deceased person and fraudulently obtained credit in the decedent's name for 2½ years, before filing for bankruptcy twice in the decedent's name. He pleaded guilty to 13 counts including false statement in bankruptcy, bankruptcy fraud, false statements to obtain a HUD-insured mortgage, false statements in loan and credit applications, credit card fraud, wire fraud, interstate transportation of stolen goods, and use of an unassigned Social Security number.

SOUTH CAROLINA

Auctioneer J. Max McCaskill pleaded guilty Nov. 2 in the District of South Carolina to two counts of embezzlement from bankruptcy estates. McCaskill was a former Bankruptcy Court deputy clerk and a former employee of a bankruptcy trustee in South Carolina. While employed to auction bankruptcy estate property, he sold the property but failed to turn over the proceeds to the bankruptcy trustee.

TEXAS

Tronnald Dunnaway of Richardson, Texas, was sentenced Oct. 3 to 13 months in jail and three years supervised release and ordered to pay $23,959 in restitution for his role in a bankruptcy foreclosure scam. Dunnaway pleaded guilty in June on the eve of trial; on June 22, his co-defendant Shelby Daniels was found guilty of 14 counts of bankruptcy fraud in connection with the scam. Daniels and Dunnaway contacted homeowners facing foreclosure, offering to help them with their mortgage problems. They persuaded the homeowners to transfer a part interest in their homes to companies controlled by, or individuals working with, the scam operators. Those companies and individuals then filed for bankruptcy to delay foreclosure on the properties, but the victims ended up losing their homes.

On June 22, after a five-day jury trial, Shelby Daniels of Dallas was found guilty of 14 counts of bankruptcy fraud for his role in a bankruptcy foreclosure scam. Daniels represented himself as a real estate consultant and contacted homeowners facing foreclosure, persuading them to transfer a part interest in their homes to companies he controlled or individuals working with him. The companies and individuals filed for bankruptcy to delay foreclosure. Homeowners paid Daniels a $500 ''set up'' fee plus $500 per month, assuming he was working to address their mortgage problems. They ended up losing their homes. On the eve of trial, Tronnald Dunnaway, who was indicted with Daniels, pleaded guilty to one count of bankruptcy fraud.

VIRGINIA

Lee W. Smith Sr., the principal in the Chapter 11 case of Lee's Contracting Services Inc., was sentenced Nov. 10 to 21 months in prison after pleading guilty to one count of bankruptcy fraud and one count of tax evasion. Smith diverted monies from the corporation to personal accounts during the pendency of the Chapter 11 case, which was ultimately dismissed because the debtor owed more than $1 million in unpaid employee withholding taxes.

The District Court for the Southern District of West Virginia August 4 sentenced Donald S. Pritt to 30 months imprisonment, three years of supervised release, and restitution of $193,990 following his conviction on one count of mail fraud and two counts of bankruptcy fraud. Pritt claimed to be permanently disabled following an all-terrain vehicle accident. He filed disability insurance claims under several recently issued policies and engaged in litigation with the insurance companies and ATV manufacturer. Pritt was ordered to pay in excess of $600,000 in attorney fees to the manufacturer. The bankruptcy counts arose from his transfer and concealment of assets, which began after the state court litigation and continued during the bankruptcy case.

Ethel Mae Martin was sentenced June 15 in the Eastern District of Virginia to 27 months in prison and 3 years of supervised release for one count of bankruptcy fraud. Martin used at least three Social Security numbers to obtain credit and filed her bankruptcy petition using a fourth SSN.

Elizabeth Baker pleaded guilty June 8 to one count of making a false oath in connection with her bankruptcy. Baker and her husband filed a Chapter 13 petition in 1995; when her husband later died, Baker received over $99,000 in life insurance proceeds. She converted the bankruptcy case to a Chapter 7 liquidation but did not disclose the receipt of funds to the bankruptcy trustee. Baker's bankruptcy discharge was revoked after the trustee discovered the receipt of funds as well as Baker's false testimony that there were no assets other than those listed in the bankruptcy schedules.

WISCONSIN

The Court of Appeals for the Seventh Circuit July 20 upheld the March 1998 conviction of attorney John Gellene for false material declarations in a bankruptcy proceeding, and upheld the trial court's sentencing determinations. Gellene did not disclose that his law firm represented a senior secured creditor as well as the Chapter 11 debtor, giving rise to a conflict of interest in representation. He was convicted after a jury trial in the Eastern District of Wisconsin, sentenced to 15 months in prison, and fined $15,000. In its ruling, the Appeals Court rejected Gellene's argument that his false statements were not material, finding it beyond doubt that ''a misstatement in a Rule 2014 statement by an attorney about other affiliations'' is material.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 2549, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2549) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Pending:

Smith (of New Hampshire) amendment No. 3210, to prohibit granting security clearances to felons.

Warner/Dodd amendment No. 3267, to establish a National Bipartisan Commission on Cuba to evaluate United States policy with respect to Cuba.

Levin (for Kennedy) amendment No. 3473, to enhance Federal enforcement of hate crimes.

Hatch amendment No. 3474, to provide for a comprehensive study and support for criminal investigations and prosecutions by State and local law enforcement officials.

The PRESIDING OFFICER. Under the previous order, the Senator from Connecticut, Mr. DODD, is recognized to offer an amendment, on which there will be 2 hours equally divided.

The Senator from Connecticut.

AMENDMENT NO. 3475

(Purpose: To establish a National Bipartisan Commission on Cuba to evaluate United States policy with respect to Cuba)

Mr. DODD. Mr. President, I believe this is the full text of the amendment. I just had several copies made for my colleagues.

Let me inquire of the distinguished Senator from New Hampshire, did he get a copy of the amendment?

Mr. SMITH of New Hampshire. Yes.

Mr. DODD. Mr. President, I send the amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD] proposes an amendment numbered 3475.

Mr. DODD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 462, between lines 2 and 3, insert the following:

SEC. ___. ESTABLISHMENT OF NATIONAL BIPARTISAN COMMISSION ON CUBA.

(a) SHORT TITLE.—This section may be cited as the ''National Bipartisan Commission on Cuba Act of 2000''.

(b) PURPOSES.—The purposes of this section are to—

(1) address the serious long-term problems in the relations between the United States and Cuba; and

(2) help build the necessary national consensus on a comprehensive United States policy with respect to Cuba.

(c) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the National Bipartisan Commission on Cuba (in this section referred to as the ''Commission'').

(2) MEMBERSHIP.—The Commission shall be composed of 12 members, who shall be appointed as follows:

(A) Three individuals to be appointed by the President pro tempore of the Senate, of whom two shall be appointed upon the recommendation of the Majority Leader of the Senate and of whom one shall be appointed upon the recommendation of the Minority Leader of the Senate.

(B) Three individuals to be appointed by the Speaker of the House of Representatives, of whom two shall be appointed upon the recommendation of the Majority Leader of the House of Representatives and of whom one shall be appointed upon the recommendation of the Minority Leader of the House of Representatives.

(C) Six individuals to be appointed by the President.

(3) SELECTION OF MEMBERS.—Members of the Commission shall be selected from among distinguished Americans in the private sector who are experienced in the field of international relations, especially Cuban affairs and United States-Cuban relations, and shall include representatives from a cross-section of United States interests, including human rights, religion, public health, military, business, agriculture, and the Cuban-American community.

(4) DESIGNATION OF CHAIR.—The President shall designate a Chair from among the members of the Commission.

(5) MEETINGS.—The Commission shall meet at the call of the Chair.

(6) QUORUM.—A majority of the members of the Commission shall constitute a quorum.

(7) VACANCIES.—Any vacancy of the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made.

(d) DUTIES AND POWERS OF THE COMMISSION.—

(1) IN GENERAL.—The Commission shall be responsible for an examination and documentation of the specific achievements of United States policy with respect to Cuba and an evaluation of—

(A) what national security risk Cuba poses to the United States and an assessment of any role the Cuban government may play in support of acts of international terrorism and the trafficking of illegal drugs;

(B) the indemnification of losses incurred by United States certified claimants with confiscated property in Cuba; and

(C) the domestic and international impacts of the 39-year-old United States economic, trade and travel embargo against Cuba on—

(i) the relations of the United States with allies of the United States;

(ii) the political strength of Fidel Castro;

(iii) the condition of human rights, religious freedom, and freedom of the press in Cuba;

(iv) the health and welfare of the Cuban people;

(v) the Cuban economy; and

(vi) the United States economy, business, and jobs.

(2) CONSULTATION RESPONSIBILITIES.—In carrying out its duties under paragraph (1), the Commission shall consult with governmental leaders of countries substantially impacted by the current state of United States-Cuban relations, particularly countries impacted by the United States trade embargo against Cuba, and with the leaders of nongovernmental organizations operating in those countries.

(3) POWERS OF THE COMMISSION.—The Commission may, for the purpose of carrying out its duties under this subsection, hold hearings, sit and act at times and places in the United States, take testimony, and receive evidence as the Commission considers advisable to carry out the provisions of this section.

(e) REPORT OF THE COMMISSION.—

(1) IN GENERAL.—Not later than 225 days after the date of enactment of this Act, the Commission shall submit a report to the President, the Secretary of State, and Congress setting forth its recommendations for United States policy options based on its evaluations under subsection (d).

(2) CLASSIFIED FORM OF REPORT.—The report required by paragraph (1) shall be submitted in unclassified form, together with a classified annex, if necessary.

(3) INDIVIDUAL OR DISSENTING VIEWS.—Each member of the Commission may include the individual or dissenting views of the member in the report required by paragraph (1).

(f) ADMINISTRATION.—

(1) COOPERATION BY OTHER FEDERAL AGENCIES.—The heads of Executive agencies shall, to the extent permitted by law, provide the Commission such information as it may require for purposes of carrying out its functions.

(2) COMPENSATION.—Members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services of the Commission.

(3) ADMINISTRATIVE SUPPORT.—The Secretary of State shall, to the extent permitted by law, provide the Commission with such administrative services, funds, facilities, staff, and other support services as may be necessary for the performance of its functions.

(g) APPLICABILITY OF OTHER LAWS.—The Federal Advisory Committee Act shall not apply to the Commission to the extent that the provisions of this section are inconsistent with that Act.

(h) TERMINATION DATE.—The Commission shall terminate 60 days after submission of the report required by subsection (e).

Mr. DODD. Mr. President, first of all, before I get into the substance of the amendment, I hope it may be possible we can reduce the time on this debate. I know there are other matters to be considered. We have 2 hours, but this may not take that much time. It is not a terribly complicated proposal. I think a lot of our colleagues may already be aware of the substance of it.

Let me begin these brief remarks by, first of all, expressing my disappointment, in a sense, that I have to offer an amendment that my good friend from Florida strongly disagrees with, Senator CONNIE MACK. He is in his last few months in this body. He is one of my best friends in the Senate. It may be hard for some people who do not follow this institution carefully to understand that two people of different political persuasions, from different parts of the country, can be good friends, but we are.

As I feel strongly about this amendment, he feels strongly about it. I would prefer that he were my ally. He will not be. I presume he might wish I were his ally. So it will be somewhat of a disappointment for me to be offering something about which my good friend so strongly disagrees, as he prepares to leave this body and to which he has made such a significant contribution during his tenure.

I will miss him very much in the coming years. I do not offer this amendment with any great pleasure. I do think it is the right amendment. I want him to know that I do not do so with any sense of personal animus in the slightest as I offer it. There are others who disagree as well.

Last Friday, I spoke at some length about why I believe the amendment that was originally proposed by another good friend, the chairman of the Armed Services Committee, Senator WARNER, and I, which we offered some time ago to establish a bipartisan commission to review United States policy towards Cuba, why we believe it is in our national interest.

The amendment I have just offered, as the Warner amendment, would provide for the appointment of a bipartisan commission to review U.S. policy with respect to Cuba and to make recommendations on how to bring that policy into the 21st century.

I regret that because Senator WARNER is the manager of the underlying bill he has had to withdraw his support for this amendment. While certainly Senator WARNER is fully capable of speaking for himself, I believe Senator WARNER still thinks that the proposal I am making today is a good idea, even if he must disagree with the vehicle to which it is sought to be attached.

Very briefly, the commission would be composed of 12 members, chosen by the following: six by the President of the United States, six by the Congress; equally divided between the legislative and executive branches. There would be four members chosen by the House and Senate Republicans leaders and two by the Democratic leaders.

Senator WARNER and I had originally crafted this legislation to ensure that the commission would have a balanced and diverse membership, not bipartisan in the sense of two parties because this issue ought not be divided by party. In fact, it is not divided by party. There are people who sit on this side of the aisle in the Senate who will disagree with this amendment. There are Members on the other side who will agree with this amendment. This country is not divided along strictly partisan lines—Democrats and Republicans—as it reviews Cuban policy. But what we are seeking with the commission is to have a diversity of opinion, not a diversity of party necessarily, although that may occur anyway.

So the idea was to have members who would be selected from various fields of expertise—including human rights, religious, public health, military, business, agriculture, the Cuban American community, and also the agricultural community where there is such strong interest. Creating that kind of diversity is what we seek in a commission. It would make recommendations to us which we may or may not follow. They are recommendations.

Other commissions in the past have been appointed that have made recommendations which Congress has sought to follow and in other cases Congress has totally ignored. So a commission is really an opportunity to see if we can get this out of the partisan politics which have dominated this debate for far too long and to make some solid long-term recommendations on how we might begin to prepare for an intelligent, soft landing, to use the words of Zbigniew Brzezinski some years ago when he provided the necessity of us beginning to think to arrange for a relationship with the island of Cuba in a post-Castro period.

The commissioners would have 225 days from the date of enactment to undertake their review and report their findings. The original Warner amendment provided for 180 days.

Some have said: Why do this now? We are only a few months away from a new administration. Why not let a new administration take on this responsibility?

I argue that, in fact, this is exactly the right time to be doing it, with an administration that is leaving, in a sense, to be able to provide for a new administration some ideas and thoughts on how we might proceed.

So whether it is a Bush administration or a Gore administration that is sworn into office on January 20 of the coming year, this commission would report back in the late spring of next

year, and the new administration could have the benefit of some solid thinking rather than waiting for a new administration with all of the problems associated with that in terms of how they begin their efforts.

The idea of establishing a commission is not a new idea. It is not even originally my idea. The establishment of a commission was first proposed by our colleague from Virginia almost 2 years ago in a letter to President Clinton.

Who supported the idea of the Warner commission at that time? Senator WARNER was encouraged to propose such an idea in 1998 by a very distinguished group of foreign policy experts. Let me list some of the individuals who urged that such a commission be created: former Secretaries of State Lawrence Eagleburger, George Shultz, and Henry Kissinger; former Majority Leader Howard Baker; former Defense Secretary Frank Carlucci; former Secretaries of Agriculture John Block and Clayton Yeutter; former Ambassadors Timothy Towell and J. William Middendorf; former Under Secretary of State William Rogers; former Assistant Secretary of State for Latin America and Distinguished Career Ambassador Harry Shalaudeman; and another distinguished former colleagues of ours, Malcolm Wallop.

The United States Catholic Conference has also gone on record in support of the establishment of such a committee.

In fact, I ask unanimous consent that the letters that accompanied these recommendations be printed in the RECORD. One of the letters is dated September 30, 1998, signed by Howard Baker, Frank Carlucci, Henry Kissinger, Bill Rogers, Harry Shalaudeman, and Malcolm Wallop, who called for this commission 2 years ago. And there are other letters that were sent from our Senate colleagues to President Clinton. Senators signing the letters are Senators GRAMS, BOND, JEFFORDS, HAGEL, LUGAR, ENZI, John Chafee, SPECTER, GORDON SMITH, THOMAS, BOXER, BOB KERREY, Bumpers, JACK REED, SANTORUM, MOYNIHAN, Kempthorne, ROBERTS, LEAHY, COCHRAN, DOMENICI, and MURRAY—hardly a partisan group of Senators.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BAKER, DONELSON,
BEARMAN & CALDWELL,
Washington, DC, September 30, 1998.

Hon. JOHN WARNER,
U.S. Senate, Washington, DC.

DEAR SENATOR WARNER: As Americans who have been engaged in the conduct of foreign relations in various positions over the past three decades, we believe that it is timely to conduct a review of United States policy toward Cuba. We therefore encourage you and your colleagues to support the establishment of a National Bipartisan Commission on Cuba.

I am privileged to be joined in this request by: Howard H. Baker, Jr., Former Majority Leader, U.S. Senate; Frank Carlucci, Former Secretary of Defense; Henry A. Kissinger, Former Secretary of State; William D. Rogers, Former Under Secretary of State; Harry W. Shalaudeman, Former Assistant Secretary of State; and Malcolm Wallop, Former Member, U.S. Senate.

We recommend that the President consider the precedent and the procedures of the National Bipartisan Commission on Central America chaired by former Secretary of State Henry A. Kissinger, which President Reagan established in 1983. As you know, the Kissinger Commission helped significantly to clarify the difficult issues inherent in U.S. Policy in Central America and to forge a new consensus on many of them.

We believe that such a Commission would serve the national interest in this instance as well. It could provide the Administration, the Congress, and the American people with objective analysis and useful policy recommendations for dealing with the complexities of our relationship with Cuba, and in doing so advance the cause of freedom and democracy in the Hemisphere.

Sincerely,

LAWRENCE S. EAGLEBURGER.

U.S. SENATE,
Washington, DC, October 13, 1998.

Hon. WILLIAM JEFFERSON CLINTON,
President of the United States, Washington, DC.

DEAR MR. PRESIDENT: We, the undersigned, recommend that you authorize the establishment of a National Bipartisan Commission to review our current U.S.-Cuba policy. This Commission would follow the precedent and work program of the National Bipartisan Commission on Central America, (the ''Kissinger Commission''), established by President Reagan in 1983, which made such a positive contribution to our foreign policy on that most difficult and controversial issue over 15 years ago.

