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Senate

(Legislative day of Tuesday, October 10, 1995)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

A voice from the past calls us to make our work this day an expression of our faith. In 1780, Samuel Adams said, ''If you carefully fulfill the various duties of life, from a principle of obedience to your heavenly Father, you will enjoy that peace which the world cannot give nor take away.'' Let us pray:

Gracious Father, we seek to be obedient to You as we fulfill the sacred duties of this Senate today. May the Senators and all who assist them see the work of this day as an opportunity to glorify You by serving our country. We renew our commitment to excellence in all that we do. Our desire is to know and do Your will. Grant us a profound experience of Your peace, true serenity in our souls, that comes from complete trust in You and dependence on Your guidance. Free us of anything that would distract us or disturb us as we give ourselves to the tasks and challenges today. In the Lord's name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from Utah is recognized.

SCHEDULE

Mr. HATCH. Mr. President, this morning there will be a period for morning business until the hour of 11 a.m. today. At 11, the Senate will resume consideration of H.R. 927, the Cuba sanctions bill. A cloture motion was filed on the substitute amendment to that bill yesterday, and if an agreement can be reached it is possible that the cloture vote could occur as early as this evening.

All Senators are reminded that, in accordance with the provisions of rule XXII, all first-degree amendments to the substitute must be filed by 1 p.m. today.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. THOMPSON). Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11 a.m., with Senators permitted to speak therein for up to 5 minutes each.

Under the previous order, the Senator from Utah [Mr. HATCH] is recognized to speak for up to 30 minutes.

REVITALIZING AMERICA'S DRUG CONTROL EFFORTS

Mr. HATCH. Mr. President, it is time to speak plainly. To borrow a phrase, President Clinton has been AWOL—absent without leadership—on the drug issue. Our country is badly hurt by his abdication of responsibility. This is the opinion of both liberals and conservatives, Republicans and Democrats.

A little more than 1 year ago, President Clinton signed into law the Violent Crime Control and Law Enforcement Act of 1994. In doing so he stated that ''this is the beginning, not the end, of our effort to restore safety and security to the people of our country.''

To commemorate the 1-year anniversary of that measure's enactment, the Clinton administration held several days of media events.

Unfortunately, while President Clinton and his aides were celebrating the year-old crime bill, HHS announced that teen drug use almost doubled over the past 2 years. Just as Nero fiddled while Rome burned, the Clinton administration holds media events while seemingly ignoring the evidence of a worsening drug crisis.

Let me take you back a few years, to 1992. As a candidate for President, then Mr. Clinton talked tough on drugs, declaring that ''President Bush hasn't fought a real war on crime and drugs * * * [and] I will.''

On the link between drugs and crime, candidate Clinton said ''We have a national problem on our hands that requires a tough national response,'' as reported in the New York Times, March 26, 1993, referring to previous Clinton statements.

Since the campaign, however, President Clinton has rarely mentioned the drug issue in a substantive way. He has not made the drug issue a visible crusade. He simply has not led this country against the scourge that is killing our children.

Not so long ago, Nancy Reagan led the ''Just Say No'' campaign. That was just one demonstration of committed leadership at the national level. Today, we hear virtually nothing from the White House. We need a campaign to get the President to ''Just Say Something''—and say it loudly and consistently.

Through the 1980's and into the early 1990's we saw dramatic reductions in casual drug use—reductions that were won through increased penalties, strong Presidential leadership, and a clear national antidrug message.

Casual drug use dropped by more than half between 1977 and 1992 according to the National Household Survey on Drug Abuse.

Casual cocaine use fell by 79 percent, while monthly cocaine use fell from 2.9 million users in 1988 to 1.3 million in 1992, again, from the National Household Survey on Drug Abuse. Imagine if we had had a 79-percent reduction in teen pregnancy, or AIDS transmission.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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The Federal drug control and treatment budget grew from $1.5 to $13 billion under Presidents Reagan and Bush.

Beyond the substantial investment of money and materiel, the drug war was fought by engaged Commanders in Chief, who used the bully pulpit to change attitudes. Presidents Reagan and Bush involved themselves in this effort and helped rescue much of a generation.

It was in the face of these gains that Mr. Clinton, then candidate for President, said he would do a better job than they.

Yet today, after only a few short years, we are rapidly losing ground, as illustrated by this chart.

I might say, rather than aggressively fighting this losing trend, the Clinton administration, like a sports franchise on the decline, appears content to celebrate past victories with prior leadership rather than trying to achieve anything of substance.

Over the past 2 years, almost every available indicator shows that our gains against drug use have either stopped or reversed.

This chart, ''Trends in High School Marijuana Use,'' from the most recent edition of the National High School Survey reported, for the second year in a row, sizable increases in drug use among our Nation's 8th, 10th, and 12th graders. In fact, as this chart illustrates, over the past 2 years, past month use of marijuana is up 110 percent for 8th graders, from 3.7 to 7.8 percent; up 95 percent for 10th graders, from 8.1 to 15.8 percent; and up 60 percent among 12th graders, from 11.9 to 19 percent.

Other surveys show similar trends. Last month, HHS released alarming figures showing that marijuana use is up sharply—up 50 percent—among young people. The category of ''recent marijuana use'' was up a staggering 192 percent among 14- to 15-year-olds. Among 12- to 13-year-olds, recent marijuana use was up 137 percent.

There are trends in youthful drug use between ages 12 and 17. This troubling data should come as no surprise. It follows last year's discouraging survey, which, as this next chart illustrates, shows the number of youthful, past year marijuana users increased by 450,000 users—up from 1.6 million in 1992 to 2.1 million in the space of just 1 year. As the chart illustrates, in 1994, that number reached 2.9 million. In other words, nearly 1.3 million more kids are smoking pot today than were doing so in 1992. That is astounding.

More to the point, this sharp increase in drug use comes on the heels of consistent declines in drug use dating back to 1979.

According to substance abuse experts, many of these youthful marijuana users will end up cocaine addicts. Joseph Califano, head of Columbia University's Center on Addiction and Substance Abuse, and former Secretary of HEW, estimates that 820,000 of these new youthful marijuana users will eventually try cocaine. Of these 820,000 who try cocaine, Califano estimates that some 58,000 will end up as regular users and addicts.

This country does not need another 58,000 cocaine addicts.

Prevention messages are not getting through, either. According to a recent survey by Frank Luntz, teens think cigarettes are more dangerous than marijuana. The May 1995 survey by Frank Luntz showed that 82 percent of 12- to 17-year-olds believe cigarettes are either ''somewhat'' or ''very'' dangerous, as compared with 81 percent for marijuana.

There are other ominous signs as well: According to a story in USA Today last month, a pending Government study will show an astounding 144-percent increase in overdose deaths nationally due to methamphetamines over the past 2 years.—USA Today, September 7, 1995.

Cocaine and heroin prices continue to fall, even as cocaine purity reaches record levels. Emergency room admissions for cocaine overdoses have never been higher.

These trends are disastrous. When Senator DOLE called attention to these trends in a recent op ed, three Clinton Cabinet Members—Brown, Shalala, and Reno—wrote back to say that ''teenage marijuana use * * * remains far below the record highs of the late 1970's and early 1980's.''—Washington Times, October 6, 1995.

In other words, we should not get too upset because today's drug problem is not as bad as it was at its worst point in our Nation's history.

Unfortunately, we are sitting on the edge of a major drug catastrophe, and President Clinton's lack of visibility and leadership has not helped.

In fact, there have been troubling signs since the earliest days of the administration. In early 1993, respected columnist A.M. Rosenthal described President Clinton's record in developing and promoting a strong antidrug policy as: ''No leadership. No role. No alerting. No policy.''—A.M. Rosenthal, New York Times, March 26, 1993.

Dr. Mitchell Rosenthal, the president of the Nation's largest residential treatment organization, Phoenix House, said that developing drug trends should have been ''a big signal to the President and his Cabinet that they've got to pay serious attention to [the drug problem].''—New York Times, July 16, 1993.

Back then, I warned this administration that ''the concept of the war against drugs is in danger of being dismantled by its relative silence.''

I warned that certain administration policies were ''tantamount to decriminalizing drugs'' and would have the effect of increasing drug use. Sadly, we critics are being proven right.

President Clinton has abandoned many of the drug control efforts undertaken by his immediate predecessors. Indeed, he has even abandoned the moral leadership of the bully pulpit.

President Clinton himself rarely speaks out against drug abuse, and he offers little, if any, moral support or leadership to those fighting the drug war in America or abroad.

For example, President Clinton has cut Federal interdiction efforts, which have helped check the flow of drugs into our cities, and States, to our children, and, in the past, made the drug trade a risky proposition. Two years ago, he ordered a massive reduction in the interdiction budgets of the Defense Department, Customs Service, and the Coast Guard. Cocaine seizures plummeted. U.S. Customs cocaine seizures in the transit zone dropped 70 percent, while Coast Guard cocaine seizures fell by more than 70 percent.

We have just learned that transit-zone interdiction results for the first 6 months of 1995 were even worse than last year. This chart illustrates the decline in transit-zone interdictions—down from 440 kilograms per day in 1992 to 205 kilograms per day in the first 6 months of 1995, even though drug pushing is up. Over the course of a year, the lowered disruption rate, from these figures, in 1992 and even 1993, means that as much as 85 additional tons of cocaine and marijuana could be arriving unimpeded on American streets, and killing our kids.

The administration also accepted a one-third cut in resources to attack the cocaine trade in the source and transit countries of South America, and disrupted cooperative efforts with source country governments when it ordered the Unite States military to stop providing radar tracking of drug-trafficking aircraft to Colombia and Peru.

The Clinton administration claimed these cuts to interdiction represented a so-called controlled shift. But the shift—in my opinion, and I think in the opinion of almost everybody who studies this—was really a reckless abdication of responsibility.

Having gutted our Federal efforts to stop drugs from arriving here, President Clinton has also weakened efforts to deal effectively with them once they hit our streets. Upon taking office, President Clinton promoted the drug czar to Cabinet level, but then slashed the drug czar's staff by 80 percent.

The President undercut law enforcement efforts initiated by his predecessors, allowing the DEA to lose 198 drug agents over a 2-year period. The President also proposed a fiscal year 1995 budget that would have cut 621 additional drug enforcement positions from the FBI, the DEA, the INS, Customs, and the Coast Guard.

Those cuts were blocked by congressional Republicans, and many Democrats, but they should never have been proposed in the first place.

Under President Clinton, Federal drug prosecutions have slipped—down more than 12 percent since 1992, from 25,033 in 1992 to 21,905 in 1995. I have asked, but the Justice Department has no coherent explanation for these declines.

And who could forget President Clinton's Surgeon General, who remarked, memorably, on the need to consider drug legalization.

Perhaps A.M. Rosenthal put it best when he wrote in the August 4, 1995, New York Times that: ''Mr. Clinton's leadership has sometimes seemed to us antidrug types as ranging from absent to lackadaisical.''

Mr. President, the Federal Government has a unique responsibility in attacking the drug trade.

Only the Federal Government can interdict drugs before they reach our streets, make drug trafficking more difficult, operate overseas, and mount complex multinational investigations. Every kilogram of cocaine or heroin that gets through makes State and local law enforcement's job more difficult and more dangerous.

Today, illicit drugs represent one of the greatest threats to America's future. Drugs contribute to a wide range of devastation affecting all Americans, particularly our children and youth. Drugs directly contribute to violent crime and property crime.

The break-up of marriages and families can often be linked to drug use, as can lower productivity in the workplace, poor education, and myriad other societal problems.

In fact, if drug use returns to the levels of the 1970's in this country, our ability to control health care costs, reform welfare, improve the academic performance of our school-age children, and reduce crime in our housing projects will all be seriously compromised. Indeed, we stand little chance of success in these battles if we lose further ground in the drug war.

This Congress must not allow the American people to think that we condone President Clinton's abdication of responsibility. We must not be complicit through our silence.

I believe a revitalized war on drugs would include the following elements: First, do more in Latin America: Fighting drugs at the source just makes sense—we ought to be going after the beehive, not just the bees. Foreign programs are cost-effective. For example, our program in Peru cost just $16 million to run last year.

It was very effective in some ways. It would be much more if we put some force behind it.

Second, we need to beef up interdiction. Interdiction programs are our first line of defense against smugglers. The administration should allow the Department of Defense to spend more than 0.3 percent of its budget currently devoted to drugs. That is the fiscal year 1995 level. The Coast Guard and Customs interdiction assets need to be restored as well.

Third, we have to encourage whoever is President of the United States to use the bully pulpit. President Clinton is our President, and I am hopeful that these remarks today will encourage him to use the bully pulpit to fight against this matter. Only the President can give the drug issue the high profile it deserves. Members of Congress on both sides of the aisle should encourage the President to speak out on this issue.

Fourth, we need to adjust our budget priorities. This country needs to look more closely at our budget priorities. We should consider reprogramming the surplus of the super-secret National Reconnaissance Office—estimated at up to $1.7 billion—into the drug war. This surplus is more than the combined drug budgets of DEA—the Drug Enforcement Administration—and the FBI. The DEA is $801 million and the FBI is $540 million, respectively, in fiscal year 1995. It is more than the total that we spent on interdiction last year. The fiscal year 1995 interdiction spending was $1.29 billion.

But the National Reconnaissance Office has up to $1.7 billion and it ought to be redirected into the drug war.

Fifth, we ought to make drug dealers pay. The most immediate effect of drug dealing on our local communities is the degradation of the causes in the quality of life.

Some States have laws forcing drug dealers to contribute to a local community impact fund. We need to look into the possibility of doing this on the Federal level.

Sixth, reject efforts to lower crack penalties. This May the U.S. Sentencing Commission proposed steep reductions in proposed sentences for crack cocaine dealers. It was irresponsible public policy. It had to be blocked. It was blocked by the full Senate on September 29. The Senate must remain firm to prevent unwarranted reductions in drug penalties.

Seventh, we have to fund drug treatment programs that work. The Federal Government permits drug addicts to get disability payments from Social Security, known as SSI payments. And in doing so it undercuts tough but effective treatment programs like Phoenix House. Roughly 20,000 addicts were receiving Social Security disability payments in 1990—payments because of their drug addiction. It should surprise no one to hear that 4 years later only 1 percent had recovered and left the rolls.

The Social Security disability system is being reformed, but we need to make sure that loopholes like these do not exist in other areas.

These are just a few of the things that we think we should be doing. Later this Congress, I plan to invite Members and policy experts to participate in a national drug summit. I want the Congress to examine policy options which will reverse these crushing increases in drug use in our society. I wish to bring national attention to bear on just how bad our situation has become. I want to revitalize the drug war.

In coming months, I will be calling upon a number of colleagues to join in this effort. And by working together, I believe we will be able to reclaim lost ground.

