rules shall be published in the Congressional Record not later than thirty days after adoption, and copies shall be made available by the Committee office upon request.

(c) Meetings:

(1) The regular meeting of the Committee shall be the first Thursday of each month while Congress is in session.

(2) Special meetings may be held at the call of the Chairman or Vice Chairman if at least forty-eight hours notice is furnished to all Members. If all Members agree, a special meeting may be held on less than forty-eight hours notice.

(3)(A) If any Member of the Committee desires that a special meeting of the Committee be called, the Member may file in the office of the Committee a written request to