We recommend this action because there has not been a comprehensive review of U.S.-Cuba policy, or a measurement of its effectiveness in achieving its stated goals, in over 38 years since President Eisenhower first canceled the sugar quota on July 6, 1960 and President Kennedy imposed the first total embargo on Cuba on February 7, 1962. Most recently, Congress passed the Cuban Democracy Act in 1992 and the Helms-Burton Act in 1996. Since the passage of both of these bills there have been significant changes in the world situation that warrant a review of our U.S.-Cuba policy including the termination, in 1991, or billions of dollars of annual Soviet economic assistance to Cuba, and the historic visit of Pope John Paul II to Cuba in 1998.

In addition, during the past 24 months numerous delegations from the United States have visited Cuba, including current and former Members of Congress, representatives from the American Association of World Health, and former U.S. military leaders. These authoritative groups have analyzed the conditions and capabilities on the island and have presented their findings in the areas of health, the economy, religious freedom, human rights, and military capacity. Also, in May 1998, the Pentagon completed a study on the security risk of Cuba to the United States.

However, the findings and reports of these delegations, including the study by the Pentagon, and the call by Pope John Paul II for the opening of Cuba by the world, have not been broadly accepted by all U.S. policy makers. As Members of the U.S. Senate, we believe it is in the best interest of the United States, our allies, and the Cuban people to review these issues.

We therefore recommend that a National Bipartisan Commission be created to conduct a thoughtful, rational, and objective analysis of our current U.S. policy toward Cuba and to make recommendations that will improve this policy's effectiveness to achieve our country's stated foreign policy goals for Cuba.

We recommend that the members of this Commission be selected from a bipartisan list of distinguished Americans who are experienced in the field of international relations. These individuals should include representatives from a cross section of U.S. interests including public health, military, religion, human rights, business, and the Cuban American community.

The Commission's tasks should include the delineation of the policy's specific achievements and the evaluation of 1) the national security risk of Cuba to the United States and the role of the Cuban government in international terrorism and illegal drugs, 2) the indemnification of losses incurred by U.S. certified claimants with confiscated property in Cuba, and 3) the domestic and international impacts of the 36 year old U.S.-Cuba economic, trade and travel embargo on: a) U.S. international relations with our foreign allies; b) the political strength of Cuba's leader; c) the condition of human rights, religious freedom, freedom of the press in Cuba; d) the health and welfare of the Cuban people; e) the Cuban economy; f) the U.S. economy, business, and jobs.

More and more Americans from all sectors of our nation are becoming concerned about the far-reaching effects of our present U.S.-Cuba policy on United States interests and the Cuban people. Your establishment of this National Bipartisan Commission would demonstrate your leadership and responsiveness to the American people.

We strongly urge you to take immediate action on this proposed initiative and we thank you in advance for your thoughtful consideration.

Sincerely,

Senators Warner, Grams, Hagel, Jeffords, Enzi, Chafee, Gordon Smith, Thomas, Kerrey, Bumpers, Santorum, Dodd, Kempthorne, Roberts, Bond, Lugar, Leahy, Moynihan, Specter, Reed, Cochran, Murray, Domenici, Boxer.

U.S. SENATE,
Washington, DC, October 13, 1998.

Hon WILLIAM JEFFERSON CLINTON,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: We, the undersigned, recommend that you authorize the establishment of a National Bipartisan Commission to review our current U.S.-Cuba policy. This Commission would follow the precedent and work program of the National Bipartisan Commission on Central America, (the ''Kissinger Commission''), established by President Reagan in 1983, which made such a positive contribution to our foreign policy in that troubled region over 15 years ago.

We recommend this action because there has not been a comprehensive review of U.S.-Cuba policy, or a measurement of its effectiveness in achieving its stated goals, in over 38 years since President Eisenhower first canceled the sugar quota on July 6, 1960 and President Kennedy imposed the first total embargo on Cuba on February 7, 1962. Most recently, Congress passed the Cuban Democracy Act in 1992 and the Helms-Burton Act in 1996. Since the passage of both of these bills there have been significant changes in the world situation that warrant a review of our U.S.-Cuba policy including the termination, in 1991, of billions of dollars of annual Soviet economic assistance to Cuba, and the historic visit of Pope John Paul II to Cuba in 1998.

In addition, during the past 24 months numerous delegations from the United States have visited Cuba, including current and

former Members of Congress, representatives from the American Association of World Health, and former U.S. military leaders. These authoritative groups have analyzed the conditions and capabilities on the island and have presented their findings in the areas of health, the economy, religious freedom, human rights, and military capacity. Also, in May 1998, the Pentagon completed a study on the security risk of Cuba to the United States.

However, the findings and reports of these delegations, including the study by the Pentagon, and the call by Pope John Paul II for the opening of Cuba by the world, have not been broadly reviewed by all U.S. policy makers. As Members of the U.S. Senate, we believe it is in the best interest of the United States, our allies, and the Cuban people to review these issues.

We therefore recommend that a ''National Bipartisan Commission on Cuba'' be created to conduct a thoughtful, rational, and objective analysis of our current U.S. policy toward Cuba and its overall effect on this hemisphere. This analysis would in turn help us shape and strengthen our future relationship with Cuba.

We recommend that the members of this Commission be selected, like the ''Kissinger Commission'', from a bipartisan list of distinguished Americans who are experienced in the field of inter-national relations. These individuals should include representatives from a cross section of U.S. interests including public health, military, religion, human rights, business, and the Cuban American community. A bipartisan group of eight Members of Congress would be appointed by the Congressional Leadership to serve as counselors to the Commission.

The Commission's tasks should include the delineation of the policy's specific achievements and the evaluation of (1) what national security risk Cuba poses to the United States and an assessment of any role the Cuban government may play in international terrorism and illegal drgus, (2) the indemnification of losses incurred by U.S.-certified claimants with confiscated property in Cuba, and (3) the domestic and international impacts of the 36-year-old U.S.-Cuba economic, trade and travel embargo on: (a) U.S. international relations with our foreign allies; (b) the political strength of Cuba's leader; (c) the condition of human rights, religious freedom, freedom of the press in Cuba; (d) the health and welfare of the Cuban people; (e) the Cuban economy; (f) the U.S. economy, business, and jobs.

More and more Americans from all sectors of our nation are becoming concerned about the far-reaching effects of our present U.S.-Cuba policy on United States interests and the Cuban people. Your establishment of this National Bipartisan Commission would demonstrate your leadership and responsiveness to the American people.

We have enclosed a letter from former Secretary of State Lawrence Eagleburger outlining his and other former top officials support for the creation of such a commission. Thank you in advance for your thoughtful consideration.

Sincerely

Senator John W. Warner (R–VA), Chuck Hagel (R–NE), Michael B. Enzi (R–WY), Gordon Smith (R–OR), J. Robert Kerrey (D–NE), Rick Santorum (R–PA), Dirk Kempthorne (R–ID), Christopher ''Kit'' Bond (R–MO), Rod Grams (R–MN), James M. Jeffords (R–VT), John H. Chafee (R–RI), Craig Thomas (R–WY), Dale Bumpers (D–AR), Christopher J. Dodd, (D–CT), Pat Roberts (R–KS)

U.S. SENATE,
Washington, DC, December 11, 1998.

Hon. WILLIAM JEFFERSON CLINTON,
President of the United States, The White House, Washington, DC

DEAR MR. PRESIDENT: We, the undersigned would like to join our colleagues, who wrote to you on October 13th 1998 recommending that you authorize the establishment of a National Bipartisan Commission to review our current U.S.-Cuba policy. This Commission would follow the precedent and work program of The National Bipartisan Commission on Central America, (the Kissinger Commission''), established by President Reagan in 1983, which made such a positive contribution to our foreign policy in that troubled region over 15 years ago.

We recommend this action because there has not been a comprehensive review of U.S.-Cuba policy, or a measurement of its effectiveness in achieving its stated goals, in over 38 years since President Eisenhower first canceled the sugar quota on July 16, 1960 and President Kennedy imposed the first total embargo on Cuba on February 7, 1962. Most recently, Congress passed the Cuban Democracy Act in 1992 and the Helms-Burton Act in 1996. Since the passage of both of these bills there have been significant changes in the world situation that warrant a review of our U.S.-Cuba policy including the termination, in 1991, of billions of dollars of annual Soviet economic assistance to Cuba, and the historic visit of Pope John Paul II to Cuba in 1998.

In addition, during the past 24 months numerous delegations from the United States have visited Cuba, including current and former Members of Congress, representatives from the American Association of World Health, and former U.S. military leaders. These authoritative groups have analyzed the conditions and capabilities on the island and have presented their findings in the areas of health, the economy, religious freedom, human rights, and military capacity. Also, in May 1998, the Pentagon completed a study on the security risks of Cuba to the United States.

However, the findings and reports of these delegations, including the study by the Pentagon, and the call by Pope John II for the opening of Cuba by the world, have not been broadly revived by all U.S. policy makers. As Members of the U.S. Senate, we believe it is in the best interest of the United States, and the Cuban people to review these issues.

We therefore recommend that a ''National Bipartisan Commission on Cuba'' be created to conduct a thoughtful, rational, and objective analysis of our current U.S. policy toward Cuba and its overall effect on this hemisphere. This analysis would in turn help us shape and strengthen our future relationship with Cuba.

We recommend that the members of this Commission be selected, like the ''Kissinger Commission'', from a bipartisan list of distinguished Americans who are experienced in the field of inter-national relations. These individuals should include representatives from a cross section of U.S. interests including public health, military, religion, human rights, business, and the Cuban American community. A bipartisan group of eight Members of Congress would be appointed by the Congressional Leadership to serve as counselors to the Commission.

The Commission's tasks should include the delineation of the policy's specific achievements and the evaluation of (1) what national security risk Cuba poses to the United States and an assessment of any role the Cuban government may play in international terrorism and illegal drugs, (2) the indemnification of losses incurred by U.S.-certified claimants with confiscated property in Cuba, and (3) the domestic and international impacts of the 36-year-old U.S.-Cuba economic, trade and travel embargo on: (a) U.S. international relations with our foreign allies; (b) the political strength of Cuba's leader; (c) the condition of human rights, religious freedom, freedom of the press in Cuba; (d) the health and welfare of the Cuban people; (e) the Cuban economy; (f) the U.S. economy, business, and jobs.

More and more Americans from all sectors of our nation are becoming concerned about the far-reaching effects of our present U.S.-Cuba policy on United States interests and the Cuban people. Your establishment of this National Bipartisan Commission would demonstrate your leadership and responsiveness to the American people.

We have enclosed a letter from former Secretary of State, Lawrence Eagleburger outlining his and other former top officials support for the creation of such a commission. Thank you in advance for your thoughtful consideration.

Sincerely,

Richard G. Lugar (R–IN), Patrick J. Leahy (D–VT), Jack Reed (D–RI), Patty Murray (D–WA), Pete V. Domenici (R–NM), Daniel Patrick Moynihan (D–NY), Arlen Specter (R–PA), Thad Cochran (R–MS), Barbara Boxer (D–CA)

HOOVER INSTITUTION
ON WAR, REVOLUTION AND PEACE,
October 20, 1998.

Hon. WILLIAM JEFFERSON CLINTON,
President of the United States, Washington, DC.

DEAR MR. PRESIDENT: As Former Secretary of State in the Reagan Administration I was proud to be a part of the successful effort that brought about the downfall of communism in Eastern Europe and the Soviet Union.

Today we have another opportunity to expand democracy in the world and to rid our hemisphere of the last bastion of communism. To do this the United States needs to review and analyze its current foreign policy toward Cuba. This analysis can most effectively be conducted by the National bipartisan Commission proposed by my colleagues and by Senator Warner in his letter to you of October 13, 1998.

This Commission, like the National Bipartisan Commission on Central America authorized by President Reagan in 1983, would conduct an objective analysis of our current foreign policy and would provide your Administration and the Congress, critically important insights needed to improve the policy's effectiveness in achieving its stated foreign policy goals. The formation of this Commission is in the best interest of the United States and its conclusions and recommendations will provide the greatest opportunity for our country to determine the most effective ways to assist the Cuban people in their struggle to achieve increased freedom and self-determination and to prepare them for the transition to democracy.

I therefore join with my colleagues, who have devoted most of their professional careers to fighting communism, and strongly support and endorse Senator Warner's request to you to authorize the establishment of a National Bipartisan Commission to review U.S.-Cuban policy.

Sincerely yours,

GEORGE P. SHULTZ.

DEPARTMENT OF SOCIAL DEVELOPMENT
AND WORLD PEACE,
October 21, 1998.

Hon. JOHN WARNER,
U.S. Senate, Russell Office Building, Washington, DC.

DEAR SENATOR WARNER, I write to commend you, and the other Senators who have

joined with you, in urging the President to authorize the establishment of a Bipartisan Commission on U.S.-Cuban relations. In recent years, voices of respected and influential leaders in many different fields have been raised to express dissatisfaction with aspects of our present policy toward Cuba. The Catholic Bishops of this country, through our national body, the United States Catholic Conference, have long shared this view that our policy has the need, in the words of the Holy Father last January, ''to change, to change.''

We are sympathetic with the sense of frustration that many in our government experience as they search for some signs from Cuba that its government is prepared seriously to engage the United States and to address its valid concerns about basic freedoms and respect for human rights. But as they search in vain for such signs, untold numbers of our Cuban brothers and sisters continue to suffer intolerable deprivation and hardships, both spiritual and material. As a society, we must find ways to change the present unacceptable Status quo and move confidently toward a new policy.

The Creation of a National Bipartisan Commission would well prove the needed catalyst for moving us toward that goal. I thank you and your colleagues for this initiative and pray that it prosper.

Sincerely yours,

MOST REVEREND THEODORE E. MCCARRICK,
Archbishop of Newark, Chairman, Committee on International Policy, United States Catholic Conference.

HOGAN & HARTSON, L.L.P.,
Washington, DC, October 29, 1998.

Hon. WILLIAM JEFFERSON CLINTON,
President, The White House, Washington, DC.

Re: the Proposed National Bipartisan Commission on Cuba.

DEAR PRESIDENT CLINTON: As an American who has served in cabinet and subcabinet positions of four U.S. presidents, I have seen firsthand the influence of U.S. foreign policy throughout the world, its effects on the governments and citizens of foreign countries, and its reciprocal effects on the U.S. economy, businesses and jobs. I have also seen the use of unilateral sanctions grow into becoming a long-standing tool of U.S. foreign policy to be employed against foreign governments and their leaders whose behavior the U.S. Government finds unacceptable.

Cuba is one of those countries where U.S. sanctions have been employed, in their case for nearly 40 years, including a total economic embargo which has been unilateral for over 36 years. The stated purpose of these sanctions and the embargo is to bring down the communist government bring freedom and self-determination to the Cuban people, and to prepare them for a transition to democracy. Now nearly four decades later, the communist government is still in place, the Cuban people have very few freedoms, and the country is now recovering from the departure, in 1991, of the Soviet Union and its five billion dollars of annual aid and assistance.

I therefore welcome Senator Warner's request to your Administration to establish a National Bipartisan Commission to review U.S.-Cuba policy, and I respectfully join former Secretary of State Lawrence Eagleburger and his distinguished colleagues in support of Senator Warner and his Senate colleagues' request.

The establishment of this Commission will conduct a long overdue objective analysis of our current Cuba policy and we can look forward to the Commission producing recommendations that will improve the overall effectiveness of our U.S.-Cuba policy so we might more effectively achieve our country's stated goals.

Sincerely,

CLAYTON YEUTTER.

That suggested the course of this commission be established as a way to try to sort out how best to establish a better relationship with the 11 million people who live 90 miles off our shore.

Further, highly respected human rights advocates who remain in Cuba—those dissidents who remain in Cuba and subject themselves every day to the difficulties of living under a dictatorship—seeking to promote political change have called upon the United States to rethink our policy when it comes to Cuba. Elizardo Sanchez, President of the Cuban Commission on Human Rights and National Reconciliation, sent a letter in April of this year urging the United States to change its policies. He wrote:

It is unfortunate that the government of Cuba still clings to an outdated and inefficient model that I believe is the fundamental cause of the great difficulties that the Cuban people suffer, but it is obvious that the current Cold War climate between our two governments and unilateral sanctions will continue to fuel the fire of totalitarianism in my country.

That is from a letter from dissidents inside Cuba talking about how to create change there.

There is a double standard when it comes to Cuba. A number of other countries are far more of a threat to U.S. national security and antithetical to U.S. foreign policy interests. Yet our sanctions against Cuba are among the harshest. We have concerns about nuclear proliferation with respect to India, Pakistan, Iran, China, and North Korea. Yet Americans may travel freely to each and every one of those nations. In fact, Americans are free to travel to many countries that I would not consider to be bastions of democracy: Iran, Sudan, Burma, the former Yugoslavia, Vietnam, Cambodia, to mention a few.

We have just entered a new millennium and the United States has moved in most areas to bring U.S. policy into line with the new realities of the 21st century. On the Korean peninsula, North Korean and South Korean leaders met last week in a historic summit which will hopefully pave the way to reconciliation and reunification for two countries that fought a bloody and costly war in the last century. To encourage that effort, the Clinton administration announced it was prepared to lift sanctions against one of our oldest adversaries.

With respect to China, the United States has a number of deeply serious disagreements with that Government, including workers' rights, respect for human rights, nuclear proliferation and economic policies, hostility towards Taiwan—the list goes on. Yet the United States has full diplomatic relationships with Beijing. Moreover, I predict the Senate will soon follow the House and support permanent normal trade relations with China, thereby clearing the way for its entry into the World Trade Organization.