I do not come to this issue as a beginner. I have actually seen the ravages of drugs. I have seen them destroy families. I have seen young people, with tremendous potential, who literally were geniuses, who could have done anything they wanted to do in society completely gone, their minds gone because of drugs. I have seen murders and maimings and rapes and abuse, children abused because of drugs. I have seen drugs fund the Mafia and other organized crime groups in this country.

We have seen a proliferation of drugs on the streets in the greatest city in this world, Washington, DC. It has become a garbage dump of drugs and drug abuse and drug use and drug peddling. You can go down on some of the streets and see them peddling the drugs. It is pathetic that we allow this to continue to exist.

It is going to take all of us, but I am prodding the President. We have been friends. I have helped him in many ways up here, and I intend to continue to try to help him when he is right. But I am prodding him here today to get serious about this, to do something about it. Worry a little bit more about our children. Get out there out front and do the things that really the President ought to be doing to let our society and our people know that drug abuse is a wrongful thing; that it is a harmful thing; that it is a life-destroying thing; that whether the life continues or not, it is destroyed, and many lives actually are destroyed, not just the living but people have died because of drugs and drug overdoses, and it is a health matter. We are paying through the nose in emergency rooms across this country in uncompensated care because of this particular malady that has affected our affluent society, and we have to do something about it.

There is nobody in our society who should be able to do it better than whoever is President of the United States. I believe with President Clinton's ability to articulate he could do a very good job, and it would help him with the American people if he would. So I am encouraging him to do this today by pointing out the deficiencies that exist and saying let us quit letting them exist. Let us do something about it. And I hope all of us can work together in encouraging him to do so.

Mr. President, I thank the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SANTORUM). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. CAMPBELL). Without objection, it is so ordered.

RETIREMENT OF SENATOR NUNN

Mr. KENNEDY. Mr. President, I am honored to have served with our colleague from Georgia, Senator NUNN. He is an outstanding statesman and legislator, and I am saddened by his decision to end his distinguished career in the Senate.

I have had the privilege of serving with Senator NUNN during his entire 23 years in the Senate. He has been a thoughtful and skilled legislator whose wisdom and leadership have made large contributions to the country on a great variety of issues, especially in the area of national defense.

Senator NUNN is widely recognized as the Senate's preeminent voice on military issues, and that reputation is well deserved.

As a leading member of the Armed Services Committee throughout his Senate career, and as chairman of the committee for 8 years, from 1987 through 1994, he has displayed an unwavering commitment to the security of our country and to the men and women of our Armed Forces who provide it.

It would take hours to detail the many contributions that Senator NUNN has made to the national security of the United States. Let me cite just four of them. The first, most recently, was his effective intervention in Haiti a year ago. President Clinton had decided that United States forces should land in Haiti. The question was whether the landing would be welcomed, or opposed—would they land as friendly peacekeepers or hostile invaders.

At that critical moment in our recent history, Senator NUNN accompanied former President Carter and General Colin Powell on an extraordinary mission to Haiti to convince the dictators not to oppose the United States forces. Despite huge obstacles, Senator NUNN helped convince the dictators that a peaceful transition to democracy was the only realistic alternative to heavy bloodshed. Our forces landed in peace, and a year later, the first free elections have been held in Haiti. Senator NUNN helped make that peaceful transition possible, and deserves great credit for his role.

A second example was the Goldwater-Nichols legislation, enacted in 1986, which reformed the organization of the Defense Department more extensively than at any time since the creation of the Department after World War II. Senator NUNN was a leading figure in the development and implementation of this landmark legislation. It established the Chairman of the Joint Chiefs of Staff as the principal military adviser to the President, and it strengthened the unified battlefield commands, giving them full control of our forces in the field. The success of the act was clearly demonstrated in Operation Desert Storm.

A third example of Senator NUNN's impressive leadership on national security issues was his successful defense of the Anti-Ballistic Missile Treaty. Senator NUNN understands the importance of America's maintaining the best armed, best trained, and best led forces in the world. But he also understands the importance of arms control to reduce the likelihood of conflict. His defense of the ABM Treaty was a prime example of his leadership on this all-important issue.

The Reagan administration sought to undermine the ABM Treaty in 1987 through a legal reinterpretation of the treaty text. SAM NUNN spent many hours going over the negotiating record of the treaty, reviewing in detail the issues raised by the administration. After careful deliberation, he concluded that the administration's case was wrong, and that the traditional interpretation of the treaty was correct. He went to work on the floor of the Senate and masterfully defended the treaty, upholding the Nation's solemn commitment to the treaty, the cornerstone of all nuclear arms agreements signed in the past 23 years.

A fourth example is Senator NUNN's understanding of the use of cooperation in reducing threats to national security through a program that bears his name. The cooperative threat reduction program between the United States and the nations of the former Soviet Union is known as the Nunn-Lugar program. Through these ongoing efforts, we are working with Russia, Ukraine, Kazakhstan, and other Soviet successor nations to reduce and dismantle their nuclear weapons stockpiles and production capability, and to convert elements of their defense industry to commercial uses. This program is a major example of the opportunities for long-term peace and prosperity that the end of the cold war can mean for our country and our former adversaries.

Many other examples of Senator NUNN's wise and conscientious leadership can be cited. We all know that we have the strongest and most effective military forces in the world today, and that achievement is due in no small part to the brilliant work of Senator NUNN.

It has been an honor to serve with him on the Armed Services Committee. We will miss him, and the Senate and the Nation will miss his leadership, his statesmanship, and most of all his friendship. As he made clear in his statement earlier this week, he is committed to continuing his service to Georgia and the country and the world in other ways in the years ahead. I know I join all my colleagues in wishing him a long and happy and productive career beyond the Senate.

WORLD POPULATION AWARENESS WEEK

Mr. BUMPERS. Mr. President, I ask unanimous consent that the following proclamation be inserted in the RECORD. The proclamation was signed by Gov. Jim Guy Tucker and designates October 21–29, 1995, as World Population Awareness Week in the State of Arkansas. This proclamation is part of a worldwide effort to implement recommendations of the International Conference on Population and Development, held in Cairo last year.

It is clear that we are facing a population crisis. We now live in a world of 5.7 billion people, a population that grew by nearly 100 million last year, the largest annual increase ever recorded. Unemployment in many developing countries is as high as 30 percent, and to accommodate their growing populations, the nations of the world will have to produce 500 million new jobs by the yearly 2000.

The world's resources cannot accommodate continuing growth at the current rate. More than 1.7 billion people, nearly one-third of the world population, lack an adequate supply of drinking water, and 26 billions tons of arable topsoil vanish from the world's croplands every year. At least 65 countries that depend on subsistence farming may be unable to feed their populations by the year 2000.

Time is a luxury we do not enjoy. Action is required now to ensure a reasonable quality of life and a stable and secure world for a child born today. I applaud the action of Governor Tucker and other officials of government and private organizations who are working to increase awareness of this problem and encourage the actions necessary to resolve it.

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

STATE OF ARKANSAS, PROCLAMATION

TO ALL TO WHOM THESE PRESENTS SHALL COME—GREETINGS

Whereas, the world population is currently 5.7 billion and increasing by nearly 100 million per year, with virtually all of this growth added to the poorest countries and regions—those that can least afford to accommodate their current populations, much less such massive infusions of human numbers; and

Whereas, the annual increment to world population is projected to exceed 86 million through the year 2015, with three billion people—the equivalent of the entire world population as recently as 1960—reaching their reproductive years within the next generation; and

Whereas, the environmental and economic impacts of this level of growth will almost certainly prevent inhabitant of poorer countries from improving their quality of life, and at the same time, have deleterious repercussions for the standard of living in more affluent regions; and

Whereas, the 1994 International Conference on Population and Development in Cario, Egypt crafted a 20-year Program of Action for achieving a more equitable balance between the world's population, environment and resources that was duly approved by 180 nations, including the United States;

Now, Therefore, I, Jim Guy Tucker, Governor of the State of Arkansas, do hereby proclaim October 22–29, 1995, as, World Population Awareness Week, in the State of Arkansas and urge all citizens of the state to support the purpose and the spirit of the Cairo Program of Action, and call upon all governments and private organizations to do their utmost to implement that document,

particularly the goals and objectives their in aimed at providing universal access to family planning information, education and services, as well as the elimination of poverty, illiteracy, unemployment, social disintegration, and gender discrimination that have been reinforced by the 1995 United Nations International Conference on Social Development, endorsed by 118 world leaders in 1995, and by the 1995 United Nations Fourth World Conference on Women.

In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the State of Arkansas to be affixed at the Capitol in Little Rock on this 21st day of September in the year of our Lord nineteen hundred ninety-five.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, on that evening in 1972 when I first was elected to the Senate, I made a commitment to myself that I would never fail to see a young person, or a group of young people, who wanted to see me.

It has proved enormously beneficial to me because I have been inspired by the estimated 60,000 young people with whom I have visited during the nearly 23 years I have been in the Senate.

Most of them have been concerned about the enormity of the Federal debt that Congress has run up for the coming generations to pay.

The young people and I almost always discuss the fact that under the U.S. Constitution, no President can spend a dime of Federal money that has not first been authorized and appropriated by both the House and Senate of the United States.

That is why I began making these daily reports to the Senate on February 22, 1992. I wanted to make a matter of daily record of the precise size of the Federal debt which as of yesterday, Wednesday, October 11, stood at $4,968,818,321,533.20 or $18,861.72 for every man, woman, and child in America on a per capita basis.

CHINA AND HUMAN RIGHTS

Mr. HELMS. Mr. President, a heart-rending article about China's forced abortion policy was published in September's Reader's Digest. The article emphasized the absurdity of the U.N. Fourth Conference on Women having been held in Beijing, and should be required reading for those who insist that China's human rights record should be considered only in the abstract—and should not interfere with full-scale relations with the Communist Chinese.

The Reader's Digest story, ''A Question of Duty,'' relates a young Chinese obstetrician's courageous decision to refuse to murder a baby born illegally under Chinese law. For refusing to kill the baby (who survived a chemical abortion procedure) Dr. Yin Wong was banished to a remote Chinese province. Dr. Wong eventually escaped to the United States where he hopes to be granted political asylum. But the baby Dr. Wong fought to save was put to death under orders from the local Chinese family planning office.

Mr. President, the thought of killing a baby is abhorrent, but it is commonplace in Communist China. The concept that the birth of a human being can be illegal is grotesque, but in China, it is the law of the land—for mothers who already have one child.

Mr. President, I will never understand how or why the United Nations chose Beijing for such a high-profile human rights meeting. It was the U.N. Population Program [U.N.F.P.A.] that helped design China's population control program 20 years ago. This cruel experiment, which uses forced abortions and sterilizations to limit each family to one child, has debased the value of human life and has forever discredited U.N.F.P.A.

For fiscal year 1995, the Clinton administration handed over $50 million to U.N.F.P.A., and Mr. Clinton proposed another $55 million for fiscal year 1996. If Senators will take the time to read Dr. Yin Wong's story, they will understand why many Americans feel so strongly, as I do, that further funding of the U.N. Population Program, using American taxpayer's money, should be prohibited.

Mr. President, I ask unanimous consent that ''A Question of Duty'' from the September 1995 Reader's Digest be printed in the RECORD.

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

[From the Reader's Digest, September 1995]

WHAT IS A DOCTOR TO DO WHEN FACED WITH AN ORDER TO COMMIT MURDER? A QUESTION OF DUTY

(By Dr. Yin Wong)

(The author asked that her name be changed for fear of reprisals against her family.)

The hospital in southern China was busy in early morning of December 24, 1989. As a 24-year-old specialist in obstetrics and gynecology, I had performed two Caesareans and a difficult forceps delivery. My supervisor had put me in charge of that night's shift—a new and frightening responsibility. I was exhausted and hadn't eaten for about eight hours. Yet when I finally got to the doctors lounge at 1 a.m., I was too excited to eat or sleep.

Instead, I lay in bed marveling at the three new lives I had welcomed into the world. And I thought of my father. He had chosen a profession that, in China, paid little more than twice the wages of a street sweeper: he was a doctor. He would often say, ''The most noble work a person can do is savings lives.''

My father was a beloved figure in our province, famous for his humility. He wore a workingman's clothes and carried his instruments in a cheap vinyl bag with a broken zipper. His reflex hammer was an ancient model with a wooden handle. He refused to throw it away. ''Tools don't make a doctor,'' he told me ''Knowledge and compassion do.''

Now at last growing drowsy, I remembered that it was Christmas Eve. Like millions of Chinese, my parents were Christian. I thought of the times we had celebrated this holy day together: decorating a tiny tree, singing ''Silent Night''—quietly, so our neighbors wouldn't report us—and hearing my father whisper the story of the Christ child. I'll call him on Christmas morning, I thought as I drifted off to sleep.

I was awakened by a knock at the door. It was the midwife who handled routine deliveries. ''Come!'' she shouted. ''We need you to take care of something!''

As I rushed after her, I heard the crying of a newborn baby. When I reached the delivery room, a bedraggled woman was struggling to sit up in bed. ''Don't! Don't!'' she shouted in a local dialect.

The midwife, a girl of 20 with a ponytail and bad acne, began drawing iodine from a clear glass bottle through a three-inch needle into a large syringe. She told me that the woman's abortion had gone awry. The mother, eight months pregnant, already had one child—a second was forbidden under China's strict population-control law. Arrested and forced into the hospital by the local Family Planning Office, the mother had been injected with rivanol, an abortifacient drug. ''But the baby was born alive,'' said the midwife. The cries were coming from an unheated bathroom across the hall.

''I asked the orderly to bury it,'' she continued. A small hill nearby served as an unmarked graveyard for such purposes. ''But he said it was raining too hard.''

Then the full import of this moment became clear to me. As the obstetrician in charge, I had the duty of ensuring there were no abortion survivors. That meant an injection of 20 milliliters of iodine or alcohol into the soft spot of the infant's head. It brings death within just minutes.

The midwife held the syringe out to me. I froze. I had no hesitancy about performing first-trimester abortions, but this was different. In the year since joining the hospital staff, I have always managed to let more senior doctors perform the task.

On the bed next to me, the child's mother looked at me with pleading eyes. She knew what the needle meant. All women knew. ''Have mercy!'' she cried.

With the mother still protesting, I went across the hall to the bathroom. It was so cold I could see my breath. Next to a garbage pail with the words DEAD INFANTS scrawled on the lid was a black plastic garbage bag. I was moving, and cries were coming from inside. Kneeling, I told the midwife to open the bag.

I have imagined a premature new-born, hovering between life and death. Instead, I found a perfect 4½-pound baby boy, failing his tiny fists and kicking his feet. His lips were purple from lack of oxygen.

Gently, I cradled his head in one hand and placed the fingertips of the other on his soft spot. The skin there felt wonderfully warm, and it pulsed each time he wailed. My heart leapt. This is a life, a person, I thought. He will die on this cold floor.

''Doctor!'' the mother screamed from across the hall. ''Doctor, stop!''

The midwife pressed the glass syringe into my hand. It felt strangely heavy. This is just a routine procedure, I argued with myself. It isn't wrong. It's the law.

All at once, the baby kicked. His foot caught the barrel of the syringe and pushed it dangerously near his stomach. I jerked it away. This is Christmas Eve! I thought. I can't believe I'm doing this on Christmas Eve!

I touched the baby's lips with my index finger. He turned his head to suckle. ''Look, he's hungry,'' I said. ''He wants to live.''

I stood up, feeling faint. The syringe slipped from my fingers and shattered on the floor, splattering brownish-yellow liquid on my shoes.

I told the midwife to carry the baby into the delivery room and get him ready to go down to Intensive Care. ''I'll ask the supervisor for permission to treat him,'' I said, I felt certain that the senior obstetrician, a woman in her late 50s with two children, would never harm this child.

It was almost 2 a.m. when I knocked at the supervisor's office. Her voice was groggy with sleep. Opening the door, I quickly explained: ''We have a baby boy who was born alive after a rivanol abortion. May I send him to IC?''

''Absolutely not!'' she said from her bed. ''This is a second birth!''

''But he's healthy,'' I insisted. ''Could you please come take a look?''

There was a pause, then she replied angrily, ''Why are you asking me this? You know the policy!''

Her tone frightened me. ''I'm sorry,'' I said as I shut the door.

In staff meetings, the supervisor had frequently reminded us how important the birth-control policy was. Usually she would disclose that someone in a neighboring hospital had been jailed for allowing the birth of a child without a government permit. But recently there had been a chilling incident involving our orderly.

He was a taciturn, shabby man in his 50s, whose sole job was to bury infants. He was paid 30 yuan apiece. Burying four infants a day, on average, the orderly earned more than twice the salary of a doctor. ''Why so much?'' I once asked a colleague. ''Because no one else will do what he does,'' she replied.

When I pressed for details, she told me that in cases of abortion failure, the man sometimes had to bury the infants alive. ''No matter what happens,'' she explained, ''the birth-control policy must be obeyed.''

Weeks after I learned this, a midwife sent the orderly an aborted fetus, which he stored temporarily beneath a stairwell. While the orderly was out, the baby revived and began to cry. A visiting policeman discovered the child and questioned my supervisor. She told him the infant was only an illegal child awaiting burial. The officer apologized for interfering.

At the next staff meeting, the word went out: ''Don't send the orderly any fetuses that might be alive. Give the injection.''

Now, filled with foreboding, I headed back toward the delivery room. A man with the weatherbeaten face of a peasant grabbed my arm. ''Doctor,'' he pleaded, ''this is the son we've always wanted. Please do not kill him!''

I continued down the hall and entered the bathroom. The baby was still lying on the floor. ''Why didn't you do what I instructed?'' I asked the midwife.

''Who is going to pick up this baby?'' she replied. She meant a baby that was not allowed to live.

As the midwife looked on in astonishment, I gathered up the crying baby and hurried into the delivery room. I laid him in an infant bed.

Under an ultraviolet heat lamp, with the help of oxygen tubes that I taped under his nostrils, his hands and feet soon turned pink. Carefully I wrapped him in a soft blanket.

The midwife prepared another syringe—this time with alcohol—and placed it on a tray next to the newborn's bed. ''Don't do this!'' the mother cried again. Grasping the bed rail, she tried to haul herself over the edge. I hurried to her side.

''Calm down,'' I said, easing her back onto the pillow. Whispering, I added, ''I don't want to harm your baby—I'm trying to help.''

The woman began to cry. ''Dear lady,'' she said softly, ''I will thank you for the rest of my life.''

Just then, the midwife came over with a clipboard. ''What should I put on the report?'' she asked. The last entry read, ''1:30—born alive.'' The chart was supposed to be updated before the midwife went home.

''Don't write anything,'' I answered curtly. Exasperated, the midwife left.

I looked at the baby. His cherubic face was ringed by a halo of black hair. This life is a gift from God, I thought. No one has the right to take it away. The thought became so insistent that I had the impression it was being said by someone else. I wondered: Is this how God talks to people?

For the next two hours I stood vigil over the child. Gradually he ceased whimpering and fell asleep.

Finally, I went to see the supervisor again. ''I'm sorry,'' I told her, ''but I can't do this. I feel it's murder, and I don't want to be a murderer.''

The supervisor's voice exploded: ''How can you call yourself an obstetrician? Take care of the problem at once! Don't bother me again!''

With my heart beating wildly, I returned to the delivery room. The baby was still asleep, but when I touched his mouth he wheeled to suckle again. ''Still hungry, little one?'' I whispered. My eyes filled with tears.

Suddenly, I felt terribly alone. I thought of my father. Would he support me? Despite the early hour, I went to the pay phone in the lobby and dialed. Both parents listened at one receiver as my words poured out. ''I keep hearing God's voice,'' I told them. '''This is a life,' it says. 'You cannot be part of a murder.'''

When I finished, there was a long silence. Finally, my father spoke. ''I am proud of you,'' he said.

''I am, too,'' said my mother, crying softly. ''But you must be careful! Don't write anything down or leave a record. The Party may want to make an example of you.''

I understood. During the Cultural Revolution, when I was eight years old, my father was arrested for saving the life of an official who was considered a ''counterrevolutionary.'' My father had been exiled to the countryside while my mother was sent to a labor camp. My four-year-old brother and I were left with neighbors. Those years had been hard. I remembered my mother's stories of torture and starvation.

My determination wavered. Then my father spoke again. ''You are a child of God, and so is this baby,'' he said simply. ''Killing him would be like killing your own brother.''

I hung up and hurried back. The maternity ward was in chaos. The delivery-room door had been locked, and the baby's father was pounding on it and screaming, ''Don't kill my child!''

I ran into the delivery room through a side door. There, beside the baby's bed, my supervisor stood with a syringe, feeling for the soft spot. The infant's blanket and oxygen tubes had been stripped away. He was crying violently. ''Don't give that injection!'' I shouted as I seized the syringe.

''What are you doing?'' the supervisor yelled. ''You're breaking the law!''

Instead of fear, I felt a sense of peace. ''This child committed no crime,'' I replied. ''How can you kill him?''

The supervisor gaped at me. Lowering her voice, she said ominously, ''If you continue to disobey, you will never practice medicine again.''

''I would rather not be a doctor than commit murder,'' I said. ''I would rather waive my right to have my own child than kill this one.'' Then a thought occurred to me. ''Why can't I just adopt him?''

''You have completely lost your senses!'' the supervisor cried. After she left, I swaddled the baby again and replaced the oxygen tubes. He quieted down and his color returned.

At 8 a.m., the hospital administrator arrived at work and was told what had happened. He summoned me to his office. ''Why are you unwilling to do your duty?'' he demanded. ''Are these people friends of yours? Did you take money from them?''

''I don't even speak their dialect!'' I said angrily. ''And you can search me for money if you want.''

Minutes later, a senior bureaucrat from the local Family Planning Office walked into the room and took a folder out of an expensive attaché case. He began to read the text of a local directive on birth control: ''Those who obstruct Family Planning officers from performing duties shall be subject to punishment. . . .''

When he finished, he looked at me and said sharply, ''Do you realize it is illegal for this baby to live?''

''None of us has the right to decide that,'' I said.

The man grew angry. ''We are talking about government policy here. You have broken the law!''

''I don't feel I have.''

''Very well, he said evenly. ''Let's you and I go and give the injection.''

''No!''

''You admit, then, that you are breaking the law? If so, I have the right to have you arrested right now!''

Desperately, I searched for an out. I had been on call more than 24 hours and couldn't think clearly. I felt queasy. ''I am off duty,'' I said weakly. ''My shift is over.''

''Not true,'' he said. ''You haven't finished your tasks.''

''Please,'' I said, Then I began to cry. My legs buckled, and I fell to the floor. The last thing I remember was a spreading blackness before my eyes.

When I came to, I was lying outside the doctors lounge. It was almost noon. The baby? I leapt up and ran to the delivery room.

The tiny bed was empty. ''Where . . . ?'' I asked the midwife.

''The man from Family Planning ordered us to give the injection,'' she replied, averting her eyes.

Despite all my efforts, the little boy had been killed.

Over the past decade, accounts of hospital-sanctioned infanticides in China have shown up in numerous publications, from the Washington Post to The Wall Street Journal and Amnesty International. ''Such reports are so widespread and explicit that their truth can hardly be doubted,'' says John S. Aird, former director of the China branch of the U.S. Census Bureau. And yet, like the scattered stories of the Holocaust that filtered into the media during World War II, these dispatches have mostly been ignored. Yin Wong's story may be the most detailed published to date.

''This is the dark underside of China's 'one child' policy,'' says Steven W. Mosher, director of the Asian Studies Center at The Claremont Institute in Claremont, Calif. ''The PRC never actually orders infanticide. Yet its harsh demands on local family-planning officials inevitably lead to these unspeakable acts.''

This month, Beijing is host to the United Nations' Fourth World Conference on Women, which draws hundreds of population-control experts from around the world. It is bitter irony that this organization has chosen to meet in a country where population-control zealotry has led to what must be described as crimes against humanity.

For interfering with China's family-planning policy, Yin Wong was banished to a remote mountain area. Eventually she escaped to the United States, where she has applied for political asylum. Her case is pending.

''I am fortunate,'' she says. ''For now I live in a country where I am not forced to violate my conscience. My colleagues in China are not so lucky. The worst part is how it destroys their souls.''

COMMERCE, JUSTICE, STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, FISCAL YEAR 1996—OCTOBER 12, 1995

Mr. BINGAMAN. Mr. President, although the bill has already passed the Senate, I want to state my strong opposition to H.R. 2076, the fiscal year 1996 appropriations for the Departments of Commerce, State, Judiciary, and related agencies.

Mr. President, I believe that H.R. 2076 is the epitome of the shortsightedness of the 104th Congress. H.R. 2076 leaves our country at a disadvantage internationally and it significantly eliminates the past emphasis of fighting crime through prevention programs. I am encouraged that the final Senate version of the bill is different from what emerged from the appropriations committee. Some of the programs that have been reinstated or have had the appropriations increased are beginning to make serious inroads into the problem of crime in our communities.

I would like to first address the programs that are important to New Mexicans and that I hope will emerge from conference unscathed. These specific programs are or have the potential of being very successful if given a chance.

COPS PROGRAM

The first program that has proven to be successful is the Community Oriented Policing Services program, otherwise known as COPS. In 1 year, since the program's inception, New Mexico has received more than 180 officers from the COPS Program. All parts of New Mexico have been awarded officer positions. From the Aztec Police Department in the north and Sunland Park in the south, to Quay County in the east and Laguna Pueblo in the west, all have felt the impact of this program.

The COPS Program is different from the block grant proposal that was in the committee version because it emphasizes the concept of community policing. It gets officers out into the community preventing crimes rather than reacting to crimes once they have been committed.

Mr. President, I am encouraged that the Senate stripped out the language that provided a $1.7 billion block grant for communities. From my understanding, the block grant money could be used to hire secretaries, buy a radar gun, or buy a floodlight for a local jail. The law enforcement community is against this broad approach. The sentiment is best summed up by Donald L. Cahill, the chairman of the national legislative committee for the Fraternal Order of Police, who testified before the Senate Judiciary Committee in February on the block grant type proposal. He stated:

This broader category opens the door to using these funds for numerous purposes other than hiring police officers—such as hiring prosecutors or judges, buying equipment, lighting streets, or whatever. These are all worthwhile—but they won't arrest a single criminal.

The bottom line is to place more officers on the street and the COPS Program has proven to be successful. That is why the Fraternal Order of Police, the National Sheriffs' Association, and the National Troopers' Coalition support the COPS Program.

To quote Mr. Cahill again: ''Police are the answer for today and prevention is the answer for tomorrow.''

DRUG COURTS PROGRAM

Mr. President, I am also encouraged that the Senate adopted Senator Biden's amendment that reinstated the drug court concept. In Las Cruces, NM, we have a drug court that receives State funding. If given a chance to receive Federal funding, this program could be expanded or used as a model for other drug courts throughout the State. This program has shown to be an innovative way to lower dramatically recidivism rates among those with alcohol problems. The focused treatment program includes frequent drug testing, judicial and probation supervision, drug counseling, detoxification treatment, and educational opportunities. Participants in the program who do not finish are prosecuted to the full extent of the law.

The Las Cruces drug court demonstrates true partnership with the community. It works in conjunction with five other agencies from the community: Partners for Prevention, Southwest Counseling Service, Southern New Mexico Human Development, N.M. State University Criminal Justice Department, and Dona Ana Branch Community College. The Drug Court Program specifically attacks a problem which has become national in scope. If this program is eliminated in conference, the Congress in essence is saying that it washes its hands of this matter.

VIOLENCE AGAINST WOMEN

I am encouraged that the Senate has retained the Violence Against Women Act. By doing so, the Senate is stating that this program does address an issue that has become national in scope and it is a priority. I am also encouraged that the Senate today overwhelmingly adopted an amendment by my friend and colleague from Delaware, Senator BIDEN, that restores funding for the Violence Against Women Act at the level requested by the administration.

If given the resources, this act has the potential to demonstrate that the Federal Government can make a real difference when dealing with violence against women. Through prosecution, outreach, and education, the Federal Government has assumed the responsibility of a full partner in this cause.

COMMERCE, JUSTICE, STATE APPROPRIATIONS

I find myself unable to support the final version of the Commerce, Justice, State appropriations bill because when the dust finally settled on the structure of the bill, it became clear that the interests of the Nation were not going to be served by its passage.

We should not envision our attempts to achieve a balanced budget as just a slash and burn process. We need to bias our spending toward those projects that produce real growth in our economy. Growth generates jobs, better incomes, a higher standard of living for our citizens, and helps to minimize the role of Government in the economy by helping to empower workers and businesses to thrive in a global trading environment rather than to be wards of the State. The wards of the State that we are rewarding this year are those contractors winning the 129 military construction projects valued at $795 million above the President's request in the Defense appropriations bill. This spending was not in the national interest and is all too typical of the sloth and waste that has been part of our Nation's appropriations process for years. Do not fool yourselves. Nothing in this process has changed.

What we are failing to do in the Commerce, Justice, State appropriations bill is to leverage the tremendous entrepreneurial business energy in our Nation by partnering with it Federal support to do the things that the private sector cannot or will not do on its own. This bill guts the National Institute of Standards and Technology [NIST] which sets standards and develops measurement systems for machine tools as well as componentry in our most advanced high-technology industries. It has been NIST that has overseen the important Malcolm Baldrige Award which has helped encourage and inspire American industry to reach higher levels of performance and quality. The Manufacturing Extension Program and Advanced Technology Program [ATP] are both cut back in this bill, particularly ATP which is practically shut down. It is these programs that have helped us move technologies primarily caught in national laboratories and our defense technology base out into the commercial sector. While Japan is redoubling its efforts and investing heavily in miniaturization and subatomic level processing, the United States cannot afford to forego efforts in linking our private sector and our national laboratories.