Let us talk about Vietnam. The Vietnam conflict left an indelible mark on the American psyche. Just a few blocks from here, the names of 53,000 Americans who lost their lives in that country are listed on a wall. Yet today a Vietnam veteran and former Congressman, Pete Peterson, represents U.S. interests in Vietnam as U.S. Ambassador. American citizens are free to travel and do business there. We have learned to somehow change and move forward. Do we agree with the policies of Vietnam? No. Do we agree with what is going on in China? No. Do we agree with what is going on in North Korea? No, obviously not. But we are seeking in the 21st century to try to move these nations in the right direction. We don't do it by isolation. We don't do it by creating a Berlin Wall off the coast of Florida between our two countries. We do it by contact, by communication, by engaging. Those are the ways we create change. We have seen that in place after place all over the globe.

Around the world, old adversaries are attempting to reconcile their differences: in the Middle East, Northern Ireland, and the Korean peninsula. The United States has actively been promoting such efforts because we think it is in our national interest to do so.

I ask a simple question: Isn't it time that we at least took an honest and dispassionate look at our relations with a country in our own hemisphere, 90 miles off our shores, where 11 million good people, not Communists but good people, are living under extremely difficult circumstances? Isn't it in our interest and the interest of the 11 million people there to try and see if we can't begin some new way to bring about change in that country other than following the 40 years of isolation that is still the centerpiece of the U.S.-Cuban relationship?

Opponents of this measure point to the fact that Cuba remains on the terrorist list. Why? Because, according to a 1999 State Department report on global terrorism, Cuba ''continued to provide a safe haven to several terrorists and U.S. fugitives . . . and it maintained ties to other state sponsors of terrorism and Latin American insurgents.''

Castro's biggest crime last year, according to this report, appears to be that he hosted a series of meetings between the Colombian Government officials and the ELN, a Colombian guerrilla organization. Rather curious in light of the fact that the United States publicly supports President Pastrana's efforts to undertake a political dialog with the guerrilla organizations in that country as a means of ending the civil conflict in Colombia.

The same report found that Islamic extremists from around the world continued to use Afghanistan as a training

ground and base of operation for their worldwide terrorist activities. Usama Bin Ladin, the Saudi terrorist indicted for the 1998 bombing of two U.S. Embassies in Africa, continues to be given sanctuary by that country. Yet Afghanistan is not on the terrorist list. There are no prohibitions on the sale of food or medicine to that country. Americans can travel freely to that country.

Last week, the Foreign Relations Committee held a hearing to review the findings of the National Commission on Terrorism. During the course of that hearing, Paul Bremer, the chairman of the commission, admitted that Cuba's behavior with respect to terrorist matters had improved over the past 4 years. In fact, it is the only country, he said, that has shown any improvement.

I ask the question again: Isn't it time we start to measure our Cuban policy against the same yardstick that we measure our relations with the rest of the nations of the world? Isn't it time we follow a policy that is truly in our national interest, one that promotes positive relations with the 11 million people who live on the island of Cuba, and one that promotes a peaceful change in self-determination for a proud people who have been done a huge disservice and injustice by the Castro regime?

Many of my colleagues have told me privately that they believe Senator WARNER and I are on the right course. I appreciate those kind words. I also hope the time has finally come for them to stand up and be counted on this issue.

This is an important question. This is not a radical idea. It is not a revolutionary idea. We form commissions all the time in order to get some distance between the politics of an issue and the dispassionate view of people who can bring knowledge and ideas and experience. I don't think that Henry Kissinger or George Shultz or Frank Carlucci or Howard Baker are Castro supporters—hardly. But they do understand that it is in the interest of the United States for us to try and move beyond the present wall that distances us from these people as we seek a change in our policy.

That is all this commission is proposing to do. It doesn't say that anyone has to agree with the recommendations or vote for them. It doesn't bind the Senate. It merely says, as we begin a new administration, why not have the benefit of the solid thinking of people who dedicate their lives to addressing foreign policy issues? Why should we be allowed to travel to Libya, to open up relations with Iran, to have relationships with Vietnam? Maybe some don't think we ought to do any of those. That I would understand. But for people here to tell me it is OK to have normal relationships with China and Vietnam and to promote lifting sanctions in North Korea and talk about moving to have a relationship with Iran, and then simultaneously tell me we can't even form a commission to analyze whether or not we could do a better job resolving the differences between our two peoples, does not make a great deal of sense to me.

I will put up, for the benefit of our colleagues, this little chart. I know people use charts all the time. This is the last couple of weeks. They are photographs that have appeared in national newspapers. The picture at the top is the two leaders of North and South Korea, meeting just a week or so ago to resolve differences. The next picture is our own Secretary of State, Madeleine Albright, meeting with Yasser Arafat. If you met with him 10 years ago or you even talked to the guy, you were in political jeopardy. Now we welcome him and embrace him at the White House as we try to resolve differences in the Middle East.

The picture on the further side is the Prime Minister of Great Britain and the Prime Minister of Ireland signing the accords that may bring about the end of years of hostility in Northern Ireland. The bottom is the President and the leader of the People's Republic of China. These are examples of what can happen with creative engagement. If there was a policy in South Korea that said we could never talk to anybody in North Korea, that photograph would not appear. What if we said, despite any of the efforts to bring about peace in the Middle East, no one could meet or talk about meeting with the Palestinians or Northern Ireland or in China? All I am asking is, why don't we try something a little different when it comes to the island of Cuba, and see if we can't create the kind of change that is reflected in these photographs of the 21st century. That is what this amendment is designed to do. It is a bipartisan effort.

Again, the list of our colleagues I have recited demonstrates that people on both sides of the aisle care about this very much and made recommendations some years ago that we move in this direction. Again, distinguished former administration officials—Republican as well as Democratic administrations—indicate the sound thinking, in my view, across the board when it comes to the establishment of such a commission.

Again, I know you are going to hear a lot about how bad the Castro government is, and I am not going to disagree. They are. I am not here to stand up and tell you I think that is a good government. It is not. I would not last 5 minutes there. It is repressive, a dictatorship, and the things they do to their own people are outrageous. But we have found a way to break new ground, to at least reach out. That is all I am asking for today—a commission to try to reach out with some new ideas with one nation in our hemisphere, which is a shorter distance from our shores than it is from here to Hagerstown, MD. Let's see if we can improve the relationship.

I withhold the remainder of my time.

Mr. SMITH of New Hampshire. Mr. President, I yield such time as he may consume to the Senator from Florida, Mr. MACK.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MACK. Mr. President, I begin by saying to my friend, Senator DODD, how much I appreciate his comments at the beginning of his speech to the Senate. I appreciate the relationship we have developed. Certainly, one of the things I will truly miss as I leave the Senate at the end of this year is the relationships that have been developed and the opportunity to expand on those relationships with others. Again, it has been a delight. However, we do have very strong differences of opinion on this issue.

I will begin by pointing at the chart that has been put up next to Senator DODD. There is one very fundamental difference. Each of those leaders reached out; they wanted to bring about change. We have seen absolutely, positively none of that from Fidel Castro. There is no indication—not an iota of evidence—that Fidel Castro wants to change.

Later today, we will be voting on this amendment to the Defense Department authorization bill, which is designed to establish a commission to review and report on the United States policy toward Cuba.

I have spoken with many colleagues recently about this amendment and the idea of forming a commission. I understand from some Senators that they have concerns that they want a chance to discuss regarding Cuba. But the goal of those Senators seems to be either broad sanctions reform or the enactment of specific changes in our policies toward Cuba. But today we are debating an amendment on forming a commission. This commission is blatantly political, in my opinion, so much so that no serious effort can come from a commission designed to be so skewed. This commission accomplishes nobody's goal.

Let me make three points: First, we don't need a national commission to study only Cuba sanctions; second, we should not tie the hands of the next President to set his own Cuba policy; and, third, we should not set policy through a partisan commission outside of the normal conduct of foreign policy by the executive branch.

The legislation on which you are being asked to vote establishes a 12-person panel to review and report on various aspects of Cuba policy. But this is why we have a Foreign Relations Committee in the Senate, an International Relations Committee in the House, and a U.S. Department of State. Why are we making Government bigger and more expensive than it needs to be? Especially, as my friend from Connecticut has argued, this amendment does not take a position or implement a policy.

Let me highlight a few of the details. This commission is appointed as follows—and, again, I note that my friend indicated this is not a partisan issue, but we who have been around here for a long time all know these issues end up being influenced by politics.

What we are going to have is a commission of 12 people, 6 appointed by the current President. The current President will put six members on a commission to tell the next President what his policy toward Cuba should be. And there will be three from each House—two majority, one minority. That means two-thirds of the commission would be appointed by Democrats; that is, 8 of the 12 members of the commission would be appointed by Democrats. One-third, that is, four members of the commission, would be Republicans. That is not the way to set foreign policy.

Our current policy, set by the State Department and the President, has been endorsed by the Congress over the years with significant legislation. The only reason for this special commission is to try to change current policy through abnormal means.

Let me talk for a moment about American foreign policy in general. I hear the rhetoric often that, after 39 years, clearly, our Cuba policy has not brought democracy to Cuba and therefore it must be abandoned as a failure. Think about that argument for a moment. What if Ronald Reagan had come into office and declared in 1980: After 40 years, since there is no democracy in the Soviet Union, our Soviet policy must be abandoned?

Reagan did the opposite. He had the courage to call the Soviet Union what it was, an ''evil empire.'' His courage and commitment brought democratic reform to Russia. America's foreign policy must reflect America's commitment to the principles we believe in: freedom, democracy, justice, and respect for human dignity.

My friend from Connecticut has stated that the policy is aimed at one man, Fidel Castro, but it denies basic necessities to the entire 11 million people of Cuba. The reality is that Cuba can purchase goods from the entire world. By closing the American market to Cuba, we are denying the people nothing. Fidel Castro keeps Cuba poor, not the United States embargo.

By maintaining the current policy, however, of isolating Fidel Castro, we are doing as a Nation what we have done for so many generations: We are standing shoulder to shoulder with people struggling for freedom. We are standing for truth and dignity and supporting heroes when we oppose Fidel Castro and deny him the means to build up his resources.

Since trade has been an important issue of discussion lately given the pending vote on trade with China, perhaps some more detail would be helpful on the differences between China and Cuba.

Simply stated, China began policy changes and economic reforms as early as 1978. Today, they continue to open their economy, seek engagement in the community of nations, and look for investment and trade.

Let me tell you about Cuba. I will provide details from a study conducted by the University of Miami: Cuba does not permit trade independent from the state; most of Cuba's exportable products to the United States are produced by Cuban state-run enterprises with workers being paid near slave wages; many of these products would compete unfairly with United States agriculture and manufactured products, or with other products imported from the democratic countries of the Caribbean into the United States; Cuba does not permit individual freedom in economic matters; investments in Cuba are directed and approved by the Government of Cuba; it is illegal for foreign investors to hire or fire Cuban workers directly and the Cuban Ministry of Labor does the hiring; foreign companies must pay the wages owed to their employees directly to the Cuban Government in hard currency; the Cuban Government then pays the workers in Cuban pesos, worth one-twentieth of a dollar, and the Government pockets 90 percent of the wages paid in by the investor; Cuba has no independent judicial system to settle commercial disputes.

In short, Fidel Castro has failed to make any of the changes made by Beijing. An investment in China today can empower a Chinese middle class and move power away from the center. An investment in Cuba today benefits Fidel Castro and disadvantages the 11 million people struggling for freedom. It is that simple.

As recently as 1997, Fidel Castro argued against the wisdom of economic reforms and reasserted the supremacy of Communist ideology. In addition, political parties remain outlawed. Dissidents are either exiled, banished to the far reaches of the island, or simply imprisoned. The church continues to complain that the promises made during the Pope's visit have not been complied with. The daily activities of the average Cuban citizen continue to be monitored by the state's notorious ''neighborhood watch committees,'' known as the Committee for the Defense of the Revolution. These have been in place for 40 years and continue in place today. Amnesty International counts at least 400 prisoners of conscience, but this does not include the thousands convicted under trumped up charges for political purposes.

I am not simply arguing ideology here today. We have empirical evidence of the failure of the policy recommendation to trade with Cuba; we need only to look at Canada's recent experiences. After arguing for a policy of opening trade with Cuba, our neighbors to the North are now pulling out. I will quote from The Globe and Mail of June 30, 1999:

> The Canadian government had hoped that investing directly in the Cuban economy by building plants and infrastructure would not only deliver an economic return, but also lead to wider-ranging reforms. Those hopes have been largely dashed as Canadian companies report woeful tales of pouring good money into bad investments in Cuba.

Mr. President, policies of so-called engagement with Castro have failed for those who have tried. We all shared great hope when the Pope visited Cuba in January 1998. The United States promised to respond positively to any changes made by the Castro regime following the Pope's visit. We expected to see more space for the Cuban people: freedom of speech and more freedom of religious expression. We know now that even these hopes have been dashed. The Pope just last December expressed his disappointment in the changes in Cuba. A December 2, 1999 Reuters wire story reports,

> The clear wording of the Pope's speech indicated that the Vatican felt that not much has changed on the predominantly Catholic island in two years.

We know that President Reagan's wisdom remains true—after 39 years of isolating Cuba, we must not fear calling things as we see them. Fidel Castro is an evil tyrant. He impoverishes the Cuban people in spite of the efforts of many to open the society to freedom and the economy to investment. Fidel Castro denies his people the basic necessities for life, liberty, and happiness.

Mr. President, I do not object to evaluating our policies, but we must be honest, this is not the way. When Cuba changes, the United States must also change. Until then, we must remain committed to our principles, because it is our principles which make us strong. No missile system, no fleet of warships, will keep the United States the shining city on the hill—the beacon of freedom which we all saw when Ronald Reagan was President. I hope that my colleagues will join me. And I hope that they will stand with me for freedom. stand with me for democracy, stand with me for justice, and stand with me for respect for the human dignity of the 11 million people in Cuba.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I compliment my colleague from Florida for his leadership. He has been stalwart over the years he has been a Senator from the State of Florida, as well as a Congressman, in his efforts to bring the end to the Castro regime. I applaud his leadership on that issue. We will miss him when he leaves the Senate.

This amendment establishes a commission on U.S. Cuban policy. The problem is it is totally irrelevant to the underlying legislation. It is an important issue, no question. But this deals with a controversial foreign policy matter, not a defense matter. It doesn't belong on the Defense authorization bill where we are funding programs that are vital to our national security. This is just one more issue that

comes before the Senate and causes heartburn for all who are trying to get a Defense authorization bill passed.

I know it is of great frustration to the chairman of the committee, Senator WARNER, who is a strong and steadfast supporter of the fine men and women in our Armed Forces. We have the Senate Foreign Relations Committee; we have the House International Relations Committee. They are composed of Members who have been duly elected, as we were, by the American people. It is their responsibility to examine United States policy toward Cuba. I think those committees have done a commendable job in overseeing U.S. Cuban policy.

This administration has had almost 8 years to reexamine or redirect, if they so choose, a policy towards Cuba. Why a commission now, in the twilight hours of the administration, providing 8–4 representation of the President's party to ''reexamine U.S. policy toward Cuba''? As the Senator from Florida said, it is political. Why should this administration, with 6 months left, tie the hands of the next administration, whatever that administration is?

As the Senator from Connecticut said on the floor last Friday, the commission is supposed to take a new look at Cuba because the Senator believes current policy is not working. That leaves me to suspect that this commission is stacked and will have a predetermined outcome based on its flawed composition. We can make that case. I believe its objective is to support lifting the embargo originally supported by John F. Kennedy but given teeth by passage of the Helms–Burton law, signed by President Clinton. President Clinton wants to open relations now with Castro, appoint six members of the commission and, for the minority, two more. It is pretty obvious what the objective is.

I don't understand how the Senator from Connecticut could have so vigorously supported economic sanctions against South Africa, because of apartheid, but believes we should lift sanctions against Communist Cuba. As a matter of fact, Jeff Jacoby, in an article in the Boston Globe in 1998, said it best when talking about those who support this lifting of the embargo:

> When they looked at the Filipino dictatorship, America's foreign policy said, ''Marcos must go.''
>
> When they look at Chilean dictatorship, they said, ''Pinochet must go.''
>
> When they looked at the Haitian dictatorship, they said, ''Cedros must go.''
>
> Of Zaire they say, ''Mobutu must go.'' Of South Africa they said, ''Apartheid must go.'' Of Burma they say, ''SLORC'' (as the dictatorship is called) must go. Of East Timor they say, ''The Indonesian occupiers must go.''
>
> But of Cuba, which bleeds under the bitterest and most implacable tyrannies on the planet, they say: The U.S. embargo must go.

You can't say it much better than that.

The Senator from Connecticut believes the embargo has impoverished Cubans. This is the old ''blame America'' argument. It is Castro who impoverished Cuba, no one else. We know that. Cuba trades with the rest of the world and its economy is still a basket case. That is because the Soviet Union is no longer in existence and no longer propping them up. The Senator from Connecticut says U.S. policy should not be focused on one individual. But it is that individual who dictated that trade with Cuba could only be conducted with himself and its ruling elite—no one else. So it is Castro who is the issue.

Cuba, according to the standards of the Department of State, is a state cosponsor of international terrorism. Why should America reward a declared terrorist nation by reconsidering our appropriate tough stance toward Fidel Castro and its cruel regime? Cuba is a major international trafficker of illegal drugs, drugs which fuel crime in this country, spousal and child abuse in this country, and other social ills in America which result in the deaths of some 14,000 young people every year.

Congressman BEN GILMAN, who chairs the International Relations Committee, called for a thorough investigation of Cuba's link to drug trade, noting seizure of 7.5 metric tons of cocaine consigned from Cuba.

I don't understand the logic of this issue, aside from the fact it is on the wrong legislation.

Our Drug Enforcement Administration testified that such a massive shipment did not represent the first time Cuba was involved in transiting illegal drugs. Regrettably, despite this enormous seizure, the administration declined to include Cuba as a major drug transit nation. Imagine, declining to include 7.5 metric tons of cocaine from Cuba, and yet we didn't see fit to list them as a major drug transit nation.

We don't need a taxpayers' subsidized commission to figure out what is wrong with Cuba. We have plenty of evidence, and it is Fidel Castro. The State Department lists Cuba in its annual State Department country reports on human rights practices, citing the deplorable record of abuse by the Castro regime. Amnesty International has condemned Cuba's human rights violations.

Last month, the United Nations Human Rights Commission condemned Cuba for the eighth time for its systematic violation of human rights.

Let's not forget something that is very important, which I do not think anyone else will bring up here today but I will. It has been stuck in my craw for a long time. That is how Cuba treated American POWs during the Vietnam war. I want to get into a little bit of detail because these people who did this are still free in Cuba, still have the opportunity to conduct their lives as usual. We have never brought them to justice.

From August 1967 until August 1968, a small detachment of Cubans, under the direct leadership of Fidel Castro, brutally tortured a select group of American POWs at a POW camp on the outskirts of Hanoi known as the Zoo, appropriately named. The goal of this Cuban detachment was most likely to test new domination techniques and involved a combination of brutal physical torture and cruel psychological pressure.

During the first phase of this program, 10 American POWs were selected and separated from the remainder of the prison population. The POWs were then unmercifully beaten and tortured in ways I will not even discuss here on the floor of the Senate they were so bad. Other prisoners were often forced to watch what the Cubans did, torturing their cellmates. Despite their heroic efforts, by Christmas all 10 POWs were broken.

Not satisfied with breaking the 10 American POWs, the Cubans began to select a second group of POWs in early 1968 and the torture started again. John Hubbell, in his classic study of the POW experience in Vietnam, described one of the Cuban's victims:

> The man could barely walk; he shuffled slowly, painfully. His clothes were torn to shreds. He was bleeding everywhere, terribly swollen, and a dirty, yellowish black and purple from head to toe . . . his body was ripped and torn everywhere; hell cuffs appeared almost to have severed the wrists, strap marks still wound around the arms all the way to the shoulders, slivers of bamboo were embedded in the bloodied shins and there were what appeared to be tread marks from a hose across the chest, back and legs.

That POW later died as a result of his torture, and those individuals who did that still survive in Cuba. They still have not been brought to justice. We will lift the embargo right after we find out who those people were and we bring them to justice, Mr. President, with all due respect. The Cuban program ended in 1968. The North Vietnamese continued to utilize the barbaric methods that the Cubans taught them under the direction of Fidel Castro. They learned their torture well.

Who were these barbarians? Only Castro knows for certain. We should also demand that the Cuban murderers of the ''Brothers to the Rescue,'' unarmed civilian American pilots whom President Clinton promised would be punished in 1996, be brought to justice as well.

In Castro's Cuba, the Code for Children, Youth, and Family, provides for a 3-year prison sentence for any parent who teaches a child an idea contrary to communism. Imagine that, a 3-year prison sentence for any parent who teaches a child ideas contrary to communism. The code states that no Cuban parent has a right to ''deform'' the ideology of his children. And the State is the true ''father.''

That is parental rights, Cuban style. Welcome back to Cuba, Elian.

At the age of 12, children are separated from their parents for mandatory service in a work camp. According to the renowned Cuban dissident Armando Valladares, children in these camps

suffer from venereal diseases and teen pregnancies which inevitably end in forced abortions.

You know what. We don't need a commission to figure this stuff out. We know what is going on. The best way to bring it down is to keep the pressure on Castro.

Mr. President, I reserve the remainder of my time and yield the floor.

Mr. DODD. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Connecticut has 40 minutes.

Mr. DODD. Mr. President, I will in a moment yield to my colleague from North Dakota to share some thoughts. Let me briefly respond to some of the statements that have been made here.

First of all, if we follow the same sort of logic that has been just suggested here, President Nixon never should have gone to China when there was hardly any freedom, when even free market principles were not thought of at the time. I suppose President Carter should not even have thought about the Camp David accords, given the reputation of the PLO. This body, under the leadership of JOHN MCCAIN and JOHN KERRY, should not even have thought about normalizing relations with Vietnam, if we had followed the logic just suggested. When it comes to how we establish relations and reach out, I suspect we wouldn't have had General MacArthur in Japan, and we would not be working with people in Germany. The list goes on.

Certainly to go back and recite the horrors of war and those who violated the Geneva accords when it comes to the treatment of POWs—I will not take a back seat to anybody in my abhorrence of what goes on.

What we are talking about is a commission to take a look at Cuban-U.S. policy. My colleagues who oppose this may want to say this is somehow lifting the embargo. I do think we ought to change policies. I think we ought to move in that direction. But I know full well I am not in a majority in that view in this Chamber. There are plenty of others who do not think we ought to do that but who support the idea of a commission to take a look at policy and how we might improve things.

We did this in other places. We did it under the Reagan administration in Central America; it was the Kissinger commission. We certainly had a Foreign Relations Committee there. In fact, the Foreign Relations Committee was at that time controlled by the majority party today. Yet a commission was established to take a look at how we might resolve and extricate ourselves from the conflict in Central America.

Today, under the leadership of Senator HELMS and the majority of the Foreign Relations Committee, we have a Commission on Terrorism. That is not because we don't have a Foreign Relations Committee or an Intelligence Committee. The thought was that we ought to step back a little bit and take a look at the issue of terrorism and recommend some policy ideas, how we might do a better job. I hope I do not have to go down the long list of commissions that have been established because people thought that made sense as a vehicle to determine new ideas.

I do not like this amendment on this bill either, frankly. I wish it were not on DOD. But I would not pick this one out. We have adopted some 45 amendments that have nothing to do with the DOD bill. They have been agreed to by the majority. If you are going to establish a rule that nothing is included unless it is relevant, you better go back and undo 50 percent of the bill.

I make the case this is more relevant than a lot of stuff on this bill because we are dealing with a national security issue that could become a serious problem. If you end up with great civil conflict in Cuba in a post-Castro period, where do you think the people are going to go? They are not going to travel to Colombia. They are not going to Mexico. They are not going to Europe. They are coming 90 miles to this country. Then we may look back and say: A commission and some ideas that might have abated that potential problem from occurring might have made some sense.

That is all the suggestion is here, to try to come up with some ideas that might ease potential problems that many people believe are coming down the line.

I don't want to keep reiterating the point. I do not believe the people I listed before, as ones supporting this commission, would necessarily believe this is somehow agreeing with Castro's policies in Cuba. When you go down the list of people such as George Shultz and Frank Carlucci and Malcolm Wallop—maybe people know something I don't know, but those people support a commission. Do you think Howard Baker is a supporter of terrorism? George Shultz thinks that Cubans were involved in dreadful acts against POWs but somehow does not care about that issue? I do not think so. Henry Kissinger and Frank Carlucci have somehow gone soft on the issues? I don't think so. They feel as strongly about it today as they have over the years. This does not tie our hands, a commission. This issue is not divided along partisan lines.

Does this President show partisanship when he asks John Danforth and Howard Baker to look at such issues as Los Alamos or the FBI conduct at Waco? Those are the people he appointed to a commission. I am talking about serious people who know something about making a recommendation to Congress. That is all it is. Some are trying to create a monster out of a commission, suggesting somehow this is contrary to our interest. It is in our interest to do it.

I am saddened, in a way, that my colleagues who disagree with me specifically on the issues might find some merit in the idea of doing this. This ought not be a place where it is seen as somehow anti one particular group or another. In fact, as I mentioned earlier, the commission would not be a bona fide commission, in my view, if it did not include people who disagree or who agree with the present policies.

Certainly, the Cuban American community, the exile community, for whom I have the highest respect—what has happened to them and their families is dreadful and deplorable. My view is our policy ought not to be determined in the United States by any small particular group. It is what is in the U.S. interest, not the interest of some group in our country. It should be in everyone's interest. The commission, in my view, will help us provide road signs and guidance on how we ought to proceed.

Lastly, with regard to the drug issue—and I pointed out a week ago—drug czar Barry McCaffrey has absolved the Cuban Government of allegations that it is involved in the drug trade and has called for greater cooperation with Cuba on drug policy. I do not think Gen. Barry McCaffrey is somehow weak when it comes to communism or drug issues. He has been as tough a drug czar as this country has had. Those are his views. In fact, he encouraged the idea that there be greater cooperation. We can never get that if one listens to the debate. It might make a difference.

Despite assertions by Castro's opponents in the United States that the Cuban Government and Castro personally are involved in the drug trade, the UN International Drug Control Program, the U.S. Drug Enforcement Administration, and Gen. Barry McCaffrey's office reject the claim. ''There is no evidence of Cuban government 'complicity with drug crime.'" That is a quotation from Gen. Barry McCaffrey.

The allegations about that are ludicrous. If one wants to be against the commission, be against the commission but do not raise issues that have nothing to do with the establishment of a commission which may help sort this out and avoid the very partisan bickering this issue has provoked over the years.

I have spoken longer than intended. My colleague is here, and I yield 5 minutes to him.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I rise to support the amendment offered by Senator DODD from Connecticut. Fidel Castro has no supporters in the Senate. I deplore the miserable human rights record of the Government of Cuba and the lack of freedom that is accorded the folks who live in Cuba. I deplore the conditions that have persuaded and forced so many people to leave Cuba. So there is no support for the Castro regime in the Senate. That is not the issue.

The issue is an amendment that is a small step in the right direction to create a commission that will evaluate a series of things with respect to this country's policy about Cuba.

The commission will look for the development of a national consensus. I say to my colleague from Connecticut, I frankly think a consensus pretty much exists, not necessarily in this Chamber, but most of the American people believe that after 40 years of an embargo against the country of Cuba—40 years of an embargo that has not accomplished anything in terms of dislodging the Communist government in Cuba—the embargo has failed, and that there might be an alternative that can be used to find a way to bring freedom to that island.

Pope John Paul had some comments about these issues. I have been talking on the floor about the issue of continuing sanctions with respect to the shipment of food and medicine to Cuba. Just food and medicine, and that runs into great controversy.

This is what Pope John Paul had to say:

> Sanctions . . . ''strike the population indiscriminately, making it ever more difficult for the weakest to enjoy the bare essentials of decent living—things such as food, health, and education.''

Everyone in this Chamber knows in their hearts that when we take aim at a dictator, we hit poor people, we hit sick people, and we hit hungry people. That is the absurdity of having food and medicine as part of the sanctions.

Today in the Washington Times—and other newspapers—it says: ''White House ends embargo on trade with North Korea.'' We have decided we are going to trade with North Korea and not have an embargo or sanctions with respect to North Korea. We have debated in this Chamber permanent normal trade relations with China. China is a Communist country. North Korea is a Communist country. Cuba is a Communist country. Yet we have those who say we must maintain the embargo with respect to Cuba.

That is not what this amendment is about. This amendment is about a very modest step in the right direction to study a series of options with respect to policies this country has on the subject of Cuba.

I have been to Cuba. I have talked to dissidents in Cuba. Frankly, you will run into dissidents, the harshest critics of the Cuban Government, who will say: Fidel Castro uses current U.S. policy as an excuse for the collapse of the Cuban economy. If you say to Fidel Castro: Look around you, this economy has collapsed—he says: Yes, yes, of course it has collapsed. The American fist around the neck of the Cuban economy for 40 years, of course, is what caused that collapse.

Current policy with respect to Cuba is the most convenient excuse Fidel Castro has for a collapsed economy and for a government that does not work. He continues to use it year after year. I happen to think, as some dissidents do, that a much different strategy with respect to Cuba would probably very quickly hasten the exit of Fidel Castro from the scene.

I want to add another point. While we are, as a country, beginning to think more clearly about this subject of whether or not we should continue sanctions on the shipment of food and medicine—and we will remove those sanctions with respect to North Korea and many other countries—we have people rigidly insisting: No, we must maintain all of these sanctions with respect to Cuba. I ask them—aside from just the immorality of that policy, and I think it is basically immoral to use food as a weapon—I ask them to address family farmers.

I ask unanimous consent for 1 additional minute.

Mr. DODD. I yield 1 additional minute.

Mr. DORGAN. Mr. President, I ask them to address, for example, farmers in America, and explain to them why the Canadian farmers will sell to Cuba, why the European farmers will sell to Cuba, why the Venezuelan farmers will sell to Cuba, but American farmers who see their prices collapse are told: No, these markets, including Cuba, are off limits to you; we have sanctions. We want to penalize those governments, and included in those penalties is a desire to say we will not allow food and medicine to move to those countries.

I hasten to say I have no difficulty at all and fully support the proposition that our country should impose economic sanctions on countries that behave outside the international norm, but those sanctions should never, in my judgment, include food and medicine. That is, in my judgment, an immoral policy. The proposition offered by the Senator from Connecticut today is just the first modest step in beginning a national discussion about whether 40 years of failure with the current embargo ought to be continued, or whether there ought to be some new evaluation of new strategies dealing with Cuba. It is very simple.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DORGAN. I hope my colleagues will support this modest and simple amendment.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I am pleased to yield 6 minutes to the distinguished chairman of the Foreign Relations Committee, Senator HELMS.

The PRESIDING OFFICER. Senator HELMS is recognized.

Mr. HELMS. Mr. President, I ask unanimous consent that it be in order for me to deliver my remarks seated.

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

Mr. HELMS. Mr. President, as I look around the Chamber, I see nobody except myself who is old enough to remember a Prime Minister of Great Britain who went over to Munich, before the United States entered World War II, sat with Adolph Hitler and made a deal with him. He came back and he told the British people: We can have peace in our time. I trust this man.

Castro's own daughter has publicly condemned him over and over for the atrocities he has committed against the Cuban people. He is a bloodthirsty tyrant; and it is well known that he is. That is why I support the motion to table the amendment offered by my friend, CHRIS DODD, who is a member of the Foreign Relations Committee. We work together amiably and effectively, I think. I do so for several practical reasons—including the one I have just stated—that I hope Senators will bear in mind as they consider Senator DODD's proposal.

First, the proposal is to create a national commission on Cuba. I would remind the Senators here, and those who may be watching by television in their offices, that such a panel already exists. It is called the Senate Foreign Relations Committee, consisting of 18 Senators, all duly elected representatives of the American people. There is a similar committee over in the House of Representatives.

The Senate committee has been quite active on Cuba, as my friend, Senator DODD, will testify. In this session alone, we have held hearings on Castro's repression of the Cuban people. We adopted a resolution supporting a United Nations resolution on Cuba and even approved language that would modify the U.S. embargo on Cuba. I do not support the latter proposal—which was the Ashcroft amendment—but it was reported out of committee as part of a broader foreign affairs bill. In short, we have a committee on Cuba consisting of elected representatives of the American people. I think it works just fine, thank you.

Secondly, what on Earth has Fidel Castro done to earn the forbearance of the United States? Does every cruel dictator in the world deserve a commission to study how U.S. foreign policy has done him wrong? Why not a national commission on Iraq or Libya or North Korea or China?

The problem is not that U.S. policy toward Cuba has not changed. The tragedy for 11 million Cubans is that Fidel Castro has not changed.

U.S. policy toward Cuba is based on sound, clear principles. Our economic and political relations will change when Cuba's regime frees all prisoners of conscience, legalizes political activity, permits free expression, and commits to democratic elections.

But that bar is too high for Fidel Castro. That is his problem. It is not our problem. But making unilateral concessions to a dictatorship on its last legs is the worst sort of appeasement. Neville Chamberlain would be proud of this proposition.

Third, why single out Cuba? Is there any Senator who does not expect the

next President of the United States to review our entire foreign policy across the board? A lot of Americans are counting the days when the United States has someone in the White House who will turn around our foreign policy for the better. That brings me to my fourth and final point.

It will be the prerogative of the next President of the United States to review U.S. foreign policy across the board and to formulate his own policies in close consultation with a new Congress. The next administration should not be saddled with the recommendations of a lameduck ''Clinton Commission'' on Cuba.

For these reasons, I hope Senators will vote to table the amendment of my friend, CHRIS DODD.

Mr. President, I yield the floor.

Mr. SMITH of New Hampshire. Mr. President, I yield 10 minutes to the distinguished Senator from Florida, Mr. GRAHAM.

The PRESIDING OFFICER. Senator GRAHAM from Florida is recognized for 10 minutes.

Mr. GRAHAM. Mr. President, 7 months and 75 minutes from today we will not be in this Senate Chamber. We will be standing, probably on the west-facing flank of the Capitol, hearing the next President of the United States being inaugurated into office.

What is the significance of that statement of fact and place to the debate we are having today?

The significance is that the issue before us today is not, What should be U.S. policy towards Cuba? The amendment that is before us proposes to establish a commission to try to answer the question, What should be U.S. policy towards Cuba?

In a few days, we are going to be debating a proposition to change the embargo as it relates to Cuba. But the question before us today on the issue of establishing this commission is, Who should have primary responsibility for establishing U.S. foreign policy and, specifically, foreign policy towards Cuba?

My answer to that question, of course, is, the people of the United States. The way in which the people of the United States will participate is not through an elite commission appointed by an administration in its last 7 months but, rather, through the electoral process which is going to take place in November of this year.

We are in the midst of a robust Presidential campaign in which many issues of domestic and foreign importance to the United States are being debated before the American people. Frankly, I think this has been one of the most constructive Presidential campaigns in recent years thus far. I hope it continues in that path from now to election day in November.

One of the issues which will certainly be debated during this Presidential campaign will be the issue of the United States relationship to Cuba. The American people will have an opportunity to participate, to understand, to add their opinions to this debate. Then they will decide. They will decide by the election of the next President of the United States of America.

Under our Constitution, the President has the primary responsibility for foreign policy. Why in the world would we today, on the day exactly 7 months before the next President will take the oath of office, support a proposition that would establish a commission dominated by members of the current President's administration, which would have the intention of shackling the range of options of the President that will be elected by the American people in November, thus frustrating the ability of the American people to influence what our policy should be relative to Cuba?