Other programs that are critical to the economic security of the Nation and either are eliminated or drastically cut back are the International Trade Administration; Bureau of Export Administration; as already mentioned, NIST; the Economic Development Agency; the National Telecommunications and Information Administration; and the Minority Business Development Agency.

I am not opposed to restructuring what our Government does, and I am not opposed either to scaling back Government. I am, however, committed to economic growth and think that we must set tough standards by which to measure the need for and role of Government in our economic activities. There is such a role. The invisible hand that so often we hear about is only

there to strangle us if we do not understand what the invisible hand responds to and what it does not.

As I have mentioned before on the floor of this Chamber, I would recommend that those who frequently call on the ghost of Adam Smith and subscribe to the prescriptions of the invisible hand pull from their shelves a copy of ''Wealth of Nations.'' Dust it off and give it another good read. Smith clearly outlines the role of Government, a perspective with which I would agree.

He states that first, the State has a ''night watchman function,'' to see to the safety and security of its citizens. He argues that the State must educate its labor force—something that we do poorly in this Nation. He continues that the State must build the infrastructure on which commerce depends; that it must build roads, canals, bridges; and in the modern context, airports, the national information infrastructure, basic research laboratories, and export assistance offices. The Government must pay for itself and must therefore tax and charge for its services. And the Government must support development of those technologies that are not at first easily commercializable—in his day, shipbuilding, and in ours, nuclear energy. Adam Smith himself outlines these as the indispensable functions of Government, of minimalist Government, and leaves the rest to be fixed by the market.

Those of us who are tasked with the responsibilities of writing budgets and voting on them cannot neglect the indispensable roles that Government does have. But I believe that the theologies driving recent Republican budgets have neglected these roles. And we must revisit this effort knowing that while we must cut our budget deficit, we must also promote high-end economic growth which creates high wage jobs and a better standard of living for our citizens. And enmeshed as we are in a global economy, we have to export more and erase the chronic deficits that represent real job-leakage from our economy.

I look forward to voting in favor of a Commerce, Justice, State appropriations bill that cuts back unproductive investments that the government makes in favor of those that address the welfare of our Nation, now and into the future. But I am afraid that this bill does not help to secure the welfare of our citizens.

In closing Mr. President, I am disappointed at this legislation as it was presented to the Senate. I am happy that we have been able to make some changes to the more misguided portions of the bill and I am also glad that the managers have agreed to accept amendments I intended to offer to the bill. However, I cannot support a bill that takes our Nation back in time and dismantles programs upon which we should be basing our future.

NEEDED: IMMIGRATION REFORM WHICH PROTECTS FAMILIES AND U.S. WORKERS

Mr. KENNEDY. Mr. President, in the coming weeks, the full Senate will be engaged in the important issue of reforming the immigration laws. Our principal goal is to provide the additional authority needed to combat illegal immigration. Initial progress is being made as a result of increases in resources and personnel of the Immigration and Naturalization Service to deal with this ongoing crisis that is so harmful to the country, but much needs to be done.

It would be a mistake, however, to allow the Nation's concerns about illegal immigration to create an unjustified and unwarranted backlash in Congress over legal immigration.

Legal immigrants come to America within the limits prescribed in the immigration laws. They join their families, roll up their sleeves, and contribute to U.S. communities. There is every reason to believe that today's new Americans will build an even stronger America for the next generation just as our immigrant predecessors did for us.

It is especially important, therefore, that any reforms of the laws governing legal immigration must protect families and U.S. workers.

Most Americans agree that U.S. citizens should have the right to bring spouses, children, and other close family members to this country to be with them here if they wish to do so. Yet, there are those who would deny American citizens the privilege to reunite their families in America.

Proposals currently before Congress would make it illegal for an American citizen to bring a parent who is under age 65. It would be illegal for Americans to bring in their adult children. And it would be illegal to bring in a brother or sister.

In each of these cases, under current law, the U.S. citizen must agree to sponsor their relatives—to provide for them if they fall on hard times. And we must take additional steps to ensure that U.S. citizens fulfill their sponsorship obligations and be prepared to take legal action against them when they fail to care for their immigrant relatives.

Clearly, some reforms may be desirable in the numbers admitted each year. But we should not deny U.S. citizens the privilege of family reunification—whether it involves their parents, their adult children, or their brothers and sisters.

In the case of brothers and sisters, large numbers of Americans have already paid millions of dollars in fees to the Federal Government to have their siblings join them in America. Yet, not only are there those who would eliminate this immigration for the future, they would even deny any possibility of family reunification here for those Americans who have paid hard-earned dollars to the Government and waited patiently for their brothers and sisters to come.

In addition to protecting families, our laws governing legal immigration must also protect U.S. workers. When immigrants come here at the request of an employer to fill a job vacancy, and not for family reunification, we must make certain that they do not displace a U.S. worker from that job. And we must ensure that employers do not underpay immigrants and undercut the wages of American workers.

Our immigration laws have enabled dedicated workers to come here to contribute their skills and ingenuity to American businesses. At times, they have made the difference between the success and failure of an enterprise and have saved American jobs in the process.

Nevertheless, in many respects, the laws and procedures governing immigration for employment fail to protect U.S. workers adequately. Although U.S. employers are required to attempt to recruit U.S. workers before turning to immigrants, this process results in the hire of an American worker less than one-half of 1 percent of the time. Clearly, the current recruitment requirement does not work and is widely ignored.

I am particularly concerned that the laws permitting temporary foreign workers to come to this country have not kept pace with changes in the labor market. U.S. companies are resorting increasingly to temporary hires, rather than permanent employees, and are contracting out functions which they previously performed in-house with permanent staff. The growth of temporary and part-time employees in the labor market means that temporary foreign workers are now in direct competition with this new class of American worker.

Lax immigration standards on temporary foreign workers—so-called nonimmigrants—have enabled computer consulting firms, health care providers, and too many others to turn to temporary foreign workers. As some U.S. companies lay off U.S. workers from their permanent payrolls, they are hiring temporary foreign workers to take their places.

This practice cannot be permitted to continue. I join with the chairman of the Immigration Subcommittee, Senator SIMPSON, in seeking reforms of this aspect of our immigration laws. Clearly, when employers cannot find a qualified U.S. worker, the immigration laws should fill the gap. But these laws must not be a pretext for hiring cut-rate foreign labor at the expense of U.S. workers.

The immigration issue is about our roots as Americans. It is also about how we see our future. We all agree that we must control illegal immigration. But very different considerations apply to legal immigrants. In the process of enacting immigration reform, we must remember and honor the many benefits which legal immigrants have

brought to our Nation. The reforms we enact must crack down on illegal immigrants, but they must also protect U.S. workers and the right of American citizens to reunite with their families.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The hour of 11 a.m. having passed, morning business is closed.

CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY [LIBERTAD] ACT OF 1995

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 927, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 927) to seek international sanctions against the Castro Government in Cuba, to plan for support of a transition Government leading to a democratically elected Government in Cuba, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Dole amendment No. 2898, in the nature of a substitute.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

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

Mr. HELMS. Mr. President, I am about 6 minutes late in reaching the Senate floor because of my responsibility of presiding this morning over the Foreign Relations Committee, at which our former Senator Sasser from Tennessee appeared as President Clinton's nominee to serve as U.S. Ambassador to Communist China.

It was good to see so many people from Tennessee, including Senator Sasser's attractive family. I listened with great interest to his testimony.

Mr. President, we now resume consideration of the Libertad bill involving the question of whether the United States will continue to tolerate a Communist tyrant 90 miles off our shore, the tyrant being, of course, Fidel Castro.

We have a lot of friendly activity around this place from time to time, bipartisan some of it, but much of it intensely partisan. But after all is said and done, most of the times those who participate in partisan exchanges leave the Senate Chamber with friendships intact. That is what I so often do with the distinguished Senator from Connecticut [Mr. DODD].

Senator DODD is an interesting gentleman. He is the son of a distinguished U.S. Senator whom I knew. And I think it is fair to say—and I know that CHRIS DODD, the present Senator, would acknowledge the fact—that he and his father differed very sharply in their philosophical views, their views about foreign policy, and so forth. That is certainly the case with respect to the pending legislation, the so-called Helms-Burton bill.

This Libertad bill has already been passed by the House. Yesterday, the distinguished majority leader, Mr. DOLE, made the judgment that it was time for the Senate to act on the Senate version of the bill. They are almost identical. But Senator DOLE realized that the Senate would have to confront another filibuster by our Democrat friends.

Now, our friends across the aisle here have filibustered just about everything that has come up this year. A filibuster is not unusual because it is done by both sides. As a matter of fact, I must confess once or twice at least in my years in the Senate I have raised questions at some length about various pieces of legislation.

But as I listened to Senator CHRIS DODD yesterday while he spoke at some length about the pending Cuban Libertad bill, I frankly could not tell which bill he was talking about. He certainly was not talking about the bill pending at that time, which in fact is pending now, the Libertad Act. He was talking about some imaginary bill that was totally unrecognizable to me. I decided it was mostly tongue-in-cheek on his part. But it is hard to tell.

Anyway, Mr. President, I thought about it last night as I was driving home, and again this morning. I wish that Senator DODD were here now. He may presently be, because he, like me, is a member of the Foreign Relations Committee, and he attended the Sasser hearing this morning.

But, as I listened to Senator DODD's oratory talking about a nonexistent bill, I made the judgment that I would like to join him in opposing the bill that he was condemning—a fictional bill that does not exist, a bill that has nothing to do with the pending legislation which the clerk has just reported.

That said, let us talk about what is before the Senate, the pending Cuban Libertad bill. It goes by various names. The Senate version is known as the Dole-Helms Libertad Act.

When I first introduced my version early this year—with Congressman BURTON offering very similar legislation in the House, it became the Helms-Burton bill.

I don't care whose name is attached to it or who gets the credit for it; I believe that the U.S. Government and the American people had better make clear that we are not going to kowtow to Fidel Castro, a Communist who has murdered literally thousands of his own people, a tyrant who has imprisoned his political enemies for as long as 30 years.

And yet there are some voices in this country, and in this Senate, who say, well, we need to get along with Fidel Castro and we need to trade with Castro. Well, that reminds me of the distinguished Prime Minister of England, Neville Chamberlain, who went over to Munich to meet with Adolph Hitler. Chamberlain returned to London exuberant. Boasting, in effect: ''We can do business with this fellow Hitler. We can have peace in our time.'' And the press in England, the London Times and all the rest, put Lord Chamberlain all over their front pages, praising Chamberlain to the skies.

But there was one patriot who dared to stand up to be counted, who said: ''Wait a minute. I will not be a party to this.'' That voice was Winston Churchill, and as Paul Harvey says, now you know the rest of the story.

Neither the British nor anybody else had peace in their time. Adolph Hitler was a bloody tyrant. World War II put an end to Hitler and Winston Churchill led the free world to victory over tyranny. Winston Churchill has gone down in history as a hero. Neville Chamberlain is all but forgotten.

But what is before this body, Mr. President—let us call it the Dole-Helms Libertad Act—is simply a proposal to perfect and improve a bill that passed the House of Representatives by a margin of 294 to 130 earlier this year.

So what is now before the Senate is a bill that has been improved to reflect the legitimate concerns of the Clinton administration and others who support the pending Libertad Act.

Now, let me try to focus in on some of the details of the pending bill. Title I of the Dole-Helms Libertad Act is designed to be the next logical step in building on the Cuban Democracy Act.

The Cuban Democracy Act was passed by Congress and signed into law in 1992. It was intended to strengthen the U.S. embargo against Castro. It was intended to seek, aggressively, international sanctions against Fidel Castro's repressive regime, and it was intended to support directly the Cuban people who were being brutalized by Fidel Castro and his henchmen.

Mr. President, some of the provisions of the Dole-Helms substitute:

First, to authorize the President, whoever he may be, to furnish assistance to support democracy-building efforts and to assist victims of political repression and to facilitate visits of international human rights monitors;

Second, to prohibit loans, credits or other financing for transactions involving U.S. property that has been confiscated by the Castro thugs;

Third, condition any U.S. aid that may be contemplated to any republics that belonged to the former Soviet Union. Such conditions will be based on whether these former republics are now subsidizing the Castro economy or are benefiting from Cuban intelligence facilities directed against the United States. The Dole-Helms bill authorizes the President to implement a fully reciprocal exchange of news bureaus between the United States and Cuba.

Some of these sections already speak to actions the President has already taken. Nothing in the pending bill—nothing—prevents the exercise of lawful Presidential authority. What it does is place the Congress of the United States—the House of Representatives and this Senate—on record as being concerned with the direction of certain executive branch activities.

Now let us get to what is identified as the spending Dole-Helms bill. Title III of the substitute is the most misunderstood part of the bill, and it is the most important section.

What title III does, Mr. President, is protect the interests of U.S. nationals whose property was wrongfully confiscated by Fidel Castro and his henchmen. It does this by making persons or entities that knowingly and intentionally exploit stolen properties—United States properties, that is—in Cuba liable for damages in United States district court.

The intent, of course, is to deter third country nationals from seeking to profit from wrongfully confiscated properties—and to deny Fidel Castro what he needs most to survive: hard cash.

Title III specifically establishes the private civil right of action—that is, a right to sue in U.S. courts—for any U.S. national having ownership of a claim to commercial property confiscated by Castro against a person or entity who is knowingly benefiting from the use of such confiscated property. In other words, making profit off stolen goods. That is the simple term.

The intent of this provision is to create a deterrence so that foreign investors do not unjustly benefit from American property confiscated by Fidel Castro and his henchmen.

But there are a number of conditions that an American claimant must satisfy before he can even get into court. The Libertad Act now pending provides a 6-month period between this provision's enactment and the ability of a claimant to use the remedy. It requires an affirmative duty to notify a potential defendant about the claim to the confiscated property, and it provides treble damages only after an additional notice has been given.

It requires that the claim meet a minimum amount in controversy, a minimum amount of $50,000 exclusive of court costs. It requires service of process in accordance with existing laws and rules, including that any actions brought against a State entity must be in accordance with the Foreign Sovereign Immunities Act. That was the reason I was puzzled by some of the things Senator DODD was saying yesterday, and I am sorry he is not here to discuss them with me.

Finally, it provides that certified claimants who use this right of action are not denied U.S. Government espousal if they do not receive full compensation, but it reduces any responsibility to espouse by the amount of any recovery, and it discharges the United States from responsibility with respect to the certified claim if the claimant receives equal or greater compensation through this right of action.