There are a lot of things that we can say about Cuba.

Clearly, Cuba is an authoritarian regime. Examples of that have already been cited. Cuba, within the last few weeks, has been cited again by the United Nations for its denial of human rights.

Cuba, within the last few days, has been again identified by Amnesty International as one of the egregious human rights violators.

Cuba has again been placed on the terrorist list of states, those states which support and harbor terrorist activities.

All of those issues are matters of public knowledge and record. All of those, I am certain, will be further debated at the appropriate time, when we commence the consideration of whether it is in U.S. national policy interests to loosen the embargo on Cuba.

But today the issue is not whether Cuba is an authoritarian state, a well-established principle but, rather, the question of whether we should lift from the hands of the American people and place into an appointed commission the primary responsibility for direction on our Cuba policy.

There is a ''common sense'' in these debates about Cuba, that the United States and Cuba are the only two nations in the world, that they are locked in a singular bilateral relationship.

The fact is, many countries in the world have various forms of relations with Cuba. Many of them have the type of relationship which I believe the advocates of this commission would like to see achieved for the United States; that is, open, political, and economic recognition and relationship. While the approaches to Cuba have been different among the countries of the world, the result of those approaches has been consistently the same.

What is the result of that policy, whether it is ours or the Canadians or the Spanish or a series of countries in Latin America? The result of that policy has been a continuation of 40 years of one of the most egregious violators of human rights, deniers of even the most basic principles of democracy, and a Communist economic system which has driven what had been one of the most affluent countries in Latin America into one of the most desperate countries in Latin America.

The idea that by the United States changing our policy, we are automatically going to have the effect of changing the policy of Fidel Castro in Cuba defies 40 years of other countries' efforts through an open, normal relationship with Cuba to achieve that result. I believe these are serious issues. They are issues which deserve to be decided by the American people through the electoral process.

The distinguished list of Americans cited by the proponent of this commission to establish such a commission signed their letter on September 30, 1998, almost 2 years ago. I wonder if these same distinguished citizens would be advocating this commission on the very eve of a Presidential election which will select a new President, whether they would advocate that in June of 2000 we should be removing from the hands of the American people and placing in the hands of this commission the primary responsibility to examine American policy towards Cuba; and, further, whether we should be establishing a commission which has such a narrow and quite obviously tilted orientation as to what the results would be.

If we look at what is required of the commission to evaluate, it is issues which are largely selected to determine in advance what the recommendations will be. For instance, missing from this list is what is one of the most fundamental questions of American policy towards Cuba; that is, what should we be doing now in order to influence the kind of environment that will exist in Cuba when the opportunity for real change is available. Will we have a Cuba that will make a change like Czechoslovakia, a velvet revolution from communism to democracy, or will we have a Romania, where thousands of people are killed, violence which scars the country even today.

The fact that some of these fundamental questions are left off the list of what should be the focus of American policy towards Cuba leaves me to believe that the purpose of this commission is to certify a foregone conclusion rather than do what the American people are going to do in the weeks between now and November, and that is have a thoughtful consideration of what are our real issues and interests in Cuba and how should we go about selecting a President who will carry out those real interests.

We are going to have an opportunity for a full and open debate. Some of that debate will occur soon and on this floor. Much of it will occur in the living rooms of the American people. We should allow the American people to decide this issue. In 7 months, we will be listening to a President inaugurated who, hopefully, in that inaugural speech, will make some comments

about his feeling as to what the American people desire relative to our policy towards Cuba.

I urge that we vote for the motion to table this misguided and mistimed proposition of a lame duck commission on Cuba at this time and that we let the American people and the next President of the United States provide the leadership on this important foreign policy issue.

Mr. SMITH of New Hampshire. Mr. President, I yield 10 minutes to the distinguished Senator from New Jersey, Mr. TORRICELLI.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 10 minutes.

Mr. TORRICELLI. I thank the Senator from New Hampshire for yielding the time.

If this argument seems familiar to my colleagues, it is because it is. We have had this debate three times in as many years, always to the same bipartisan conclusion.

I approach it today from several perspectives; first, from the institutions. Is what we are proposing and arguing to the American people really fair? The American farmer is being told in the midst of an agricultural crisis that if only you could sell some crops to Cuba, your problems would be relieved—11 million people in the Caribbean who earn $10 a month. Rather than coming to this floor honestly and dealing with agricultural crises and agricultural policies which have left farmers in my State and most States in genuine trouble, instead we hold up this false promise.

The truth is, Cuba can buy agricultural products from every other nation in the world today. From Australia, Canada, Argentina, they can buy corn and they can buy wheat. They do not. Yet the false promise is held on this floor that somehow, magically, they would buy those products from us. If they don't buy them from Canada, for the same reason they will not buy them from the Dakotas or Nebraska or Iowa—Cuba has no money. The average Cuban earns $10 per month. The Nation is bankrupt. Yet somehow Castro, in the last totalitarian state in the Americas, the most repressive dictator of human rights possibly in the world, is being seen somehow as victimized and the United States is the aggressor.

This argument has been made so many times but never seems to register with my colleagues. Let me say it again: Since 1992, the United States has issued 158 licenses for medicine—virtually every license request filed. We have given $3 billion worth of humanitarian assistance to Cuba. There is no relationship between two peoples on Earth where one nation has given more food and medicine to another than the United States to Cuba. We have given more food and medicine to Cuba than we have given to our closest ally of Israel or other nations struggling in Latin America. We have given food and medicine.

Say what you will about the policy, but be fair to the United States of America. We are a generous people. This policy has a moral foundation. No Cuban is suffering because of the U.S. Government. They are suffering because of Fidel Castro and failed Marxism. We have said it every year, and every year we return to the same point. It is not right and it is not fair to the United States.

Then we hear the argument that this has failed for 40 years, how could we go on? This policy was instituted by Bill Clinton in 1993 on a bipartisan vote with the leadership of a Republican Congress and a Democratic administration. Until then, there essentially was no embargo. You can say 40 years as long as you want; it does not make it true.

Until 1993, corporations were trading through Europe. Every American corporation was able to trade with Cuba through European affiliates. Until 1990, the Soviet Union was putting $5 billion worth of aid into Cuba. There was no embargo. Is 7 years too long to take a stand for the freedom of the Cuban people? We waited 50 years with North Korea.

We fought apartheid with an embargo for 30 years—the international community. With Iraq, we have waited 12 years. We can't give 7 years to try to bring some hope to the Cuban people in this moment of extraordinary despair?

Why do you choose this moment? Why now? The Clinton administration has but 7 months left in office. A new President, with a mandate of the American people, will want his own foreign policy, be it GORE or Bush. Yet you would saddle this new administration with a commission not of its choosing, with a policy not of its directive for 4 years that do not belong to Bill Clinton?

What message is this to Fidel Castro? It is not as if things in Cuba have gotten better. If, indeed, my colleagues were coming to this floor and saying, you know, Senator, there has been an election, there is now an opposition threat, and the Cubans are now acting responsibly, they are finally recognizing the rights of our people and we must respond—in fairness to my colleagues, they don't even make that argument. Things are not getting better. Indeed, things are not even the same.

Human rights organizations have classified last year as the worst year in a decade for human rights in Cuba. This is the reality to which you respond. The U.N. Commission on Human Rights in Geneva voted to condemn Cuba several months ago, accusing it of ''continuing violations of human rights, fundamental freedoms, such as freedom of expression, association, and assembly.'' The U.S. State Department, a few months ago, called Cuba a totalitarian state that ''maintains a pervasive system of vigilance through undercover agents, informers, and rapid response brigades in neighborhood communities to root out any and all dissent.''

Since last November, Cuban police have detained 304 dissidents, restricted the movements of another 201, and have been holding 22 more for possible trials.

The Cuban statutes were changed last year to make it a felony to communicate with the U.S. Government, against the law to communicate with American Government agencies, or to be interviewed by the American media. This is the reality to which you are responding. I do not say it lightly, but it is a reward for deteriorating circumstances in Cuba.

Several years ago, in 1994, 72 men, women, and children attempted to leave Havana Harbor for Miami in a tugboat. They were intercepted. The Cuban police restricted their movements. They began to fire water hoses on the boat. Women held up 20 babies to show the police that they had infants on board, with a belief that this would stop the water hoses. Instead, the pressure increased. That day, 72 men, women, and infants went to the bottom of Havana Harbor. Several days later, the relatives asked permission to retrieve their bodies. They didn't get it that day; they haven't gotten it since. Those babies are at the bottom of Havana Harbor. This is Fidel Castro's Cuba. This is what you are responding to—a deteriorating, despicable situation.

There will come a change in American policy to Cuba. It is in the law. The burden is on Fidel Castro. It is the fault of his policies, not our own. Hold an election, allow a free press, allow free expression, release political prisoners, and everything is possible. You may disagree with that policy, but it is the law. It is bipartisan. But at least until you do, be fair to this country. We have not abused Cuba. Fidel Castro has abused Cuba.

Mr. DODD. Mr. President, how much time remains on either side?

The PRESIDING OFFICER. The Senator from Connecticut has 26 minutes. The Senator from New Hampshire has 11 minutes.

Mr. DODD. I yield 10 minutes to my colleague from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I am a very strong supporter of the amendment offered by my colleague from Connecticut. Very simply, it is a no-brainer. It is a bipartisan commission to look at our policy, which is supported by good Republicans—Howard Baker and Jack Danforth, former Senators of this body. It is not directed at agriculture, it is not directed at other points raised on this floor; it is just a bipartisan commission to reassess our policy with Cuba. Nothing could be more simple, direct, and appropriate than that.

I also want to speak about Cuba with respect to trade. We have targeted Fidel Castro for four decades. For the last 40 years, believe it or not, we have maintained a special category in our

trade and foreign policy with Cuba—a one-country category: Cuba. We have special legislation for trade with Cuba. We have special rules for travel to Cuba. We have a special system for claims on Cuba.

Why does Cuba get so much of our attention? When the United States began targeting Fidel Castro, we had very serious national security concerns. Castro was openly hostile to us. He was a Soviet client and just 90 miles away from us. Thanks to Soviet aid, he had military and economic muscle to make him someone to take seriously. Castro worked against the United States throughout the sixties, seventies, and eighties. Bankrolled by the Soviet Union, he exported revolution throughout the Western Hemisphere. He sent troops to support revolutionaries as far away as Africa. Castro backed international terrorists who targeted Americans. He was a clear adversary.

What is the situation today? Does Castro still favor revolution? I am sure he does. Does he still oppose American interests? Absolutely. But does he still have military and economic muscle to threaten our national security? The answer, obviously, is no.

The Soviet Union is now in the dustbin of history. Their demise cut off Castro's lifeline. Today, his economy is in shambles. With 11 million educated, dynamic people, Cuba produces only $22 billion a year. It only exports about $1.4 billion worth of goods. The Cuban economy remains stuck in the 1960s in terms of trade and technology.

Sugar is still the country's top export earner. Cuban farmers are forced to sell over half the country's agriculture output to the Government at below-market prices. Since Castro can no longer trade sugar for Soviet oil, his people suffer tremendously, for example, from rolling power blackouts. Since he defaulted on foreign debt payments in the 1980s, Cuba pays double-digit interest rates on short-term loans to finance sugar trade.

With this country in desperate financial shape, Castro is in no position to export revolution—none whatsoever. According to the Pentagon, Castro presents no real threat to our national security.

Times have changed. Forty years ago, Castro was a clear danger. Today, he is not a present danger. Has our policy toward Cuba changed? Not really. Cuba still occupies a unique position in American policy.

I believe it is time for the United States to have a normal relationship with Cuba, especially a normal trade relationship. I have cosponsored legislation which we passed here by an overwhelming margin last year to lift unilateral sanctions on food and medicine.

I believe we should go beyond this. We should repeal the laws that make Cuba a specific target. That includes the anti-Cuba laws we passed in 1992 and 1996, as well as other laws developed over the past 40 years. We should end our embargo of Cuba and eliminate the trade sanctions.

Last month, I introduced bipartisan legislation to end the Cuba trade embargo, the Trade Normalization With Cuba Act of 2000. Senator DODD, who is the main author of today's amendment, is one of the cosponsors of my bill to eliminate this special category we have created just for Cuba.

For the past 10 years, I have worked to normalize U.S. trade with China. I am working to end the Cuban embargo for many of the same reasons—first, and most importantly, to benefit the United States. Eliminating the embargo will provide economic opportunities for American workers, American farmers, and businesses.

Last week, a study was released on the impact of lifting the embargo on food and medicine—not the whole embargo, only on food and medicine. It concluded that American farmers and workers could sell $400 million in just agricultural products. The U.S. Department of Agriculture estimated a potential Cuban market of $1 billion.

The second reason to lift the embargo is to encourage the development of a Cuban private sector. Since he can no longer rely on Soviet subsidies, Castro has taken steps to allow for limited development of private business, mostly in service professions. Private business leads to a middle class which demands accountability of its government and a greater say in how things are decided.

The third reason to end the embargo is to increase our contacts. Normal relations allow us to bring our social and ethical values. That has an impact over the years.

Mr. President, we have in place a policy that has not worked for forty years. It was a different world in 1960. Ending the Cuba embargo is long overdue.

Mr. LEAHY. Mr. President, I have often expressed my opposition to our anachronistic and self-defeating policy toward Cuba, so I will be very brief. I strongly support this amendment and congratulate the senior Senator from Connecticut, Senator DODD, who has been the leader on this issue for quite some time.

It is profoundly ironic that the United States is about to lift sanctions against North Korea, where we have 37,000 American troops poised to go to war on a moment's notice, and yet we continue to impose an economic blockade against a tiny island that poses no security threat to the United States.

If the Elian Gonzalez fiasco has taught us anything, it is that Cubans and Americans are far more alike than different, and that the views of the Cuban-American community in Miami are both outdated and at odds with the overwhelming majority of Americans. Of course we abhor the repressive policies of Fidel Castro, but the issue is how best to prepare for the day when he is no longer ruling Cuba. That day is approaching, and the longer we wait to use the intervening period to build closer relations with that island nation, the worse it will be.

This amendment is extremely modest. As Senator DODD has said, it would normally be adopted on a voice vote. It should be. What is wrong with a commission, representing a wide range of views, to review a policy that has, by any objective standard, failed miserably? It is long overdue.

So Mr. President, I wholeheartedly support this amendment. When I visited Cuba a year ago the Cuban officials I met with repeatedly blamed the U.S. embargo for all that is wrong in Cuba. I could not disagree more. A great deal of the misery that the Cuban people suffer is caused by the absurd and oppressive policies of their own government. But the embargo is not blameless, and it is a convenient excuse.

We should eliminate that excuse. We should seek to promote democracy and better relations with Cuba through the power of our ideas and our economy, just as we are about to do with North Korea, and just as we are doing with China, Vietnam, and other countries with which we have profound disagreements. This amendment will set the stage for a new day in our relations with Cuba, and I urge other Senators to support it.

Mr. SMITH of New Hampshire. I yield 5 minutes to the Senator from Arizona, Mr. MCCAIN.

Mr. MCCAIN. I thank my colleague from New Hampshire.

I rise in opposition to the Dodd-Warner amendment. Let's make no mistake about this amendment. It is intended to presage a lifting of United States sanctions on Cuba. I do not believe the United States should change its policy toward Cuba. I believe Cuba should change its policy toward the United States of America.

I supported normalization of relations between the United States of America and Vietnam. That was based on a roadmap where, in return for certain specific actions taken by Vietnam, the United States would take actions in return. That took place. The Vietnamese troops left Cambodia. Reeducation camps were emptied. There was an increase in human rights and improvements made in a variety of ways which led to eventual normalization.

I don't expect Cuba to become a functioning democracy. It was a totalitarian, repressive government 30 years ago; it is a repressive, totalitarian government today. The latest example is two doctors who have been detained in Zimbabwe who wanted freedom, who are still not free, who are being brought back to Cuba for, obviously, horrific treatment because of their desire to no longer be associated with Castro's regime.

On July 23, 1999, Human Rights Watch issued a highly critical report on the human rights situation in Cuba. The report describes how Cuba has developed a highly effective machinery of repression and has used this to restrict severely the exercise of fundamental human rights, of expression, association, and assembly. According to the report: In recent years, Cuba has added

new repressive laws and continued prosecuting nonviolent dissidents while shrugging off international appeals to reform and placating visiting dignitaries with occasional releases of political prisoners.

I urge every Senator to read Human Rights' reports on Cuba before we take steps to improve relations.

This is the same regime that sent its troops to Africa to further the cause of communism there. This is the same regime that continues to repress and oppress its people.

Not too long ago, Mr. Castro decided to allow people to operate a restaurant within their own homes. Somehow that became a threat to the state, and Mr. Castro shut down even that rudimentary form of a free enterprise system.

It is not an accident that the automobile of choice in Cuba today is a 1956 Chevrolet.

It is deplorable that Mr. Castro and his government should encourage young women to engage in prostitution in order to gain hard currency for their regime.

The latest manifestation is the detainment of two decent men who are doctors who wanted freedom.

There is no freedom in Cuba.

The day that Castro decides to allow progress in human rights, in the free enterprise system, in the exercise of the basic rights of men and women that we try to guarantee to all men and women throughout the world, is the day I take the floor and ask that we consider a roadmap or certain incentives for Mr. Castro to become anything but the international pariah that he and his regime deservedly are branded as today.

I thank the Senator from New Hampshire. Again, I am more than willing to lay out a roadmap for Mr. Castro to follow, but there has not been one single indication that Mr. Castro is prepared to even grant the most fundamental and basic rights to the citizens of his country, which is the reason they continue to attempt to flee his regime at every opportunity.

I yield the floor.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Connecticut.