Now then, I think it is essential to make it clear what title III does not do. It does not require, nor does not authorize, the United States Government to espouse the claims of a naturalized person in any settlement with a future Cuban Government. All sorts of legalistic meanderings have insinuated that this bill does that. Strike it, it does not do that.

Title III is the most important part, in my judgment, of the Libertad Act because, in addition to protecting our own citizens' property rights, it will deny the Castro Government access to the taking of foreign hard cash that Castro has been using to prop up his tottering regime, and to continue his enslavement of the Cuban people.

Oh, yes, I can understand that these thieves in the night, who operate in the dark shadows of international commerce, are upset that our action might end the free ride that they have been enjoying while pocketing a great deal of blood money. But it is time for simple justice; it is a moral duty and responsibility that we do this.

We become a part of what we condone, Mr. President. If we further condone Fidel Castro, we are a part of Fidel Castro's tyranny. And I do not intend to be a part of that. It is time that we serve notice on our principal trading partners that they should be ashamed of themselves—ashamed of themselves—for having anything to do with such activity by any of their own nationals, or to stand idly by without speaking out when it is done by others.

They have a moral duty. We have a moral duty, and that is what this bill is all about.

What it does not do, contrary to what the distinguished Senator from Connecticut was implying yesterday, is, it does not adversely affect, in any way, the rights of any certified American claimants. Not one.

What it does not do is create an open door for voluminous Federal litigation. It will not happen. Henny Penny can quiet down, the skies are not going to fall. What it also does not do is create new burdens for this or any future Cuban Government. The target is international traffickers, and the remedy has been designed to achieve that goal.

Once again, despite insinuations, suggestions, allegations, whatever, that no certified claimants support this bill, the fact is that countless hundreds of them do indeed support the Libertad Act—for example, Procter & Gamble, Colgate-Palmolive, Chrysler, Consolidated Development Corp., and many others.

Frankly, Mr. President, what the Libertad Act also does not do is burden the executive branch of our own Government, in a time of transition, from fashioning effective agreements with a Cuban transition government. It should enhance the ability of the President of the United States to fashion effective remedies, discouraging trafficking in property owned by U.S. citizens.

Now, lest it escape the understanding of anybody, let us be clear about how Castro and his cronies acquired these ''confiscated'' properties. He stole them. He stole them from their rightful owners, and now that he is desperate for hard currency to sustain his regime, Castro is offering foreign investors a subjugated labor force. He is offering foreign investors a low-cost use of this property, the same stolen properties that belong to American citizens.

If there ever was unjust enrichment at the expense of U.S. citizens, this is it, and it has to stop. We must, in my judgment, as a responsible U.S. Senate, vote to throttle Fidel Castro. That is why the Libertad Act is more important than ever before.

Since the introduction of the Libertad Act, the news media have reported on numerous occasions that foreign investments in Cuba are slowing down because of concerns that the bill will be enacted. The Miami Herald reported in June of this year, ''One Canadian firm called off plans to expand its involvement in Cuba, and other investors have slowed down their plans to avoid committing any cash before the fate of Helms-Burton is decided.''

In July of this year, 3 months ago, the National Law Journal reported: ''The chilling specter of lawyers enforcing the embargo has led more than one foreign investor to conclude that investing in Cuba may not be worth the risk of having their U.S. assets attacked by companies that once did business on the island.''

Many foreign investors are leaving Cuba because Castro continues to confiscate property. A German investor wrote an op-ed piece in USA Today in September, saying ''My trust in the Cuban marketplace has been severely shattered, and I want to issue a warning to eager potential investors from the United States: In Cuba, you have to learn to live with out-of-control communism. I have learned my lesson.''

Mr. President, this German investor was taken by Castro's security agents to their headquarters and was later put on a plane back to Germany. Cuban officials confiscated much of his belongings.

Now, that is the way the Castro regime operates; that is the way it has always operated. It used to be that Americans stood united about this Communist threat 90 miles off our shore. But now we are changing, ala Neville Chamberlain, who went over to Munich and consulted with Adolf Hitler and came back and said, ''We can have peace in our time. We can do business with Adolf Hitler.'' But nobody could do business with Adolf Hitler, and we should not be doing business with Fidel Castro. They are two peas in the same pod.

The Libertad Act is certainly worth the support of every Senator. Every Senator will not support it; but I ask support for this bill, as does Senator DOLE, because it is the right thing to do for America. I ask support for the bill because it is the right thing to do for the Cuban people. Ask the Cubans how they feel about it. The ones still in Cuba, the ones who are in exile in this country and elsewhere.

I have received countless letters of support, Mr. President, from Cubans still in Cuba, pleading for this Senate to enact the Libertad bill into law. Their hope for freedom is at stake. These people are supporting this bill, fully aware that for having done so, they are risking persecution by Fidel Castro.

As far as I am concerned, they are the heroes of the Libertad Act. I think Senators ought to bear that in mind when the time comes, if it comes, to vote.

I yield the floor.

Mr. JEFFORDS. Mr. President, I rise with all due respect to my good friend, the Senator from North Carolina, whom I have worked with over many, many years. And certainly in the days of his chairmanship of the Agriculture Committee, we had many good times working together.

However, I oppose this bill for many reasons. I was in the service of the United States Navy at the time that Fidel Castro assumed control of Cuba and have done everything since that time to try to bring about a change in that Government.

I have a strong difference of opinion on the approach which is important for this Nation to take at this time to bring about the change of government there.

For over 30 years, we have maintained an embargo against Cuba with a stated purpose of bringing about the demise of the totalitarian regime. However, our embargo has not brought about the political and democratic change legitimately desired by the Cuban people.

I support the Cuban people in their desire to do that. It is just a question of how you do it. It is not a question of the goal here. It is a question of how we reach that goal. It harms a majority of the Cuban people without affecting the ruling elite, and the Cuban Government is a major impediment to the United States exerting positive pressure for change in Cuba.

Further, Cuba today poses no strategic or political threat to our Nation. We ask ourselves, then, will the provisions of this bill hasten the change we all desire? I think the answer is clearly no.

I believe the provisions of this bill are, in fact, harmful to U.S. interests. Many of our closest allies—Canada, Great Britain, and Mexico—vehemently oppose the extraterritorial provisions in this bill as infringing on their sovereignty. They oppose this bill even though they share our unstinting commitment to bring democratic change to Cuba.

The bill would have little impact on non-United States investment in trade in Cuba, which is growing despite our embargo.

Mr. President, the provisions of this bill regarding property confiscations set a dangerous precedent, moving far beyond any existing law we have had in the history of this Nation. Under this bill, claimants could sue individual companies or government entities—foreign as well as domestic—regardless of whether the claimants were United States nationals at the time of the alleged confiscation. This bill attempts to confer retroactive rights of suit upon individuals and companies that were not U.S. nationals at the time their Cuban properties were taken.

The ramifications of this in all other situations similar around this world are staggering. This bill would confer a right to sue upon a specific national-origin group, which has never been done before. The United States has never conferred such rights on any such group.

The group that we refer to if this is opened up would be those that lost their property in China and Vietnam, Korea or anywhere else, who now came to this country—that is, those who fled the nations and came here, Vietnamese, too—and now have become United States citizens could go back as United States citizens to make claims. This has never happened before.

This bill would dilute the certified claims. We will talk here about a pot of money, if there ever is one. And what it would do is dilute by so much those legitimate claims under existing law, it would be totally unfair to the legitimate rights of the U.S. citizens at the time.

It would swamp the U.S. courts with thousands upon thousands of lawsuits, causing an explosion of litigation, costing programs billions of dollars. This possibility alone virtually ensures that the measure would be completely unwieldy. Citizens could have a hard time bringing any other matters before the courts.

This measure could also wreak havoc with some of our most important allies and trading partners by exposing their nationals to a flurry of lawsuits in U.S. courts.

The bottom line, Mr. President, is that this bill does nothing for our efforts to promote a democratic Cuba. It does nothing for U.S. economic interests. Most importantly, it does nothing but create a potential benefit for a small group of people at potentially great cost to the American taxpayers.

Therefore, I must say I vehemently oppose this bill as being contrary to the interests of the United States and the citizens of the United States. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DOLE. Mr. President, there are a number of committees meeting now, and I think it might be in the best interest if we recess for a few moments.

ORDER FOR RECESS

Mr. DOLE. Mr. President, I ask unanimous consent that following the remarks of the distinguished Senator from Connecticut, Senator DODD, that the Senate stand in recess until 1:45 p.m.

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

Mr. DOLE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BINGAMAN. Mr. President, our Nation has passed into a new period in our history, out of the cold war and into a time that will be entirely different than what we experienced during the cold war. Children studying history will look in textbooks and see clearly the demarcation between that period of the cold war and what we are now beginning to experience. They will see the breaking point, when the Berlin Wall fell, when the Soviet Union collapsed, when economic strength rather than military might began to define a country's real position in the world.

It seems that just about everyone knows that history is dragging our country forward, that we need to adjust to new circumstances. And everyone seems to know this but those who are, in fact, making decisions in this area that this bill deals with.

The Cuban Liberty and Democratic Solidarity Act, or the Helms-Burton bill, sends us not forward into this new era, but rather back about 30 years. Our Nation's foreign policy is rife with anachronisms, and I cannot personally be supportive of helping to reinforce and to entrench our foreign policy in these outmoded and outdated policies.

The issue we are discussing today is not whether the United States supports a peaceful transition to democracy in Cuba. Everybody here wants to see that occur. That goal is not in question. The means of getting there is what is in question. I feel that the provisions of the Helms-Burton bill will stall rather than help our efforts to get to a democratic regime in Cuba.

About a week ago, the President of the United States announced a plan that received much bipartisan praise. The President promised to more vigorously enforce unlicensed travel to Cuba, but to broaden support for cultural and intellectual in a way that the

people of Cuba could encounter more frequently and broadly the benefits of democracy that are at work here in the United States. The President stated that he would license nongovernmental organizations to operate in Cuba, to provide information, to provide on a relief basis, when needed, the necessary infrastructure to help guide Cuba and its people toward democracy in the future.

The President also noted that Cuban-Americans with relatives still in Cuba will be permitted to visit Cuba to tend a family crises, and that these automatic one-time-per-year licenses to visit would not be stymied by the current delays and management problems that frustrate American citizens from getting to Cuba when family emergencies exist.

The President is also instructing that Western Union be licensed to handle wire transfers of funds to families in need on that island.

But do any of these proposed actions by the President strengthen Castro's hand? In my view, they do not. What these provisions do is help bond the people of Cuba to the people of the United States. For 34 years, we have tried to bring Fidel Castro down with heavy-handed tactics. One would think that during such a long period of time we might have figured out that our policy has not been successful.

We need a new direction that must involve building bridges with the Cuban people. They have in them the beginning of a policy that will bring democracy to Cuba. This bill does not help in that process. I do think that the President's plan is an important step in the right direction. The Helms-Burton legislation which we are now dealing with on the Senate floor would injure and alienate ordinary Cubans; it would weaken Cuba's civil society and retard the fledgling efforts to move toward democratization in that country, and the unprecedented effort to impose United States policies on other countries would make it more difficult for the United States Government to cooperate with its allies in fashioning a joint approach toward Cuba.

We cannot endlessly bully our allies around the world on issues related to trade, except when the most severe national interests of our Nation are at stake. We have had 34 years of stalemate with regard to Cuba. Finally, things seem to be indicating some transition is occurring.

Now is not the time to do battle with Europe and with Asia over our relations with Cuba. Now is the time to develop strategies to help this nation as it does move into a new order.

Mr. President, I must also mention the serious concern I have with title III of the bill which creates the right for United States persons who were not United States citizens at the time of property expropriation to sue in United States Federal courts persons who traffic in United States properties in Cuba.

This provision will provide an unfunded mandate on our Federal courts. It will lead to a flood of new lawsuits, costing U.S. taxpayers hundreds of millions of dollars in court expenses. Furthermore, the $50,000 threshold that this bill contemplates in such cases means that we are primarily addressing the needs of relatively wealthy Cubans and neglecting those who were victimized but, in fact, were less well off.

If we are to make decisions of this sort, we should respond to the crimes committed and not to the particular wealth of the individuals who were harmed. Nevertheless, to handle this matter in American courts would certainly impede current U.S. efforts to resolve outstanding property claims disputes. It would impede economic reform efforts by a transition government in Cuba, and it would overburden our already overburdened Federal courts.

In the Inter-American Dialog it was recently reported that used only as an instrument of pressure the embargo that we currently have against Cuba is not effective in promoting reform. It may well have the opposite result of stiffening resistance to change. Constructive use of the embargo requires that the United States open an active dialog with the Cuban Government to foster Cuba's democratization and encourage a range of political and economic reforms.

In closing, Mr. President, I want to add one last caution, as others have stated here on the floor, with regard to this legislation. This bill was not reported out of the Foreign Affairs Committee. It did not go through a markup.

This bill is handling matters that are very consequential for our relations with that nation. In such consequential matters we clearly need to scrutinize what we are doing, act with caution.

I believe we need to follow the normal practice which exists here in the Senate and has for many years. That is, to allow committees to work on legislation, allow committees to revise legislation before that legislation is brought to the full Senate for passage or defeat.

I urge my colleagues not to support this bill as it now stands. I yield the floor.

Mr. DODD. Mr. President, before he departs the floor, let me commend our colleague from New Mexico for a very thoughtful and eloquent statement regarding the pending legislation before the Senate.

I particularly want to highlight his comments with regard to title III of this bill. I mentioned this last evening, Mr. President, but I will reiterate the point that the Senator from New Mexico has raised this afternoon. I urge my colleagues to focus their attention on this particular section.

Under existing law there are some 6,000 claimants—legitimate claimants—under law that has existed for four decades in this country, that says in order to be a bona fide claimant where there has been an expropriation of property in a foreign country and noncompensation for that property, then those people have a right to go to the U.S. claims court.

The U.S. Government acts as their agent, in effect. It is not just access to the court. We then ask our Government to pursue these matters on behalf of U.S. citizens.

This law now expands the universe of claimants from the 6,000 who exist and who were U.S. citizens at the time the expropriation took place to an estimated 430,000 claimants, because the law now says even though you were not a U.S. citizen at the time of the expropriation, if you became one later then you have the right to use the U.S. courts to pursue those claims.

We are carving out an exception—even if my colleagues want to do that, we are carving out an exception—just in the case of Cuba. There are 37 other nations, Mr. President, where we have expropriation matters pending. If we extended that same right to other nationals now in our country, U.S. citizens, you would absolutely overwhelm the U.S. courts.

The average cost to process a claim is $4,500. Just in this case, if the estimates are correct, in excess of 400,000 claims, it will cost the U.S. taxpayers millions and millions of dollars.

If for no other reason—put aside what the bill may or may not do to the government of Fidel Castro—the first question all of us must ask is what are we doing to ourselves? If you analyze this bill in the context of what we are doing to ourselves someone ought to be willing to provide some appropriations here and expand the courts and the personnel in order to handle this tremendous tidal wave of matters that will come before them.

I point out, Mr. President, the 6,000 claimants have expressed their strident opposition to this bill for the legitimate reason that they feel their rightful claims will be overwhelmed as a result of the increased numbers who will be seeking to have their claims adjudicated by the U.S. claims court.

I want to compliment my colleague from New Mexico for raising that particular point in this bill.

I also suggest that we are finding ourselves more and more isolated on this question. It is not a debate about whether or not we want change in Cuba. I do not believe there is any dissension in this body on that issue at all.

The question is whether or not in our response, our emotional response to Cuba, that we are thinking carefully and prudently and wisely in seeking the kind of cooperation and support you need to have if you are going to be effective in those desires.

There are 58 countries doing business in Cuba today whether we like it or not. In fact, it is expanding, not contracting. If you are going to be effective in bringing together the kind of economic pressures you have to have

some cooperation internationally. That is not the only reason to do these things.

There was a vote in the United Nations on Cuba. Only one other country joined us—one other country joined the United States, and that was Israel. The irony is Israel does business—businesses do business in Cuba. It puts us in a very awkward untenable position of not only harming ourselves but also having no impact whatever on Cuba itself.

I urge my colleagues to look at this legislation no matter how strongly you may feel. I understand those feelings, about what the Cuban Government has done to the people of Cuba since 1959. We need to be thoughtful about how we are approaching the problem. We are doing business in the People's Republic of China. We just granted diplomatic status to Vietnam. Here we are now going to say that it is all right to do things there to try and effectuate change, but here we are creating a different standard altogether.

Again, my compliments to our colleague from New Mexico. I thank him for his comments and urge my colleagues in the coming hour to take a good hard look at this bill and ask yourself the question, whether or not this legislation is in the best interests of our country. What does it do to those legitimate claimants who are counting on these courts to process those claims so they can be compensated for the expropriation that has occurred?

Mr. SIMON. Would my colleague yield?

Mr. BINGAMAN. I am happy to yield.

Mr. SIMON. I just walked on to the floor, I confess, and heard Senator DODD speaking.

When he asked the question, what are we doing to ourselves —that is really the fundamental question. What is our self-interest?

It so happens earlier today a woman asked me why have we not been in Vietnam getting business? She says the French—she is in an agriculture implement business—the French and Japanese and others are in there getting the business that we should have been getting.

Well, the answer is we should have been there but we have been responding to the national passion rather than the national interest. We have to ask, what is in our own best interest.

Passing this kind of legislation may bring cheers from certain quarters. It does not help the United States of America, and it does not help people in Cuba who want freedom.

I commend my colleagues for standing up on this. We have to send a message to the rest of the world that we are going to work with the rest of the world, including governments we do not like.

I do not like Castro's government. In the area of human rights their record is miserable. But I have to say, so is the record of China. We are working with China. We are cuddling up to China a little more than I like, frankly.

But I do think if China wants to buy a Ford tractor from the United States, we should sell them a Ford tractor.

I think of our relations with Cuba back when there was a Soviet Union. If Moscow and Castro got together and said how can we design U.S. policy to keep Castro in power, they could not have designed a better policy than the one we follow. We have isolated Castro and we have made him a hero among his people for standing up to the big bully, the United States.

This legislation is not in our national interests. I commend my colleague.

Mr. BINGAMAN. Mr. President, let me just commend both my colleagues, the Senator from Illinois and the Senator from Connecticut. They have spoken out on this issue before. Of course, the Senator from Connecticut is the ranking member on the subcommittee which has jurisdiction in this area and does an excellent job in providing leadership to us on these issues.

I do think our policy with regard to Cuba is an anachronism today. This legislation would further entrench that same policy and further harden that policy in a way that I think would result in delaying democracy coming to Cuba. I think that is clearly the end result.

The reference to China reminded me of a cartoon which I enjoyed several years ago. President Reagan was visiting China, and one of the cartoonists had a picture of him on the Great Wall of China speaking to Chou En-Lai at the time, saying, ''This wall is terrific. If this does not keep the Commies out, I don't know what will.''

That, I think, points up the absurdity of a policy. That is a Communist government in China. It has been a Communist government. We do business with them. We need to do business with them. We need to recognize that they are a real part of this world. Clearly, we have such a contrary policy when it comes to Cuba it needs to be rethought.

This legislation needs to be defeated and certainly we have a chance to do so at this point. I think the President is acting judiciously and properly in beginning to plant some seeds which will encourage democracy to come to that island. That is all that can be done at this point. I think that is an important step forward, and we should not interfere with it. We should not do anything to support this Helms–Burton legislation.

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

Mr. DODD. Mr. President, I believe the majority leader announced that at the conclusion of my remarks the Senate would stand in recess until 1:45. I ask the Chair, is that not correct?

The PRESIDING OFFICER. That is correct.

Mr. DODD. Let me briefly say that we are going to be on this matter, apparently. I, last night, spoke for an hour or so. The Presiding Officer spoke on this issue last evening. Several have.

My hope would be, unless other Members are going to speak on this issue, we might have an opportunity to talk about some other issues. We have a major problem emerging on the home front here in the next several weeks and that is this so-called reconciliation bill that deals with Medicaid, Medicare, and taxes. It looks as if we are only going to have about 20 hours to debate a domestic issue of far more importance to most people in this country than a policy dealing with Cuba. So I hope we might—if Members are not going to address this issue, since we are apparently not going to vote on this matter for some time here—we might at least have the opportunity to talk about some of these other issues.

I know in my State people are far more interested in what is going to happen to their Medicare and what is going to happen with Medicaid and the tax breaks that are being proposed to be paid for by the cuts in Medicare. It is a matter of deep, deep concern. We will have had no hearings on those issues; not a single hour of hearings on that. At least we had hearings on Cuba, on this issue, going back a number of weeks ago. We had no markup of the bill on this particular legislation we are going to be discussing. And of course there will be a markup but no hearings on the bill that will be affecting Medicare and Medicaid.

So I am somewhat mystified we would spend this much time on this issue and yet leave Medicare and Medicaid to a status of insignificance by comparison, in terms of the amount of time allocated for discussing it. I think that is wrong. I think it is tragic. I think the American people will respond accordingly.

So my hope is we might at least offer Members the opportunity, if not to discuss particularly this matter, to use the time to talk about some of these other issues. Obviously, that is a matter for those who control the floor to make a decision on, whether or not they will allow that to occur. I hope that will be the case.

I yield the floor.

RECESS

The PRESIDING OFFICER. The Senate will stand in recess until 1:45 p.m.

Thereupon, at 1:05 p.m., the Senate recessed until 1:45 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. MACK).

CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY [LIBERTAD] ACT OF 1995

The Senate continued with the consideration of the bill.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Mr. President, what is the pending business?

The PRESIDING OFFICER. Amendment 2898 of H.R. 927.

Mr. DOLE. Mr. President, the Senate is stuck in a filibuster of the Cuba Liberty and Democratic Solidarity Act of 1995. Unfortunately, some have decided to make this a partisan issue. The White House has unleashed a lobbying barrage. This should not be a partisan issue. The House passed similar legislation with strong bipartisan support. In fact, 67 Democrats joined Republicans in that effort, including Minority Leader RICHARD GEPHARDT. There are Democratic cosponsors of the pending legislation—Senators GRAHAM of Florida, LIEBERMAN, HOLLINGS, ROBB, and REID. I have no doubt that more Democratic Senators would support the bill if we could get to a vote. I hope the minority will allow us to vote.

The legislation before us addresses many of the concerns raised by the administration regarding the House version. At least 10 substantive changes to address administration concerns have been made in the pending Dole-Helms amendment. This bill will have to go to conference, where the administration will have ample opportunity to air additional concerns. I do not know if the White House or Democratic Senators are aware of the changes that have been made in this bill. But I hope they will take a look at the 10 changes.

What I believe the Senate should do is speak on the issue of bringing democratic change to Cuba.

Fidel Castro is watching closely what we do today. I know the last thing any Member wants to do is send Castro a signal of approval for his refusal to change. But we should be clear—many of the opponents of this legislation have always opposed the embargo on Cuba, and have always wanted sanction on Castro lifted. That is not President Clinton's stated policy, and it is not a policy that would receive more than a few votes in this body.

There are legitimate concerns about the legislation. That is why Chairman HELMS has made so many substantive changes in the legislation. Virtually all the issues raised by the White House in the statement of administration policy have already been addressed. I ask unanimous consent that an analysis of the administration's concerns and the modifications in the pending amendment be printed in the RECORD after my remarks.

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

(See exhibit 1.)

Mr. DOLE. Mr. President, the winds of freedom have been blowing throughout our hemisphere. Dictators have fallen, political prisoners have been freed, and democracies have flourished. Only one country has bucked the democratic tide: Castro's Cuba. Only one country continues to repress its own people in the name of the failed dream of communism: Castro's Cuba.

No one should believe that Castro will change willingly. No one should believe that Castro will respond to eased pressure. After 30 years of totalitarian rule and support for terrorism, it is not the United States that should change its policy—it is Cuba that should change. And Cuba will only change if the United States, the leader of the free world, keeps the pressure on Fidel Castro. I urge my colleagues to oppose the filibuster of this bill, and support democratic change in Cuba.

EXHIBIT 1

RESPONSES TO THE ''STATEMENT OF ADMINISTRATION POLICY'' ON THE DOLE-HELMS SUBSTITUTE TO H.R. 927

1. ''The bill would encroach upon the President's exclusive authority under the Constitution to conduct foreign affairs, or otherwise unduly limit the President's flexibility. . . . Mandatory provisions should be replaced with precatory language in the following sections: . . .

Section (b) [Diplomatic Efforts: The Secretary of State shall ensure that U.S. diplomatic personnel abroad understand and urge cooperation with the embargo]:

The Dole-Helms substitute states that the Secretary of State ''should'' ensure that U.S. personnel are communicating support for the embargo to their foreign counterparts.

Section 110(b) [Withholding of foreign assistance from countries supporting nuclear plant in Cuba]:

The Dole-Helms substitute contains no similar provision.

Section 111 [The SAP mistakenly refers to a Section 112, which does not exist in H.R. 927] [Expulsion of criminals from Cuba]:

The Dole-Helms substitute contains no similar provision.

Section 201 [Policy toward transition and democratic governments in Cuba]:

The Dole-Helms substitute contains seven policy statements: That it is U.S. policy (1) to support the Cuban people's self-determination, (2) to facilitate a peaceful transition, (3) to be impartial toward any individual selected by the Cubans for their future government, (4) to enter into negotiations with a democratic government on Guantanamo, (5) to consider the restoration of diplomatic relations and support Cuba's reintegration into the inter-American system after a transition government comes to power, (6) to remove the embargo once the President determines that a democratic government exists in Cuba, and (7) to pursue a mutually beneficial trade relationship with a democratic Cuba.

It is difficult to see how any of these policy statements infringe on, or limit, the President's foreign affairs authority.

Section 202(e) [The President shall take the necessary steps to obtain International support to transition and democratic governments in Cuba]:

The Dole-Helms substitute (substitute section 202(c)) states that ''the President is encouraged to take the necessary steps'' to obtain international support.

Sections 203(c)(1) and 203(c)(3) [transmittal of a presidential determination to Congress that a transition and democratically elected government, respectively, are in power in Cuba]:

Under Title II, implementation of the assistance plan to either a transition or democratic government in Cuba in triggered by a presidential determination, transmitted to Congress, that such a government has come into existence.

In foreign aid authorization and appropriations bills, Congress routinely requires a presidential determination, transmitted to Congress, before it provides for the release of any assistance. The provisions in the Dole-Helms substitute are consistent with existing practice.

In sum, every concern raised by the Administration about H.R. 927 infringing on the President's foreign affairs powers is either addressed by the Dole-Helms substitute or conforms to existing practice.

''The effectiveness of civil penalties as a tool for improving embargo enforcement is greatly limited by the exemption in section 102(d). . . . Section 102(d) should be amended to address this shortcoming.''

The Dole-Helms substitute agrees that civil penalties would be an effective tool in enforcing the embargo. Section 103(d) of the substitute contains the language favored by the Administration.

''Section 103 [prohibition on indirect financing to Cuba] should be amended to make the prohibition of certain financing transactions subject to the discretion of the President.''

The Dole-Helms substitute provision on indirect financing (section 104 of the substitute) gives the President the authority to suspend the prohibition upon the determination that a transition government is in power in Cuba. The House bill only allows the President to terminate the prohibition when a democratic government is in power in Cuba.

The substitute also provides that the prohibition shall not apply to financing by the owner of the property or the property claim for activities permitted under existing Treasury regulations. This exception is not in the House bill.

4. ''Section 104(b), which would require withholding payments to International Financial Institutions, could place the U.S. in violation of international commitments and undermine their effective functioning. This section should be deleted.''

U.S. opposition to Castro's membership in international financial institutions does not violate our obligations. Charter obligations apply to member nations in their relations with the international financial institution and its relations with other IFI member states, not to those nations which are not member-states. Cuba is not a member state and thus is *not eligible* for any type of IFI loan or other assistance.

The objective of the LIBERTAD bill is to deny Castro access to IFI financing, while signaling clear support for Cuban membership in the international financial community once a transition to democracy is underway.

The LIBERTAD's provisions (substitute section 105) are consistent with U.S. obligations and with precedent for opposing and withholding contributions to international financial institutions:

Under Section 29 of the Inter-American Development Bank Act, no funds are authorized for a U.S. contribution to the Inter-American Development Bank for assistance to ''non-member countries'' such as Cuba.

In 1979, Congress cut the U.S. contribution to the International Development Association (IDA) by $20 million in order to show disapproval of a $60 million IDA loan to Vietnam. At that time, the U.S. contributed one-third of IDA's funds and the $20 million withheld represented the U.S. share of the Vietnam loan.

In 1960, Castro withdrew Cuba's membership from the international financial community; Cuba was *not evicted* from membership. At that time, Castro said there was no reason for Cuba to belong to the World Bank ''since the economic policy of that institution is far from being effective in regard to the development and expansion of the Cuban economy.'' Castro's hostile views haven't changed toward the international financial institutions. This past March, Castro denounced the ''irrationality of the system'' when referring to the IMF and the World Bank.

5. ''Section 106 [Assistance by the independent states of the former Soviet Union for the Cuban government] would undermine important U.S. support for reform in Russia.

For former Soviet states receiving bilateral U.S. assistance, the Dole-Helms substitute signals Congress' disapproval of those countries maintaining a military presence in Cuba, using Cuba as a base from which to conduct espionage activities targeted at the United States, or providing trade to Cuba on terms that the market would not provide (i.e., ''nonmarket-based trade'').