Mr. DODD. This amendment is about the establishment of a commission on U.S. Cuban policy. This commission was recommended by Howard Baker, Frank Carlucci, Henry Kissinger, George Shultz, Malcolm Wallop, and William Rogers. This is not lifting sanctions. This is not taking a position where we have endorsed free travel or somehow sanctioned what the Castro government is doing. It is a commission. It is a commission to analyze U.S. policy. That is all it is.

It is pathetic to hear the opposition discussing the issue. Have we reached a point where we can't even discuss United States policy with regard to Cuba? If we had followed that policy, Nixon never would have gone to China. We never would have established a roadmap of Vietnam. President Bush and President Carter wouldn't have been able to do anything in the Middle East. Ronald Reagan wouldn't have met with Gorbachev and Yeltsin. There is a long list. You can't even sit down and talk about this issue.

I find it stunning, at the beginning of the 21st century, that we are so obsessed with this one individual that we are willing to squander building a relationship in a post-Castro period with 11 million people of Cuba. That is stunning to me.

We have listened to Members of Congress. I argue the leading dissident in Cuba, who has done time in jail, has suffered, his family suffers; all of the things my colleague has talked about, this individual has suffered. Don't listen to me; listen to him. Listen to his words, inside Cuba, not living in the luxury of democracy and freedom here but living inside Cuba.

I read the letter, as follows:

DEAR FRIEND, I am writing to you and to other U.S. lawmakers to assure you that the great majority of dissident groups and leaders in Cuba do not support the unilateral economic sanctions imposed by the government of the United States against the Cuban government. This position is clearly reflected in the last paragraph of the ''We Are All United'' (''Todos Unidos'') proclamation approved last November 12th in Havana and signed by more than fifty dissident groups.

My friends and I recognize the moral and political support of many U.S. lawmakers for efforts to change Washington's policy towards Cuba that will end the current situation that harms the basis for free trade and coexistence between sovereign nations.

It is unfortunate that the government of Cuba still clings to an outdated and inefficient model that I believe is the fundamental cause for the great difficulties that the Cuban people suffer, but it is obvious that the current Cold War climate between our governments and the unilateral sanctions will continue to fuel the fire of totalitarianism in my country.

Moving forward towards fully normalized relations requires mutual respect between our two nations. Such as path will inevitably lead us to develop mutually beneficial relations that will assist the Cuban people in reconstructing our country while we preserve our independence, sovereignty and identity.

On behalf of the best interests of our people I invite you to support new proposals to end a conflict that has lasted more than forty years.

Sincerely,

ELIZARDO SANCHEZ SANTA CRUZ,
Presidente, Comision Cubana de Derechos Humanos y Reconciliacion Nacional.

Mr. President, again let me read a letter, if I may, signed by our colleagues a year and a half ago.

We the undersigned, recommend that you authorize the establishment of a National Bipartisan Commission to review our current U.S.-Cuba policy. This commission would follow the precedent and work program of the National Bipartisan Commission on Central America (the ''Kissinger Commission''), established by President Reagan in 1983, which made such a positive contribution to our foreign policy in that troubled region 15 years ago.

The letter goes on about all the reasons such a commission would make sense and how it should be formed.

More and more Americans from all sectors of our nation are becoming concerned about the far-reaching effects of our present U.S.-Cuba policy on United States interests and the Cuban people. Your establishment of this National Bipartisan Commission would demonstrate leadership and responsiveness to the American people.

Signed in this and a subsequent letter by the following Members: John WARNER, ROD GRAMS, CHUCK HAGEL, JIM JEFFORDS, MIKE ENZI, John Chafee, GORDON SMITH, CRAIG THOMAS, ROBERT KERREY, Dale Bumpers, RICK SANTORUM, myself, Dirk Kempthorne, PAT ROBERTS, KIT BOND, RICHARD LUGAR, PAT LEAHY, PAT MOYNIHAN, ARLEN SPECTER, JACK REED, THAD COCHRAN, PATTY MURRAY, PETE DOMENICI, and BARBARA BOXER.

That is about as bipartisan as it gets. That is a year and a half ago, with a significant number of our colleagues saying a commission makes some sense, to try to formulate a policy that would allow us at least to begin to analyze how our policy might improve in the coming years.

Those letters have already been printed in the RECORD earlier today.

Mr. President, last:

DEAR SENATOR WARNER, as Americans who have been engaged in the conduct of foreign relations in various positions over the past three decades, we believe that it is timely to conduct a review of the United States policy towards Cuba. We therefore encourage you and your colleagues to support the establishment of a National Bipartisan Commission on Cuba.

Signed by Howard Baker, former majority leader, U.S. Senate; Frank Carlucci, former Secretary of Defense under Republican administrations; Henry Kissinger, former Secretary of State; William Rogers, former Under Secretary of State in a Republican administration; Harry Shalaudeman, former Assistant Secretary of State under Republican administrations; and Malcolm Wallop, former conservative Republican Member of this body; Larry Eagleburger, former Secretary of State under President Bush.

Calling people Neville Chamberlain, citing all the horrors that go on that we know about in repressive governments—does anybody think these people, our colleagues here who signed these letters, former administration officials, myself, or others—somehow this is un-American for us to at least sit down in a cooler environment, to analyze how we might establish a better relationship with the nation of Cuba?

I really find it incredible. It is worrisome to me. It is worrisome to me that our own self-interest, the U.S. interest, could be so dominated by a relatively small group of people in this country who are able to provoke this kind of opposition to the simple idea of a commission that has been endorsed by leading Republican foreign policy experts as well as Democrats and Republicans in this Chamber across the board, representing the entire ideological spectrum.

What are we afraid of about a commission to look at these issues? That automatically it means we are going to be bound and shackled? What better timing than to have one right now, so we can absolutely provide some guidance? That is all it is. The new administration coming in sometime next spring, do they believe commission recommendations would bind them to some action? Have previous commissions bound other administrations? Cite one for me. Cite one, where a commission has bound this Congress to take action. There is not a single example of it. But this issue has become so inflamed here, you cannot even talk about a commission.

This amendment does not say lift the embargo on food and medicine. I support that. But that is not what this says. This amendment does not say you ought to travel freely to Cuba or any other country around the globe for that matter, although I support it. I don't like my Government telling me where I can't go. Let the Cuban Government tell me I can't come in, but don't have my Government tell me where I can't travel. In fact, it is about the only place in the world where our Government says that. We travel to all the other nations around the globe that harbor terrorists who are on the lists. The answer here is no.

No, this amendment merely says we ought to step back and take a cooler look at what our policy ought to be in the 21st century before we go much further and end up with a train wreck in Cuba, where we find people pouring to our shores, civil conflict persisting, and innocent and decent people in that country losing their lives.

Let me conclude on this point. I said earlier I have great respect for the exile community. I have great respect for what they have been through and what their families have been through. I have great respect for the people inside Cuba. I have been there. I have spent time with them. I have talked to people.

We owe it to them, we owe it to decent, good people who are not caught up in the foreign policies—I don't know how many of my colleagues saw the photograph yesterday of a mother and daughter embracing in Cuba. They would not give out their names because they went there illegally, because our Government prohibited that daughter from going to visit her mother 90 miles off our shore. A mother and daughter can travel to China, to Vietnam, Iran, Libya, almost anywhere else in the world, and we do not have a law prohibiting it. But that daughter could not visit her mother in Cuba unless she went illegally. I think we ought to review that policy. I don't think that makes me a radical or a revolutionary.

When we prohibit families from even spending time with each other, 90 miles off our shore, something is wrong. Something is wrong. The estimates are that thousands of Americans every year violate the laws of the United States by traveling to Cuba to see their family members. We ought not make their actions illegal. This amendment does not even address that issue. It just says let's look at the entire policy. That is all it does.

I suspect this amendment is going to lose. It is going to be tabled. I am saddened by that. I think it is a step backwards. As I said earlier, had we followed a similar policy with China and Vietnam and Korea, we would not have the kind of improvements we have seen today all across the globe. But because courageous and bold people did not let the past so cripple them they could not begin to deal with the future, there are prospects for peace on Northern Ireland and the Middle East today. There are even prospects for peace in the peninsula of Korea, even moving to improve substantially conditions in Vietnam and China. That is all because there were courageous, bold leaders. There were the Richard Nixons who did not listen to the voices here who said: You cannot go to China. It is an outrageous government. It does not deserve the presence of an American President.

It was a pretty compelling argument. But that President said: No, I think we ought to try something new. At least try—try. Because he tried, there is hope today for a billion more people—more than a billion people in the PRC.

Because we had some courageous people who said let's at least try to break new ground in Vietnam, we have a roadmap. I cannot even sit down to determine whether or not we can have a roadmap if this amendment is defeated, when it comes to Cuba.

George Miller, Albert Reynolds, Tony Blair—Prime Minister, Gerry Adams, David Trimble—these people are told by their constituents: Don't you dare sit down with those Catholics. Don't you dare sit down with those Protestants. Don't you dare go to Belfast.

They said: I am going to go anyway, and I am going to try. I am going to try to make a difference because I am not going to live in the past. I am not going to live back then and just recite the litany of every wrong. I am going to try to make a better future for my children.

And they went. Today the facts are things are improving and there is a chance for peace. There is a chance. With North Korea, it is the same thing; the Middle East, it is the same thing. It has failed. It has failed again, but people keep trying. All I am saying is let's try. Let's just try. Let's sit back ourselves and see if we can try and do something different. Don't the 11 million people on that island country who care about that issue deserve that much? Isn't it in the national interest?

It is telling that there are people here who are so fixated and obsessed with Fidel Castro that they even want to deny a father and son being together. They are so fixated they would say a father and son should not be allowed to be together. There are those of us who made the point there are good parents in bad countries, just as there are bad parents in good countries and fathers and sons, mothers and daughters, fathers and daughters, and mothers and sons ought to be together.

I never thought asking for a bipartisan commission would demand courage saying to people who may be supporters and backers: I disagree with you on this one because we are going to try.

I regret it is on this bill. I do not have any other choice. If I do not offer it here, I cannot offer it. It is not like there are other vehicles available to me. My colleagues know the other bills are appropriations bills, and I am prohibited from offering this on an appropriations bill without getting a supermajority vote. I do not like doing it. Don't tell me not to do it here when this bill is cluttered, by the way, with nonrelevant amendments. I would not be offering it on this bill if I had some other choice. I do not. I regret that. I do not normally offer nonrelevant amendments on bills, but when I was left with no other choice, I felt I had to do it on this bill, and I thought this was the right time, a transitional period.

This is not about Clinton appointments, when the President appointed Howard Baker and John Danforth. He did not appoint partisan people. That will be the case here, in my view. It deserves an effort.

I urge my colleagues to support this. There will be a tabling motion. I am hopeful we will win. I am not all that confident because of what I have been told privately by many colleagues: They agree with this, they think I am right, but, once again, they just cannot support it at this time.

When is the right time? When is the right hour when we can at least make a difference and do something a bit courageous to at least sit back and see if we cannot come up with some better ideas. I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire has 6 minutes.

Mr. SMITH of New Hampshire. Mr. President, I yield 3 minutes to the distinguished Senator from Connecticut, Mr. LIEBERMAN.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to oppose this amendment to create a Commission on Cuba. I do so with some personal reluctance because of my deep affection and respect for my colleague from Connecticut who is the sponsor of the amendment and who I know is acting with the best of intentions. We simply have come to a different conclusion on this question.

Some might say: What can be the harm of a commission to study Cuban-American relations? I oppose the idea of a commission because I believe the current state of America's policy toward Cuba is right.

It has been sustained now over four decades. It began and has continued as

a bipartisan policy which originates from Castro's Communist takeover of that country in 1959, and his attempts to spread communism to other parts of this hemisphere and to the world.

Although I think our policy has helped prevent Castro's communism from expanding to the Americas, thanks to the strong leadership of ourselves and other countries, his regime continues to subject the Cuban people to a form of government that deprives them of their basic and inalienable human rights. He is now one of the last of less than a handful of old-style Communist leaders, and his regime's human rights record remains abysmal.

Throughout my years in the Senate, I have been a strong supporter of our policy toward Cuba, and I remain a strong supporter because I believe it is right. It is based on principle, and Castro has done nothing to justify a change in that policy. In fact, every time we give him an opportunity to show he has changed, he refuses to take that opportunity.

I quote from the State Department's most recent Annual Human Rights Report for Cuba, issued in 1999:

> Cuba is a totalitarian state controlled by President Fidel Castro. * * * The Government continued to control all significant means of production and remained the predominant employer. * * * The Government's human rights record remained poor. It continued systematically to violate the civil and political rights of its citizens. * * * The authorities routinely continued to harass, threaten, arbitrarily arrest, detain, imprison, and defame human rights advocates and members of independent professional associations, including journalists, economists, doctors, and lawyers, often with the goal of coercing them into leaving the country. * * * The Government denied citizens the freedom of speech, press, assembly, and association. * * * The Government denied political dissidents and human rights advocates due process and subjected them to unfair trials.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LIEBERMAN. Mr. President, this regime has done nothing to justify a change in our policy toward it. For that reason, I will vote against this amendment. I thank the Chair and yield the floor.

Mr. L. CHAFEE. Mr. President, although I will vote to table this amendment, I would like to make it clear to my colleagues that I support the concept of establishment of a bipartisan commission to study U.S. policy towards Cuba.

For years, an often emotional and politically charged debate on our Cuba policy has gone on here in the U.S. In such an atmosphere, it is often prudent to let a bipartisan commission take a careful look at our policy, assess how well it has worked, and make recommendations for change, if necessary. I think such a solution would be appropriate with respect to our policy towards Cuba.

However, I am not convinced that this is the proper time and place to create such a commission. Indeed, under this amendment many of the commissioners would be appointed by a lame-duck President, infringing on the ability of the new President to develop his own Cuba policy.

It has become increasingly clear that the 39-year U.S. trade embargo has not succeeded in effecting change in Cuba. Fidel Castro's regime remains in power, and the Cuban people continue to suffer under his brutal dictatorship and a floundering economy. I believe a bipartisan commission would be useful in taking a fresh look at the efficacy of our embargo. Now, however, is not the time to do this.

Mr. HOLLINGS. Mr. President, today I will vote with against tabling Senator DODD's amendment which creates a commission to evaluate United States policy with respect to Cuba. Contrary to the opinion of some in this Chamber, this amendment does not represent a seachange in our country's position toward Cuba or the Castro regime. The Castro regime remains totalitarian and profoundly anti-democratic. My contempt for Castro and his despotic rule over Cuba has not changed; I remain committed to spreading democracy to our island neighbor to the south. As Chairman of the Commerce, State, Justice Appropriations Subcommittee, I was a leading supporter of TV Marti and Radio Marti since their inception. Just last year as ranking member of this subcommittee, I fought a House attempt to ground TV Marti. I have supported spreading democratic ideas to the Cuba people during my entire career in public policy. However, much to my display and disappointment, our Cuba policy to this point has not yielded the desired results. As I look for answers that explain why this policy has failed, I believe creating a commission may provide the key to understanding. I want an expert panel to review our policy towards Cuba to search for the facts. Only then can we accurately determine what policy changes, if any, should be pursued.

Many of my colleagues will remember the revolution in Cuba and the overthrow of the Batista regime. I remember it well. I also remember the United States at the brink of nuclear war in October 1962. American U–2 planes spotted Russian ballistic missiles sites on Cuba and tested the resolve of the young American President to respond to the threat. Many Americans, including this Senator, were hardwired to despise the Cuban regime as a result of these two tumultuous events.

In the 1970s and 1980s the Cuban regime destabilized Central America with inflammatory revolutionary rhetoric and aided socialist movements in the region. Cuban revolutionaries exported their vitriol to faraway Bolivia and Angola in Africa. The national security risk posed to our shores by Castro during the Cold War was palpable and I challenge anyone who believes otherwise. The hardline policies that successive administrations put in place to counter and neutralize the Castro regime were a necessary and appropriate response to that risk.

The political landscape is very different now. Just today I read about our thawing of relations with North Korea. The Clinton administration has formally eased ''wide-ranging sanctions'' imposed on North Korea nearly 50 years ago. This is something that I did not believe would happen for many years given the security concerns on the peninsula and the heavy presence of the United States military. This action is curious to me especially given our characterization of North Korea as a ''rogue'' state. It was reported in today's Washington Post that Secretary Albright has replaced the ''rogue state'' designation with the less confrontational term—''states of concern.'' Maybe this explains our departure in policy toward North Korea. Regardless, we are engaging a country that has the capability to threaten the United States in ways that Cuba will never be able to do.

My support for Senator DODD's Cuba amendment is a vote for a comprehensive review of U.S. foreign policy toward Cuba. This amendment is not flimflam election-year politicking. To the contrary, the commission makes recommendations to the next President of the United States and not the Clinton administration. The amendment provides for a commission composed of a dozen experts from a wide range of disciplines, half to be appointed by the President and half by the Congress. The commission will be bipartisan and should include heavyweights in American foreign policy—Henry Kissinger, George Shultz, and Howard Baker, for example—to provide distinction to the policy recommendations.

This panel would also make United States policy recommendations with respect to the indemnification of losses incurred by U.S. certified claimants with confiscated property in Cuba. Should we achieve the goal of political reform in Cuba, the United States government needs to prepare itself for the resulting confusion and complex legal questions. An ounce of prevention is worth a pound of cure. The regime in Cuba has been constant for many years but nonetheless we should be ready for an abrupt internal political change in Cuba. To refuse to plan for a post-Castro Cuba, indeed the current endgame of American foreign policy towards Cuba, is myopic. We need to be prepared for developments in Cuba and this Commission is an important first step.

It has been argued that the United States is not on trial here, and that the Castro government needs a public policy review. I do not take exception to this but rather believe that the commission should look at changes for the Cuban government to adopt. As a Senator charged with making foreign policy for this country, I support this amendment because it provides our

President with a road map of how to achieve its foreign policy goals with respect to Cuba. The President can accept or refuse the recommendations, whatever they may be. It would be the President's prerogative.