In November 1994, Russia publicly announced that it provides Cuba with $200 million in credits for the use of intelligence facilities in Cuba.

The Administration claims to share these concerns.

The substitute recognizes that the U.S. has interests in former Soviet states that go beyond their relations with Cuba. As such, it exempts from its restrictions funding for Nunn-Lugar denuclearization programs, humanitarian assistance, political reform programs, and free-market development.

The prohibition may be waived by the President if he determines that aid is in the national security interests of the United States and that Russia has assured the President that it is not sharing intelligence data collected from facilities in Cuba with the Cuban Government.

The provision on nonmarket-based trade states that economic relations between former Soviet states and Cuba should be on commercial terms, not on subsidized terms. This section was originally adopted by the House Foreign Affairs Committee and approved by a Democratically-controlled House of Representatives, and accepted by the Administration, in 1993.

6. ''Section 110(b) [withholding of foreign assistance from countries supporting nuclear plant in Cuba] is cast so broadly as to have a profoundly adverse affect on a wide range of U.S. Government activities.''

The Dole-Helms substitute contains no similar provision.

7. ''Section 202(b)(2)(iii), which would bar transactions related to family travel and remittances from relatives of Cubans in the United States until a transition government is in power, is too inflexible and should be deleted.''

This provision is not in the Dole-Helms substitute.

The substitute contains ''sense of the Congress'' language (section 111) outlining that any resumption of family travel and remittances should be done in response to positive steps by Castro, including allowing Cubans to operate small businesses and freeing political prisoners.

On October 6, the President announced a policy that allows for limited family travel and remittances. The Dole-Helms substitute does not contradict or negate that policy.

8. ''Sections 205 and 206 would establish overly-rigid requirements for transition and democratic governments in Cuba that could leave the United States on the sidelines . . . The criteria should be 'factor to be considered' rather than requirements.''

The only specific requirements for a transition government in the Dole-Helms substitute are that such a government has (1) legalized political activity, (2) released all political prisoners and allowed for access to Cuban prisons by international human rights organizations, (3) dissolved the state security/police apparatus, (4) agreed to hold elections within two years of taking power, and (5) has committed publicly, and is taking steps, to resolve American property claims (substitute sections 205 and 207).

The substitute contains a list of additional factors that the President is asked to take into account when determining whether a transition or democratic government is in power in Cuba. Except for the requirements outlined above, these are not ''requirements'' that have to be fulfilled before aid can go to a transition or democratic government.

The President can waive the property conditions (in substitute section 207) if he determines that it is in the vital national interest of the United States to aid either a transition or democratic government.

By outlining factors to be considered rather than specific requirements and by providing waiver authority, the substitute acknowledges that the President needs flexibility in making determinations as to Cuba's political evolution.

9. ''By failing to provide stand-alone authority for assistance to a transition or democratic government in Cuba, Title II signals a lack of U.S. resolve to support a transition to democracy in Cuba.''

Title II of the Dole-Helms substitute contains unprecedented legislative language written with the express purpose of encouraging a democratic transition in Cuba. The substitute mandates the development of a plan by the United States to respond to a transition process in Cuba. The plan is to include an assessment of the types of assistance that would be required and the mechanisms by which that assistance would be delivered.

The substitute outlines general areas that should be the focus of U.S. assistance, including aid to meet the humanitarian needs of the Cuban people, as well as assistance to revise the Cuban economy through free-market development. (The substitute's premise is that traditional foreign aid is not the solution to Cuba's economic problems, but that private, free-market economic activities are the key to the island's recovery.)

The substitute language does not prohibit the President from submitting and Congress acting on, a support package prior to a change of government in Cuba. It does, however, limit disbursement of any aid to or through the Cuban government until such time as either a transition or democratic government is in power in Cuba.

The substitute does not diminish or otherwise affect the President's existing authorities to reprogram and disburse funds to respond to situations he deems require an emergency response.

10. ''Title III, which would create a private cause of action for U.S. nationals to sue foreigners who invest in property located entirely outside the United States, should be deleted.''

The ''right of action'' provision allows U.S. nationals with confiscated properties in Cuba and who have not been compensated for that property to sue those who continue to exploit their confiscated property six months after the bill's enactment.

The property may be located outside the United States, but the holder of legal title to the property is a U.S. citizen. it is well established in both international law and U.S. jurisprudence that domestic courts may reach actions abroad that directly affect our nation. An example is the ability of U.S. courts to have jurisdiction over antitrust conspiracies abroad.

Knowing and intentional torts committed on the property of American citizens, even when the property is situated overseas, is sufficient basis for U.S. court jurisdiction.

This right of action is against the ''tort'' of unauthorized, unlawful ''conversion'' of property—essentially the act of ''fencing'' stolen goods.

Castro's confiscations and continuing exploitation of properties confiscated from American citizens has a direct impact on the United States.

''Applying U.S. law extra-territorially in this fashion would create friction with our allies . . .''

The remedy sought is a domestic one; the right of action does not seek to be enforced abroad. It is restricted to the jurisdiction of U.S. Courts and those who can be constitutionally reached by our courts.

The LIBERTAD bill has stirred opposition from those foreign entities benefitting from Castro's illegal confiscations at the expense of the rightful American owner. The bills' intent is not to create tensions with allies, but to serve as a disincentive to would-be investors in properties in Cuba confiscated from U.S. nationals.

If a foreign entity is not investing in, or benefitting from, property confiscated by the Castro government from a U.S. national, then there is no liability under the LIBERTAD bill.

''. . . would be difficult to defend under international law . . .''

It is well established in international law that a nation's domestic courts may reach actions abroad when those actions directly affect that nation.

''and would create a precedent that would increase litigation risks for U.S. companies abroad.''

The right of action is specifically for properties in Cuba. Any other country that seeks to extend this right of action to its citizens would be expected to satisfy the same criteria that are included in the LIBERTAD bill.

Castro's economic exploitation of wrongfully confiscated properties if unchallenged could establish an international precedent that such exploitation, when the legal owner has not been compensated, is appropriate and meets with the approval of the international community, including the United States.

To the extent that this legislation sends the message that ''fencing'' stolen property carries a cost, it improves the climate for international investment and establishes an incentive for states to resolve confiscation claims.

''It would also diminish the prospects for settlement of the claims of the nearly 6,000 U.S. nationals whose claims have been certified by the Foreign Claims Settlement Commission.''

To the contrary, the cause of action should encourage the settlement of claims by providing a disincentive to foreign entities discouraging the sale of American-owned property to foreign-owned businesses whose occupation of the property can only be considered a further complication in an era of transition.

Castro, by encouraging joint ventures and the possibility of ownership in confiscated properties, is encumbering the property by granting rights to that property. To the extent that the right of action serves as a disincentive to would-be investors, it keeps confiscated properties from being subject to further ownership claims.

''Because U.S. as well as foreign persons may be sued under section 302, this provision could create a major legal barrier to the participation of U.S. businesses in the rebuilding of Cuba once a transition begins.''

The LIBERTAD bill places the United States firmly behind a democratic transition in Cuba. It does not put in place impediments to rebuilding of a free and independent Cuba nor to U.S. business participation in a post-Castro Cuba.

Once a transition is underway in Cuba, the rightful owners of Cuban property will likely be able to assert their claims in Cuba as any new government will be on notice that good relations with the U.S. include respect for property rights.

11. ''Title IV, which would require the Federal Government to exclude from the United States

any person who has confiscated, or ''traffics'' in, property to which a U.S. citizen has a claim, should be deleted.''

The Dole-Helms substitute contains no similar provision.

12. Pay-As-You-Go Scoring: ''H.R. 927 would affect receipts; . . . OMB has not yet been able to estimate the paygo effect of receipts from filing fees for such lawsuits. (However, discretionary costs to the Government from lawsuits could be significant and could place a heavy burden on the court system.)''

CBO estimates that implementation of the Dole-Helms substitute would cost about $7 million over the next five years. As for the pay-as-you-go effect, CBO ''estimates that additional receipts would not be significant, at least through 1998. These impacts on the federal budget all stem from title III.''

CBO estimates that ''the federal court system would incur about $2 million in additional costs to address cases that actually go to trial. . . . However, [because of the $50,000 threshold], CBO expects the number of additional claims would be quite small and that additional costs to process these claims would not be significant.'' [CBO Letter to Senator Helms, July 31, 1995]

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KYL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. BOXER. I would like to thank Chairman HELMS for his graciousness. I told him I was not intending to speak on the Cuba bill but on other items basically dealing with budget priorities, and since he did not have any other speakers he agreed because under the rules he can object at this point in time due to the Pastore rule. So I just wanted to thank him for that graciousness.

BUDGET RECONCILIATION

Mrs. BOXER. Mr. President, I think it is very important, since we only have 20 hours of debate on the Budget Reconciliation Act, that we take as much time as we can find on the Senate floor to talk about what we believe the future of this country is going to look like once the Congress acts on the budget. I think it is fair to say that the far-reaching impact of the budget bill that has been passed by the Republican Congress is not quite understood because it is very complicated, because there are charges and there are countercharges, but I think at this moment we have to look at what we are facing before it is too late—before it is too late.

The budget bill that is coming out of these various committees—and it seems to me that there is no compromise at this point—is so radical in my view, is so harmful in my view, is so extreme in my view, that reasonable Americans of all political persuasions must know the facts. All too often we are told by politicians: Gee, this is very complicated. Trust me; gee, it is hard to understand this. Trust me; gee, it is all politics and everyone will say one thing and another thing. Just trust me.

I say it is time for the American people to learn the facts, to understand the numbers, and to understand what faces them, if these priorities move forward, if this budget bill moves forward, and if there is no compromise between Republicans and Democrats, which I earnestly hope for and I will earnestly work toward.

So this is where we stand. In the Republican budget bill they are going to cut $270 billion out of Medicare. Now, I said it once and I am going to say it again, they want to cut $270 billion in the next 7 years out of Medicare. And I know if I had a Republican colleague on the floor, they could say, ''Senator BOXER, not true. We're just going to reduce the rate of growth of Medicare by $270 billion. Medicare will still grow, but we're just going to reduce the rate of growth.''

And I have to tell you, that kind of rationale simply will not fly with people who listen and understand. Why do I say that? Why is it that we have to spend more on Medicare? It is very simple. We are living longer. This is good. This is important—the advances that we are making in the medical field, the fact that prevention has taken hold. We know now about how important it is to do our exercise, to have a high-fiber diet, to have a low-fat diet. And, yes, it is difficult to teach our young about that. But those of us over a certain age get the message. We kind of like to stay around. We want to see our children and our grandchildren. We want to be here with the wisdom of our years.

And so we are beginning to live longer thanks to medicine, thanks to prevention, thanks to education. This is good. So, of course, more people are going on Medicare each and every year. We should celebrate that. And that is why we need more money, because more people are going on Medicare. And that means we have to make some adjustments. Of course we do. And I will talk about that later to make sure that the money is there for all of us who live those golden years.

Why else do we need more money in Medicare? We are not only living longer, we have better technology in the medical field, and we want to give that to our grandmas and grandpas so they can have the benefit of this medical technology. And, of course, we then have to make sure we are not wasting money in Medicare. There is a lot of room for improvement. We must do what we can. And we will.

But this, my friends, this number, makes no sense at all. It is not necessary. There is not one health expert that tells us we must cut $270 billion out of Medicare. Absolutely not. I will tell you later what we must cut out of Medicare, but this number, my friends, is not it. This is a killer. This is a killer. This will kill the program. And I always thought we honored our elderly, and I always thought this was a 30-year-old program that was worth preserving because it works for our seniors.

Is it perfect? No. Can we make it better? Yes. Do we need to cut $270 billion out of it? Absolutely not.

But now I am going to show you another number and tell you why the Republicans are cutting $270 billion out of Medicare. It is really pretty simple when you understand. Guess what? They need $245 billion for a tax cut which will benefit the wealthiest people in America, and they cannot find it in all the other programs. They looked. They will not touch defense.

As a matter of fact, they have increased defense by billions more than the admirals and generals asked us to do. They could not find it there, and they have cut to the bone education, environment, you name it, public transit, dollars to prevent crime. So they had to go to Medicare because they had to find $245 billion for a tax cut.

My friend from North Dakota, who you will hear from, has offered a series of amendments that said, look, let us give a tax cut but let us limit it to the middle class if we are going to have one. And that went down here on a party-line vote. They will not limit the breaks of this tax cut to those in the middle class. They will give people who earn over $350,000 a year $20,000 a year back. And I ask you, is that fair? Is that fair when we are asking our senior citizens to be party to the destruction of Medicare, when we are asking our college students, as they are, to pay more for their student loans? Is it fair that they are cutting environmental protection by one-third?

They have to find the money for this $245 billion tax cut. I hope the American people will notice the symmetry between what they need to find for their tax cut, mostly for the wealthy, and this $270 billion they will cut from Medicare.

That is the answer. My friends, this is a funnel approach. I call the Republican Medicare plan a funnel plan. It funnels the money from senior citizens directly into the pockets of the wealthiest among us.

I have absolutely every admiration for those in America who have done well. They have taken advantage of the American dream. They have worked hard. But I do not think those good people want these kinds of priorities. I have spoken with many of them. I have talked to them, and they are embarrassed about it. They say, ''Don't give me any tax cut until you balance the budget. And don't kill off Medicare, because my mom likes it and my dad needs it.'' But oh, no, it is in the contract, the contract for America or with America or on America. I forget what it is called. It is in the contract. And therefore, there is no backing off. There is no compromising, and I only hope that changes.

It will change if the American people wake up and understand this Republican Medicare plan is a funnel plan. The funnel goes from the senior citizens directly into the pockets of the

wealthy of America. And guess what? The senior citizens, the average senior citizens, earn under $25,000 a year and pay more than $3,000 a year in out-of-pocket expenses for their medical care already.

Oh, the AMA jumped on board. I think it is important to note that the AMA, the American Medical Association, stood back from the Republican plan until they got a promise that their fees would be OK. They are going to be OK. They are going to be OK. So they jumped on. Remember, the American Medical Association and 97 percent of Republicans opposed Medicare when it was started in 1965.

This is no shock or surprise. A group that never supported Medicare in the first place jumps on board and plans to demolish it, unnecessarily so, to cut $270 billion to give $245 billion to the wealthiest among us.

Now, the Republicans say, ''You Democrats, you won't face up to the fact that Medicare is in trouble.'' This is what they say. They run ads, ''Congressman that and Senator that, Democrats don't understand it.'' We understand it because we are the ones who acted responsibly since 1970 when the trustees started telling us each and every year we had to make adjustments.