Mr. MCCAIN. I rise in opposition to the Dodd amendment establishing a commission to evaluate U.S.-Cuban relations.

Ordinarily, Mr. President, I find it difficult to rationalize opposing a study of a complex issue. I do not have such difficulties, however, with regards to the amendment before us today. Make no mistake, the commission proposed in the Dodd amendment is intended to presage a lifting of U.S. sanctions on Cuba, and to do so by presenting a false dichotomy involving United States policies in other regions of the world.

For 40 years, Fidel Castro has run Cuba as a totalitarian bastion in the Western Hemisphere, his policies in Latin America and the Caribbean and on the African continent have been and continue to be implacably hostile to U.S. interests. He was driven in that direction, as some would have us believe, by U.S. opposition to the revolution that he continues to seek to foster beyond his shores. Rather, he rose to power dedicated to undermining U.S. influence abroad and has never—not once—deviated from that path. The fact that his ability to act abroad has been severely curtailed since the demise of the Soviet Union has not dampened his ardor for spreading the gospel of Marx and Lenin wherever he finds a receptive audience.

Virtually every day, we are provided reminders of the anachronistic dictatorship near our shores. Most recently, the case of two Cuban doctors who defected in Zimbabwe—a country itself in the throes of turbulence stemming from its adherence to authoritarian policies—illustrates yet again the desire of the Cuban people for the freedom that swept that country's former allies in Eastern Europe and across Latin America. A 1999 report by Human Rights Watch on Cuba described its development of ''a highly effective machinery of repression'' that it has used ''to restrict severely the exercise of fundamental human rights of expression, association, and assembly.'' The report continues, noting that, ''in recent years, Cuba has added new repressive laws and continued prosecuting nonviolent dissidents while shrugging off international appeals for reform and placating visiting dignitaries with occasional releases of political prisoners.''

Similarly, the State Department's annual report on human rights states that the

> . . . authorities routinely continued to harass, threaten, arbitrarily arrest, detain, imprison, and defame human rights advocates and members of independent professional associations, including journalists, economists, doctors, and lawyer, often with the goal of coercing them into leaving the country.

Let me emphasize, Mr. President, that Cuba is not an authoritarian regime that holds promise of transitioning to a free-market economy with gradual democratization, such as has occurred in other countries. It remains a staunch Marxist dictatorship providing no freedom whatsoever. Rare instances where minor economic freedoms were permitted were rapidly retracted when it became obvious that capitalism provided a viable and desirable alternative to state socialism.

On the security front, we should not be deceived by the straw man argument that the absence of a military threat to the United States from Cuba undermines the current U.S. policy towards that country. Few among us believe such a threat exists. What does exist, however, is a continued effort at undermining democracy in Latin America and in Africa, and in undermining the U.S. position in those regions. Cuba's continued hosting of the Russian military's main signals intelligence facility at Lourdes remains a threat to U.S. national and economic security. According to the liberal Federation of American Scientists, the strategic significance of the Lourdes facility ''has possibly grown since 07 February 1996 [pursuant to a] directive from Russian President Boris Yeltsin directing the Russian intelligence community to step up the acquisition of American and other Western economic and trade secrets.''

Additionally, the United States must remain wary of the future of the Soviet-designed nuclear reactors at Cienfuegos. Any accident at these facilities—understanding that they remain uncompleted—would directly and severely impact the eastern seaboard of the United States.

The political and security situations vis-a-vis Cuba can be summarized by quoting directly from Secretary of Defense Cohen's May 1998 letter to then-Chairman of the Armed Services Committee STROM THURMOND:

> While the assessment notes that the direct conventional threat by the Cuban military has decreased, I remain concerned about the use of Cuba as a base for intelligence activities directed against the United States, the potential threat that Cuba may pose to neighboring islands, Castro's continued dictatorship that represses the Cuban people's desire for political and economic freedom, and the potential instability that could accompany the end of his regime depending on the circumstances under which Castro departs . . . Finally, I remain concerned about Cuba's potential to develop and produce biological agents, its biotechnology infrastructure, as well as the environmental health risks posed to the United States by potential accidents at the Juragua nuclear power facility.

Mr. President, I supported the establishment of diplomatic and trade relations with Vietnam because that country met a set of carefully established criteria that brought it in our direction, and did not force the United States to move in its direction. I would fully support a similar approach to Cuba. We don't need a commission to study our relations with Cuba; what we need is to establish a road map that the Castro regime must follow in order to facilitate a lifting of the sanctions it purports to find so odious. As with Saddam Hussein and Kim Il Sung, Castro has within his power the ability to fundamentally transform his country for the better and to reintroduce it fully into the community of nations. The ball is in Castro's court. Whether he possesses the wisdom to do what is right, unfortunately, is sadly unlikely.

The PRESIDING OFFICER. The Senator from New Hampshire has 2 minutes.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that on the expiration of the 2 minutes Senator WARNER, the chairman of the Armed Services Committee, be allowed to speak for 5 minutes.

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

Mr. SMITH of New Hampshire. Mr. President, in closing, I want to respond to a few remarks that have been made. The Sun-Sentinel, in an article entitled ''Why Trade With Such A Deadbeat?'' says:

> If the U.S. trade embargo is lifted and Castro gets fresh U.S. lines of credit to buy American products that Castro can't and won't repay, it will be the American taxpayer who will then be stuck with the bottom line.

Our colleagues should be reminded of the fact we will extend credit, but we will wind up paying for it because Castro will write off the debt and will not bother taking the time and trouble to pay us back.

Also, the School of International Studies, University of Miami, points out:

> Without major internal reforms in Cuba, the Castro Government and the military, not the Cuban people, will be the main beneficiary of lifting of the embargo.

I respond to my colleague who made a point of saying Nixon went to China in 1972. Look at China today: forced abortions and some of the worst human rights violations in the history of mankind. There is still a regime in power that represses human rights worse than any regime in history.

Let's compare that to Ronald Reagan who stood up to the Soviet Union and said: This is the evil empire, and I will not back down in doing the right thing, which is to keep the pressure on them until they fade away.

The differences in history are pretty obvious. It is not that difficult to understand. Cuba was a small country when Fidel Castro took power, and now 1.5 million people have left that country. We should not be working at all to remove the embargo from that country.

The PRESIDING OFFICER. The Senator's time has expired. Under the previous order, the Senator from Virginia is recognized for 5 minutes.

Mr. WARNER. Mr. President, I ask unanimous consent that I be recognized to speak on this issue for not to exceed about 6 minutes.

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

AMENDMENT NO. 3267

Mr. WARNER. Mr. President, the situation is as follows: For close to 2 or 3 years, I have been working with my good friend, Senator DODD, on a wide range of issues relating to Cuba. Senator DODD and I have spent a great deal of time studying and, indeed, traveling in relation to this matter. It is our belief that we should, as a nation, remove those legal impediments, to allow food and medicine to go into Cuba. We embarked on the effort to legislate, to have the Senate adopt measures to allow food and medicine to go into Cuba.

I remember one of our former distinguished colleagues, Malcolm Wallop, brought into my office some American physicians who had undertaken to travel down to Cuba to see for themselves the plight of these people who have been denied up-to-date, state-of-the-art medical equipment. Cuba has good doctors, but they have not the medical equipment nor the medicine. Anyway, those efforts failed.

In the course of the Elian Gonzalez case, it became apparent to me that America—outside of Florida and elsewhere—began to wake up to the relationship between the United States and Cuba and the inability, over 40 years, to succeed in our goal to allow that nation to receive a greater degree of democracy, trade, and other relationships.

So Senator DODD and I have at the desk an amendment, the Warner-Dodd amendment, calling for the appointment of the commission. It is essentially the same as the Dodd amendment that is up now.

But as a manager of this bill and, indeed, the chairman of the Armed Services Committee, I have to decide my priorities. My priorities are that this bill is in the interest of the security of this Nation; $300-plus billion providing all types of equipment for the men and women of the Armed Forces—salary, medical care for retirees. The committee has worked on this bill for 6 months.

This issue of the commission to determine the future relationships between the United States and Cuba is not germane. I thought perhaps we could discuss it, so I offered the amendment, and it is now the pending business. But it is clear to me that this piece of legislation could become an impediment for this bill being passed.

I have no alternative but to say two things. One, I remain philosophically attuned and in support of the Warner-Dodd amendment, which is at the desk. At some point in time, I hope to rejoin the effort, with others, to try to bring about some of the objectives in the Warner-Dodd amendment. But it has to be withdrawn at this time in order for this bill to move forward and the Dodd amendment to be considered.

AMENDMENT NO. 3267, WITHDRAWN

So at this time, Mr. President, I ask unanimous consent that the Warner-Dodd amendment be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered. Amendment No. 3267 is withdrawn.

Mr. WARNER. Mr. President, I thank my colleagues for their cooperation.

I see my colleague from Florida is here. I yield the floor.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. There is a previous order.

Under the previous order, the Senator from Washington is recognized to offer an amendment.

Mr. WARNER. If I have some time under the UC agreement, I yield it to my distinguished colleague from Florida.

AMENDMENT NO. 3475

Mr. MACK. Mr. President, I merely seek recognition to move to table the Dodd amendment No. 3475, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MACK. I understand that vote will take place at 3:15 p.m. among three stacked votes, I believe.

The PRESIDING OFFICER. There are four stacked votes; that is correct.

Mr. WARNER. Mr. President, consistent with what I said earlier, I will have to support the motion to table so that this amendment is not an impediment to the passage of the bill.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that I be allowed to speak for up to 10 minutes as in morning business and that the time not be counted against the time reserved for the Senator from Washington.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, let me first thank my colleague from Washington for her courtesy in allowing me to speak for a few minutes on a very important matter that is of great significance to parts of my State and other States, as well.

(The remarks of Mr. BINGAMAN pertaining to the introduction of S. 2755 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. Under the previous order, the Senator from Washington is recognized to offer an amendment on which there will be 2 hours of debate equally divided. The Senator from Washington.

AMENDMENT NO. 3252

(Purpose: To repeal the restriction on the use of Department of Defense facilities for privately funded abortions)

Mrs. MURRAY. Mr. President, I call up my amendment at the desk, No. 3252, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for herself, Ms. SNOWE, Mrs. BOXER, Ms. MIKULSKI, Mr. SCHUMER, Mr. JEFFORDS, and Mr. DURBIN, proposes an amendment numbered 3252.

Mrs. MURRAY. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 270, between lines 16 and 17, insert the following:

SEC. 743. RESTORATION OF PREVIOUS POLICY REGARDING RESTRICTIONS ON USE OF DEPARTMENT OF DEFENSE MEDICAL FACILITIES.

Section 1093 of title 10, United States Code, is amended—

(1) by striking subsection (b); and

(2) in subsection (a), by striking ''RESTRICTION ON USE OF FUNDS—''.

Mrs. MURRAY. Mr. President, I ask unanimous consent to add as cosponsors Senators BOXER, MIKULSKI, SCHUMER, JEFFORDS and DURBIN.

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

Mrs. MURRAY. I thank the Chair.

Mr. President, today we are offering the Murray-Snowe amendment. It is an amendment which would lift restrictions on privately funded abortions at military facilities overseas.

This is the identical amendment we have offered every year since 1995, and I assure my colleagues that we will continue to offer this amendment until we restore this important health care protection for our women who are serving abroad.

It is simply outrageous that today we deny military personnel and their dependents access to safe, affordable, and legal reproductive health care services. We ask these women to serve their country and defend our Government, but we deny them basic rights that are afforded all women in this country.

I come to the floor year after year during this DOD authorization in an effort to educate my colleagues in the hope of convincing a majority of them to stand up for all military personnel. I also offer this amendment to highlight the record of those who do stand up for women and their right to a safe and legal abortion at their own cost.

To be clear, this is not about Federal funding of abortion. Many of our military personnel serve in hostile areas or in countries that do not provide safe and legal abortion services. Military personnel and their families who serve us overseas should not be forced to seek back alley abortions or abortions in facilities that do not meet the same clinical standards we expect and demand in this country. Sadly, that is exactly the case today.

Protecting all military personnel and their dependents has always been a priority of the Department of Defense, which is why the Secretary of Defense supports the amendment Senator SNOWE and I are offering today. This

amendment is also supported by the American College of Obstetricians and Gynecologists because they recognize the danger that these women face outside this country.

Some Members will undoubtedly argue that women are afforded access to a legal and safe abortion with the current restriction in place. They will point out that under the current policy, a woman who needs an abortion can request transportation back to the United States for treatment. It is true that she can request a temporary leave from her commanding officer and will be transported at the expense of our military to a location where she would have access to an abortion. To me, that is unacceptable. It forces a woman to provide detailed medical evidence and records to her superior officer with no guarantee or protection that this information will be kept confidential. Then once she gets the commanding officer's permission, she needs to find transportation home, often on a military plane, such as a C–17.

I don't know of any other medical procedure that requires a soldier to have to endure such public scrutiny. If there are Members who believe that these women are protected and have access to a basic right that is guaranteed by our Constitution to a safe and legal abortion, I will tell my colleagues this is not the case. Do not be fooled. The current ban on privately funded abortions at military facilities overseas places the women who serve our country in great danger.

This amendment is not about Federal funding of abortions. This amendment does not require direct Federal procurement for abortion services. This amendment would, in fact, require the woman, not the taxpayer, to pay the cost of her care at a military facility. This amendment would simply allow the woman to use existing facilities that are currently operational to provide health care to our active duty personnel and their families.

This amendment does not call for providing any additional services. It is simply services that are already available. These clinics and hospitals are already functioning and providing care. There would be no added burden. For those who are concerned about Federal tax dollars being used to provide abortion services, I point out that the current practice results in more direct expenditures of Federal funds than simply allowing a woman to pay for the cost of abortion-related services at a military facility. Current policy requires transportation costs that in some cases could be far more expensive than a privately funded abortion.

I also point out that there is a direct, positive impact on our military readiness when a woman is forced to take extended leave to travel for an abortion.

As we all know, women are no longer simply support staff in the military. Women command troops and are in key military readiness positions. Their contributions are beyond dispute. While women serve side by side with their male counterparts, they are subjected to an archaic and seemingly mean-spirited health care restriction. Women in our military deserve more respect and better treatment.

I think it is also important to remind my colleagues that this amendment will not change the current conscience clause for medical personnel. Health care professionals who object to providing safe and legal health services to women could still refuse to perform an abortion. No one in the military would be forced to perform any procedures that he or she objected to as a matter of conscience.

The current policy places our women at risk. Because the current policy is so cumbersome, women could be forced to undergo an abortion later in their pregnancy when risks and complications increase. They can, of course, try to obtain safe and legal abortion services in the host country in which they are serving—if there are no language or cultural barriers that hinder their access.

We should not tolerate situations that are occurring, such as what occurred to a woman serving our country in Japan. Because of our current policy, she was denied access to abortion services at the military facility, even at her own expense, and she was forced to go off base to secure a safe and legal abortion. She had no escort and no help from the military as she went to a foreign facility. She didn't understand the medical questions or the instructions, and she was terrified. I have her letter, and I will read it into the RECORD later. Our Government should never have forced her, as she was serving us overseas, into that circumstance.

Regardless of what some of my colleagues may think about the constitutional ruling guaranteeing a woman the right to a safe abortion without unnecessary burdens or obstacles, this is the law of the land. While some may oppose this right to choose, the Supreme Court and a majority of Americans support this right. It is the law of the land. However, active duty servicewomen stationed overseas surrender this right when they make the decision to volunteer to defend all of us. It is sadly ironic that we send them overseas to protect our rights; yet in the process we rob them of vital constitutional protections.

I urge my colleagues to support the Murray-Snowe amendment. Please allow women in the military the right to make their own health care choices without being forced to violate privacy and jeopardize their health and their careers. This is and must remain a personal decision. Women should not be subject to the approval or disapproval of their coworkers.

I stress this is not about Federal funding of abortions. This is about protecting women serving overseas and providing privately funded, safe, and legal abortions. I urge my colleagues to support our women in uniform by restoring their right to choose.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, as chairman of the Personnel Subcommittee on Armed Services, I rise in strong opposition to the Murray amendment which allows abortion on demand in military facilities overseas.

I oppose the pending amendment because, No. 1, it is unnecessary. It is a solution in search of a problem. No. 2, it violates the letter and spirit of existing Federal law; that is, the Hyde amendment which prohibits Federal funding of abortion. In fact, that is the issue involved in this amendment. It is a subsidizing of the abortion procedure. Third, if it were adopted, it would likely accomplish very little while providing a Federal endorsement of the practice that is opposed by tens of millions of Americans.

My colleagues contend that the Murray amendment is a banner of constitutional rights. I think that argument is disingenuous. The current statute does not preclude servicewomen, serving overseas, from obtaining abortions. Women serving overseas already have the opportunity to terminate their pregnancy because the Department of Defense will provide them transportation either to the United States or to another country where abortion is legal for only $10. That is the cost of the food on the flight.

To say there is a constitutional right that is abrogated is incorrect. In 1979, the Congress adopted what has come to be known as the Hyde amendment. The Hyde amendment has been upheld by the U.S. Supreme Court as constitutional. It prohibits the use of Federal funds for performing abortions. The Hyde amendment has broad support in the Congress, and in fact it has broad support by Americans in general.

I know my colleagues claim that Federal funds would not be used in these abortions, that women would pay for their own abortions, ostensibly by reimbursing the hospital, although that raises a host of questions that I hope we have time to pose for Senator MURRAY. But they can't possibly reimburse the hospital for the total cost of the abortion because the military hospital is 100-percent taxpayer funded. The building itself is built with taxpayer funds.

Do we intend, under the Murray amendment, to allocate a portion of the cost of the building of that hospital's facilities to the servicewoman seeking an abortion? The beds, the utilities, the salaries of those performing the procedure, these costs come out of the pockets of taxpayers, millions of whom believe abortion is a reprehensible practice.

Abortion should not be a fringe benefit to military service. We can't avoid the fact that adoption of the Murray amendment would be clearly inconsistent with the current U.S. statute

prohibiting the current funding of abortion. It not only departs from the letter of the Hyde amendment; it departs from the spirit of the Hyde amendment intended to protect the American taxpayer who has a conviction against the practice of abortion from being forced to subsidize and pay for the abortion procedure.

My colleagues contend that this is simply a matter of choice. Let's talk about choice for a moment. What about the choice of people who believe that abortion is inimical to their dearest values? What about the choice of taxpayers who don't want to subsidize the termination of life?

I find it significant that during 1993, when President Clinton liberalized the practice of abortion in military hospitals, killing of the unborn in military hospitals, every single military physician and nearly every military nurse refused to volunteer to perform such procedures. The President issued his executive memorandum permitting abortion on demand at military hospitals on January 22, 1993—ironically, the 20th anniversary of Roe v. Wade. The fact that no doctors and almost no nurses volunteered to perform this procedure I think indicates that such a scenario would likely repeat itself if the Murray amendment were adopted.

Since military health care professionals cannot be forced to perform such a procedure against their conscience, as Senator MURRAY has said, the military will then be forced into a position of having to contract out the performance of such procedures to a civilian physician, which would in itself violate the Hyde amendment by requiring the expenditure of taxpayers' funds to pay for that contracted physician.

Having to hire abortionists at U.S. military hospitals puts the U.S. military in the abortion business. I find that appalling, something that is not supported by the American people. It is not supported by people on either side of the choice issue, whether pro-choice or pro-life. They do not believe we ought to be expending American taxpayers' dollars in subsidizing abortion.

This amendment, whether it is intended or not, would have that result—from the fact that we cannot totally allocate those costs, we are using a military hospital building built by taxpayers' dollars, using doctors whose salaries are paid by taxpayers, using equipment, using support staff—of all being paid for by the taxpayer. There is no conceivable way to calculate what that person should pay to reimburse the Government. The result is that the taxpayers are going to be subsidizing the practice. If in fact doctors in the military react the way they did in 1993, when the President, by executive memorandum, issued the order that we were going to provide abortion on demand in military hospitals, if they react the same way, we would then be in the position of having to go into the civilian sector, contract with doctors who are willing to perform abortions, and pay them with American taxpayers' dollars—clearly, and explicitly, in violation of the Hyde amendment.

I find this whole debate to be an exercise in irony. The purpose of our Armed Forces is to defend and protect American lives. We should not then subvert this noble goal by using the military to terminate the lives of the innocent among us.

What the Murray amendment would do, in the opinion of this Senator, is to create a kind of legal myth: We are not subsidizing abortions, but we really are. We are saying we are not but in fact we know we are. Let's pretend we are not subsidizing abortions. We know they are in military hospitals performed by military doctors paid by American taxpayers. We know it is supported by taxes paid by American taxpayers. We know the equipment used is bought and paid for by American taxpayers. But we are not really subsidizing it. That is a legal myth and it simply does not measure up.

There is a concept called the slippery slope. I suggest allowing abortions to be performed in U.S. military hospitals overseas is just one little more slide down that slippery slope.

I ask a letter from Edwin F. O'Brien, the Archbishop for the Military Services, dated June 19, 2000, in opposition to the Murray amendment, be printed in the RECORD, and I reserve the remainder of my time.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ARCHDIOCESE FOR THE
MILITARY SERVICES, USA,
Washington, DC, June 19, 2000.

DEAR SENATOR: As one concerned with the moral well being of our Armed Services I write in regards to the FY 2001 National Defense Authorization Act, S. 2549.

Please oppose an amendment by Sen. Patty Murray that would pressure military physicians, nurses and associated medical personnel to perform all elective abortions. This amendment would compel taxpayer funded military hospitals and personnel to provide elective abortions and seeks to equate abortion with ordinary health care.

The life-destroying act of abortion is radically different from other medical procedures. Military medical personnel themselves have refused to take part of this procedure or even to work where it takes place. Military hospitals have an outstanding record of saving life, even in the most challenging times and conditions.

Please do not place this very heavy burden upon our wonderful men and women of America's Armed Services and please oppose any other amendments that would weaken the current law regarding funding of abortion for military personnel.

Thank you for your kind consideration of this message.

Sincerely,

EDWIN F. O'BRIEN,
Archbishop for the Military Services.

The PRESIDING OFFICER. Who yields time?

Mr. HUTCHINSON. Mr. President, I yield up to 10 minutes to my colleague from New Hampshire, Senator SMITH.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I rise to oppose the Murray amendment. Under current law, performing abortions at military medical facilities is banned, except for cases where the mother's life is in jeopardy or in the case of rape or incest. So what this amendment would do is strike this provision from the law, thereby, in my view, turning military medical treatment centers into abortion clinics. I think we have to think hard about that, whether or not that is really the purpose of military medical treatment centers because that is the bottom line. That is what this would do.

The House recently rejected a similar amendment by a vote of 221–195. It was offered by Representative LORETTA SANCHEZ of California. A number of pro-life Democrats joined with Republican colleagues to defeat this amendment.

In 1995, the House voted three times to keep abortion on demand out of military medical facilities before the pro-life provision was finally enacted into law. Over and over again in Congress, we had votes. Last year, I think it was 51–49. It was very close. I will not be surprised to see the Vice President step into the Chamber, anticipating a possible tie vote, because this administration is the most abortion-oriented administration in American history. I think we can be treated, probably, to that little scenario as well. I think that shows a stark difference between the two candidates for President of the United States, I might add.

When the 1993 policy permitting abortions in military facilities was promulgated, many military physicians as well as many nurses and supporting personnel refused to perform or assist in these abortions. In response, the administration sought to supplement staff with contract personnel to provide alternative means to provide abortion access.

This is a very sensitive situation. You may have a military nurse or person who is a member of the military who works at that hospital who may be opposed to abortions, does not want to perform them. So when that happens, the President now has asked that we get contract personnel to come in because people opposed to this on a moral basis, because of conscience, refuse to perform them. That is basically the way it is in American society today.

The dirty little secret about the abortion industry is the doctors who perform them are not really considered to be the top of their profession. In fact, it is usually the dregs who are performing the abortions, not the good doctors. So if this amendment were to be adopted, not only would taxpayer-funded facilities be used to support abortion on demand, but resources, Government resources, would be used to search for, hire, and transport new personnel simply so abortions could be performed on demand.

It would be nice if we could spend a little time debating the defense budget on the Defense bill. I sat through 2 hours of one nongermane amendment a while ago on Cuba sanctions, now abortions on demand, where we are talking about bringing all kinds of new people, a new bureaucracy, if you will, who are to hire, transport, search for personnel to perform abortions because people of conscience in the military do not want to perform them, so we, therefore, have to replace them.

As the Congressional Research Service confirms, a 1994 memorandum from the Assistant Secretary of Defense for Health Affairs directed the Military Health Services System:

> . . . to provide other means of access if providing prepaid abortion services at a facility was not feasible.

This is absolutely wrong. It is wrong morally, No. 1. But it is also a waste of precious military resources, which are so much needed today. By the way, because of this amendment and other nongermane amendments, we are holding up the passage of this bill, which includes a pay raise for our military that this President has sent all over the world time and time again. So this is an unnecessary amendment. The DOD has not been made aware of a single problem arising as a result of this policy.

American taxpayers should not be required to pay for abortions. In 1979, the Hyde amendment was passed to prohibit the use of taxpayer moneys to fund abortions. In Harris v. McCray, the U.S. Supreme Court held the right to an abortion does not include the right to have the taxpayer moneys pay for it. It is DOD policy to obey the laws of the nations in which bases are located. Thus, even if the Murray amendment is adopted, abortions will still not be available on all military bases. Spain and Korea prohibit abortion, for example.

The ban is not intended to and does not block female military personnel from receiving an abortion. As the Senator from Arkansas has pointed out, DOD has a number of elective procedures for which it currently does not pay. As the Senator said, any woman can fly on a military aircraft for $10 on a space-available basis to have an abortion somewhere else, unfortunately.

In other words, the woman could still get an abortion if she wanted one, again, unfortunately. In fact, many women often travel back to the U.S. to receive their abortions. The question is, Should we pay for it at the hospital? That is the question. Should we hire more people, more support people just for the purpose of performing abortions in these military hospitals? I say the answer to that is no.

Some would argue the woman would be inconvenienced, that she would have to have her leave approved, she would have to get her transportation. But she could still get her abortion. I am not sorry, frankly, that someone has to be inconvenienced for having an abortion. Frankly, I wish somebody would give them the time and counsel to discuss this issue so they could fully realize what they are doing, taking the life of an unborn child who has no voice, who has no opportunity to say anything. I wish we would have that opportunity to provide that woman that kind of counseling so she would not do it and regret that decision for the rest of her life. Abortion should never be convenient because when a woman chooses an abortion, she is choosing to kill her baby. It is not a fetus, it is a baby. It is an unborn child. Her baby never had a choice.

Military treatment centers, which are dedicated to healing and nurturing life—healing and nurturing life—should not be taking the lives of unborn children. Also, these hospitals treat the combat wounded in war. Those who are hurt are treated. There have been so many hospitals throughout the years that have been so outstanding in their treatment, saving so many lives. The great attributes they have received for doing that should not now become a part of this abortion debate and be involved in killing innocent children, that some of the people who were treated in those hospitals, if not all, fought so they could be free, so those children could be born in freedom. Those people who were wounded and treated in those hospitals did not do it to take innocent lives. They did it to allow those innocent lives to be born into freedom.

That is the bitter irony of all this: the taking of the most innocent human life, a child in the womb, taking place in a hospital that treated those who fought to allow that child to be born into freedom.

What a dramatic irony that is. The bottom line is it is immoral to make hard-working taxpayers in America pay for abortions at military hospitals, and it is immoral to perform those abortions. I urge my colleagues to vote no on the Murray amendment.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington.

Mrs. MURRAY. Mr. President, my colleague and cosponsor, Senator SNOWE, is present in the Chamber. I will yield her time in just a moment.

I point out a woman's health care decision to have or not have an abortion should be with herself, her family, her doctor, and her religion. That is not the case in the military today. When a woman has to go to her commanding officer and request permission to fly home on a military transport, she no longer has the ability to make that decision on her own. It becomes a very public decision.

This amendment simply gives back her privacy and allows her to pay for at her own expense a health care procedure in a military hospital where she is safe and taken care of.

I am delighted my cosponsor, Senator SNOWE, is here, and I yield her as much time as she needs.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I thank the Senator from Washington for, once again, assuming the leadership on this most important issue.

I rise today as a cosponsor of the Murray amendment to repeal the ban on privately-funded abortions at overseas military hospitals.

Last year, when I spoke on this amendment, I said that ''standing here I have the feeling of 'Deja vu all over again.'" I have that same sentiment today—and this year I can add that ''the more things change, the more they remain the same.'' For in the last year we have deployed more women overseas—6,000 more women than there were just a year ago.

And yet here we are, once again, having to argue a case that basically boils down to providing women who are serving their country overseas with the full range of constitutional rights, options, and choices that would be afforded them as American citizens on American soil.

In 1973, 27 years ago, the Supreme Court affirmed for the first time women's right to choose. This landmark decision was carefully crafted to be both balanced and responsible while holding the rights of women in America paramount in reproductive decisions. But this same right is not afforded to female members of our armed services or to female dependents who happen to be stationed overseas.

Current law prohibits abortions to be performed in domestic or international military treatment facilities except in cases of rape, incest, or if the life of the pregnant woman is endangered. The Department of Defense will only pay for the abortion when the life of the pregnant woman is endangered—in cases of rape or incest, the woman must pay for her own abortion. In no other instance is a woman permitted to have an abortion in a military facility.

The Murray-Snowe amendment would overturn the ban on privately funded abortions in overseas military treatment facilities and ensure that women and military dependents stationed overseas would have access to safe health care. Overturning this ban on privately-funded abortions will not result in federal funds being used to perform abortion at military hospitals.

The fact is that Federal law already states that Federal funding cannot be used to perform abortions. Federal law has banned the use of Federal funds for this purpose since 1979. But to say that our service women and the wives and daughters of our servicemen cannot use their own money to obtain an abortion at a military hospital overseas defies logic.

Every year opponents of the Murray-Snowe amendment argue that changing current law means that military personnel and military facilities will be

charged with performing abortions—and that this, in turn, means that American taxpayer funds will be used to subsidize abortion. This seemingly logical segue is absolutely and fundamentally incorrect.

Every hospital that performs a surgery—every physician that performs a procedure upon a patient—must figure out the cost of that procedure. This includes not only the time involved, but the materials, the overhead, the liability insurance. This is the fundamental and basic principle of covering one's costs.

I have faith that the Department of Defense will not do otherwise. This is the idea behind a privately-funded abortion—a woman's private funds, her own money pays for the procedure. But she has the opportunity to have this medical procedure—a medical procedure that is constitutionally guaranteed—in an American facility, performed by an American physician, and tended to by American nurses.

During last year's debate, opponents of repealing the current ban claimed that American taxpayers would be subsidizing the purchase of equipment for abortions, and would be training doctors to perform privately-funded abortions. This false argument effectively overlooks the fact that the Department of Defense has already invested in the equipment and training necessary because current law already provides access in cases of life of the mother, rape, or incest.

But the economic cost of this ban is not the only cost at issue here. What about the impact on a woman's health? A woman who is stationed overseas can be forced to delay the procedure for several weeks until she can travel to the United States or another overseas location in order to obtain the abortion. Every week that a woman delays an abortion increases the risk of the procedure.

The current law banning privately-funded abortions puts the health of these women at risk. They will be forced to seek out unsafe medical care in countries where the blood supply is not safe, where their procedures are antiquated, where their equipment may not be sterile. I do not believe it is right, on top of all the other sacrifices our military personnel are asked to make, to add unsafe medical care to the list.

I believe that a decision as fundamentally personal as whether or not to continue one's pregnancy only needs to be discussed between a woman, her family, and her physician. But yet, as current law stands, a woman who is facing the tragic decision of whether or not to have an abortion faces involving not just her family and her physician, but her—or her husband's—commanding officer, duty officer, miscellaneous transportation personnel, and any number of other persons who are totally and completely unrelated to her or her decision. Now she faces both the stress and grief of her decision—but she faces the judgment and willingness of many others who are totally and wholly unconnected to her personal and private situation.

Imagine having made the difficult decision to have an abortion and then being told that you have to return to the United States or go to a hospital that may or may not be clean and sanitary. That is the effect of current policy—if you have the money, if you leave your family, if you leave your support system, and come back here. Otherwise, your full range of choices consists of paying from your own money and taking your chances at some questionable hospital that may or may not be okay.

This of course, is only if the country you are stationed in has legal abortion. Otherwise you have no option. You have no access to your constitutionally protected right of abortion.

What is the freedom to choose? It is the freedom to make a decision without unnecessary government interference. Denying a woman the best available resources for her health care simply is not right. Current law does not provide a woman and her family the ability to make a choice. It gives the woman and her family no freedom of choice. It makes the choice for her.

In the year 2000, in the United States of America it is a fact that a woman's right to an abortion is the law of the land. The Supreme Court has spoken on that issue, and you can look it up. Denying women the right to a safe abortion because you disagree with the Supreme Court is wrong, but that is what current law does.

Military personnel stationed overseas still vote, still pay taxes, and are protected and punished under U.S. law. They protect the rights and ideals that this country stands for. Whether we agree with abortion or not, we all understand that safe and legal access to abortion is the law of the land. But the current ban on privately-funded abortions takes away the fundamental right of personal choice from American women stationed overseas. And I don't believe these women should be treated as second class citizens.

It never occurred to me that women's constitutional rights were territorial. It never occurred to me that when American women in our armed forces get their visas and passports stamped when they go abroad—that they are required to leave their fundamental, constitutional rights at the proverbial door. It never occurred to me that in order to find out what freedoms you have as an American, you had to check the time-zone you were in.

The United States willingly sends our service men and women into harms way—yet Congress takes it upon itself to deny 14 percent of our Armed Forces personnel—33,000 of whom are stationed overseas—the basic right to safe medical care. And we deny the basic right to safe medical care to more than 200,000 military dependents who are stationed overseas as well.

How can we do this to our service men and women and their families? It seems to me that they already sacrifice a great deal to serve their country without asking them to take unnecessary risks with their health as well. We should not ask our military personnel to leave their basic rights at the shoreline when we send them overseas.

I believe we owe our men and women in uniform and their families the option to receive the medical care they need in a safe environment. They do not deserve anything less. I urge my colleagues to join me in supporting the Murray-Snowe amendment.

Mr. President, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, at 12:33 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. SESSIONS).

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001—Continued

AMENDMENT NO. 3252

The PRESIDING OFFICER. We are now under controlled time. Who yields time?

The Senator from Washington.

Mrs. MURRAY. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Senator from Washington has 43 minutes remaining, and the opposition has 42 minutes.

Mrs. MURRAY. I thank the Chair.

Mr. President, I remind my colleagues of the issue we will be debating for the next 90 minutes. Basically, today a woman who serves in the military overseas at a facility, if she so desires to have an abortion—and it is her choice; it is her personal choice between herself and her family and her doctor and her religion—has to go to her commanding officer to ask for permission to come home to the United States to have a safe and legal abortion. Then she has to wait for military transport. She has to pay $10, as the opponents told us this morning, for food on that military transport, and come home in order to have a safe and legal abortion.

The pending amendment simply allows women who serve in our military overseas today to pay for their own medical choice decisions in a military hospital where it is safe and is a place where they can be assured they will be taken care of, as we should expect we would take care of all people who serve us in the military.

I have heard our opponents speak this morning on this amendment and say it is unnecessary. I have a letter