For example, in 1970 they said, ''We're going to be insolvent in 1972. We have to fix the problem.'' We fixed it. Almost every year, except a couple times, we were told the Medicare fund had to be made solvent, and every single year we always made it solvent, no problem. As a matter of fact, we just acted in the last Congress to make it solvent. We could not get any Republican help on that. We voted it in in the Democratic Congress.

So they tell you that this is a once-in-a-lifetime problem, and we better act. This has happened year after year after year. The trustees told us the fund was going to be insolvent. Why? Why? Because people are getting older and medical technology is getting better, and, yes, we have to adjust the fund.

So do not be taken in with the argument that Medicare is in desperate trouble and we must cut $270 billion from it. It is not so. It is not so.

How much do we have to cut from Medicare to make it work? We have done it all the time. We fixed the fund continually throughout these years. What is it going to take? We have a number. We know what it is, and that number is $89 billion. That is what we have to find to cut out of Medicare to make it safe, to make it solvent and whole to the year 2006, and then, Mr. President, I say to my friends, we will be doing what we should be doing.

So I guess what I need to sum up with is this: I represent more senior citizens than anyone else in the Senate, except for the senior Senator from California, Senator FEINSTEIN. Why? Because we have 32 million people in our State and they are worried. And they are worried. The average woman over 65 in this country who is on Social Security lives on $8,500 a year, and she is already spending $3,000 out of pocket on her medical care. Is this the way we honor our seniors? Is this the kind of legacy we want to leave?

And if this is not bad enough, you should see their Medicaid plan. Two-thirds of our seniors in nursing homes are on Medicaid. Two-thirds of our seniors. And do you know what the Republicans have voted to do? They have voted to decimate that program. The hospitals in my State and every other State are up in arms, the Governors are up in arms—Republican Governors are up in arms—because on top of these Medicare cuts that I showed you, there is $182 billion of Medicaid cuts, and while they are at it, they have repealed the national standards for nursing homes.

We are going to go back to the dark ages, to the secret tortures of bed sores and sexual abuse and beatings and druggings. Why do you think we have national standards? We did not pass it here for fun. We passed it because of the outrageous things we knew were going on in nursing homes. And do you know what we said? The seniors are a national priority, and we are not going to leave it up to 50 different States.

We have standards for airplanes. We do not leave it up to 50 different States. We have standards for drugs, because we do not want our people poisoned. We do not leave it up to 50 different States. Why on Earth in God's name would we say that we should cancel nursing home standards and leave it up to the States when we know the problems we have and the agonies that our families went through before we had national standards?

Now, look, I am for change as much as anybody else, but I am for good change, I am for positive change, I am for reasonable change. I am not just for change to say I have changed the world.

The House Speaker says he came to bring a revolution—a revolution. Maybe there are some places in our society where we need to have a revolution. I could think of a couple, but I have to tell you, not in the nursing homes of this country do we want to bring a revolution and cancel all the standards and have the secret horrors of the past reappear.

I will tell you, Senator MIKULSKI said she will chain herself to her desk if they try to repeal the spousal impoverishment laws. She can add me to her chain, because I am not leaving this floor if we cancel nursing home standards, and I am not leaving this floor if we now say to the grandpas who put their wives into nursing homes, ''We're going after your house, sir, we're going after your car, and you're not going to be able to earn any money, sir. We're taking it all.'' And once they get through with that, they are going to go after the kids.

That is not a revolution of which I want to be part. That is a revolution of which to be ashamed. That is a revolution that goes back to the dark days of the past. It is like the orphanages. We are going to go back to orphanages, going to go back to secret tortures of nursing homes. What kind of vision is that for our Nation? We must do better than that.

So, yes, we need to act. We can take $89 billion out of Medicare and solve the problem, but we do not have to cut out $270 billion to funnel into a tax cut for the wealthiest among us. We must not go after Medicaid and destroy the program and have a situation where our moms and dads and grandmas and grandpas are in deep, deep trouble, one is thrown into a nursing home, the other is thrown into the poor house. We must do better than that, I say to my friends, and we can if we sit down across the table and work together.

I am from one State that will really bear the brunt of these changes. I am willing to sit with my colleagues on the other side of the aisle from night to the next morning to the next night to the next morning until we reach a compromise.

Back off of that tax cut, limit it to the middle class, and then we will have some dollars that we can offset these cruel and outrageous cuts. Back off your plans to destroy education and environmental protection. If they back off their tax cuts, we can do it, and I hope we can come together and do it.

I look forward to working with my colleagues to ensure that this extreme revolution is rolled back today before it hurts our people. I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY [LIBERTAD] ACT OF 1995

The Senate continued with the consideration of the bill.

AMENDMENT NO. 2915

(Purpose: To express the sense of the Senate regarding consideration of a constitutional amendment to limit congressional terms)

Mr. ASHCROFT. Mr. President, the debate on sanctions against Castro's Cuba is an important one. But so is the issue for which I rise today.

It had been my understanding—and the understanding of most term-limits advocates—that the Senate would be devoting all of today and Friday to the issue of term limits for Members of Congress.

But that is not the case—the debate and vote have been delayed. I believe this delay to be a mistake, and today I look to establish a record of support for term limits through a simply-worded sense-of-the-Senate resolution.

This amendment will state a single, simple idea—that the Senate should pass term limits. It is an important

signal that the Senate is a new and different body than it was just 10 months ago.

The results will not be binding, but they will be revealing. This vote will show the American people, who supports term limits and who does not. That is important, for identifying support now is vital to achieving victory later.

Last fall, the American people sent a message as strong as it was clear: They said they wanted politicians to seek fundamental change in the way that Washington works and the way that Washington looks. And they entrusted Republicans to initiate those changes.

No issue is more symbolic of changing Washington than term limits—they are the foundation of the people's agenda. That is why efforts to again delay the first-ever vote on term limits are so disturbing.

The delay on term limits sends the wrong message at the wrong time. With Ross Perot experiencing yet another political rebirth; with trust for Congress at another all-time low; with voter anger at record highs; what the American people want to see are real efforts at reform. This attempted delay signals the admission of defeat before a fight. That is not the kind of message we should be sending.

The American people are expressing serious reservations about our ability to get things done. We must show them that we have not given up.

The American people want us to fight on term limits. As you can see, Americans in 23 States have fought for term limits. Those States can be seen on the map behind me in red. States with more than 100 million people have voted on and passed term limits, surely 100 U.S. Senators can find the time to register their views on this issue.

Why are term limits so important? Because they are our last, best hope to change a fundamentally corrupt system. In this reform, the American people see the possibility of reining in congressional power by restoring competitive elections—franking, fundraising, and so forth; reinstituting congressional accountability—turnover, and so forth; reinvigorating a Congress that's lost touch—new ideas, new people, and so forth.

Unfortunately, the people's clear will is in direct conflict with the National Government's rulings.

A year ago, the Clinton administration argued before the Supreme Court that term limits were unconstitutional.

On May 23, in U.S. Term Limits versus Thornton, the Supreme Court agreed with the Clinton administration and denied the people of America the right to limit congressional terms.

To all of the voters in the States highlighted in red behind me, the Clinton administration and the Court said, ''Tough luck, we know better.''

Our Nation's executive and judicial branches have spoken—they oppose term limits. The only hope left is our legislative branch—this Congress. And for this Congress, the only option the Court left was a daunting one—a constitutional amendment requiring two-thirds ratification by Congress.

Mr. President, amending the Constitution is never easy, and following the House's rejection of term limits and the Supreme Court's ruling on them, many are saying that the fight is over—that it may be a good political issue for the 1996 election, but a deadend for this Congress.

In fact, many of them have come to me and said ''John, we appreciate what you've done, but we have given up on the Congress.''

Well, let me just say something to all the advocates across the country whose cause is my concern. I will continue to fight—fight to ensure that the 228 names listed behind me, including mine, are once again subjected to the will of the people; fight for this idea that has become an ideal; and fight to ensure that this Congress will not only vote on term limits, but pass a resolution restoring the American people's right to limit congressional terms.

Mr. President, Lincoln said, ''Let us have faith that right makes might, and in that faith, let us, to the end, dare to do our duty as we understand it.'' Today, the will of the American people stands in direct contrast to the will of the executive and judicial branches of our Government. But I know that they too believe that right makes might and that they are depending on us to dare to do our duty.

I know that this is an issue that makes some of my fellow Senators uncomfortable. One need only look at the endless delay in consideration of term limits to confirm this suspicion. This, however, is an issue of enormous importance to the American people. They will hold us accountable—they will remember.

I made a promise during my campaign last year. A promise that I would pursue certain issues with determination and discipline. Term limits on Members of Congress was one of those issues. And I intend to fulfill my promise.

And so today, I offer a simple sense-of-the-Senate resolution. At issue here is whether the Senate will ''pass a constitutional amendment limiting congressional terms.'' And while the amendment is not binding, Mr. President, it will be revealing.

For an overwhelming majority of Americans want term limits. We shall now see how many in the U.S. Senate share their desire.

I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. ASHCROFT] proposes an amendment numbered 2915.

Mr. ASHCROFT. 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:

At the appropriate place, add the following:

SEC. . SENSE OF THE SENATE REGARDING CONSIDERATION OF A CONSTITUTIONAL AMENDMENT TO LIMIT CONGRESSIONAL TERMS.

It is the sense of the Senate that the United States Senate should pass, prior to the end of 1995, a constitutional amendment limiting the number of terms Members of Congress can serve.

Mr. ASHCROFT. Mr. President, 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.

AMENDMENT NO. 2916 TO AMENDMENT NO. 2915

(Purpose: To express the sense of the Senate regarding consideration of a constitutional amendment to limit congressional terms)

Mr. ASHCROFT. Mr. President, I send to the desk a second amendment regarding a constitutional amendment to limit congressional terms.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. ASHCROFT] proposes an amendment numbered 2916 to amendment No. 2915.

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

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

The amendment is as follows:

Strike all after the word ''SEC. .'' and insert the following:

SENSE OF THE SENATE REGARDING CONSIDERATION OF A CONSTITUTIONAL AMENDMENT TO LIMIT CONGRESSIONAL TERMS.

It is the Sense of the Senate that the United States Senate should pass, prior to the end of the First Session of the 104th Congress, a constitutional amendment limiting the number of terms Members of Congress can serve.

Mr. ASHCROFT. Thank you for this opportunity. I yield the floor.

Mr. DORGAN. Mr. President, I came forward to speak on something else, but I am curious and interested on the term-limit issue. The question being proposed: Should there be term limits? There are term limits in this country. The term limits are 6 years for a U.S. Senator and 2 years for a Member of the U.S. House of Representatives.

Should someone be elected to the House who becomes, from their experience, a slothful, indolent oaf of some sort, voters very quickly in 2 years in the House and 6 years in the Senate can send them into complete and immediate retirement.

There are term limits. I think the question the Senator is proposing is what kind of term limits should exist.

I respectfully say I do not spend a lot of time speaking about this subject, but the retirement of SAM NUNN in the Senate this week ought to remind all of us of something important once again. It is important to remember that you can put a half dozen new people in a basket in this Chamber who have been around 6 months, 9 months,

or a year—that would include myself when I came—and you would not have the experience SAM NUNN gained during the final 12 of his 24 years in the U.S. Senate in dealing with international and defense issues.

That is a debate we will have at some later point. I think it does not favor this country to suggest somehow that we should have prohibited this country from the service given by Calhoun, Clay, Webster, and, yes, Goldwater and Humphrey and DOLE and others. These are people who spent a lot of time serving the public interests, amassing a great deal of experience and served this country well.

I do not spend a minute worrying or thinking about term limits. That is up to the American people. If they choose to change the Constitution to limit their choice in a different way, they have every right to do that, and will do that if that is their pleasure.

KEEP BLOCK GRANT MONEY AT HOME

Mr. DORGAN. Mr. President, I came to the floor to speak about another subject. I was here when Senator BOXER from California spoke on Medicare and Medicaid, and I shall not do that except to say this: I am intending at some point to gather together the legislation that we are block granting back to all the Governors in the States. We are doing this under the presumption that somehow the Governors are able to discern better how to spend all this money—Medicaid, a whole range of areas, tens of billions of dollars that will be sent back to the States through block grants.

They will send back less money but block grant it with fewer strings. The presumption is that the money will go from the taxpayers to the Federal Government; we send it to the Governors, saying, ''go ahead and spend it.''

My theory is, why put miles on all this money? Why send a tax dollar from Bismarck, ND, to Washington, DC, only to send it back to the Governor of North Dakota? Why do you want to send it from California to Washington to send it back to the Governor? Why not keep it at home? Want to block grant? Why collect it and have it run through Washington? That is like passing an ice cube around. Why lose money? Why not say to the Governors, ''Look, if you want to do this, God love you, God please you, you do it. You raise the money. You tax the folks in your State, and you spend it.''

I tell you, that is the best way to have lack of accountability of Federal funds quickly. That is, for the Federal Government to tax the citizens, get the money and give it to another level of government someplace else and say, ''By the way, here is the pot of money. We tied it with a bow. No strings attached. You go ahead and spend it as you wish.'' Do you want to have horror stories, in 3 years, 5 years, 10 years, about how the taxpayers' money is spent? You just move free money around and have Governors spending money they did not raise.

I am going to offer some legislation here that says whatever it is you are block granting, let us take all of that and reduce the Federal taxes by that amount and say to the Governors: You do it. Raise your own money and spend your own money. It is a far more effective and far more efficient way to do business. That is for another day. But I intend to do that because I do not believe that block grants of the type we are talking about serve the taxpayers' interests. Let them do it at home. Let them raise the money at home and let them also decide how to spend the money at home.

Mr. President, I understand another Senator wishes to speak on the legislation that is on the floor. Because of that, so Senator KASSEBAUM has the opportunity, I would like to take just about 5 or 8 minutes, and I will not extend beyond that, so I can finish. I was intending to speak longer, but I will shorten it so the Senator has an opportunity to speak on the bill.

Will that be acceptable to the Senator from Kansas?

Mrs. KASSEBAUM. Mr. President, that is fine. I will be happy to wait.

THE TRADE DEFICIT

Mr. DORGAN. Mr. President, actually I was here before the Senator from Ohio rose, but I was waiting to speak on the issue of the President of Mexico visiting Washington, DC, and the news reports about that. I want to talk just a bit about it, because here is what is happening.

President Zedillo, of Mexico, visits Washington, DC. There is a state dinner at the White House for the President. I am sure the President of Mexico is a wonderful person. He and President Clinton are talking about trade between our two countries; they are dining together and talking about our mutual interests.

Then we have press stories. This is yesterday's press story. It says, Mexico, in fact, has made a $700 million payment toward the $12.5 billion debt that it owes this country from the loans we gave Mexico. In fact, they made the $700 million payment early, and is that not a wonderful thing, that Mexico paid early?

That is a nice thing. I am pleased about that. But I would like to ask a question of both President Clinton and the President of Mexico. And I will ask a question, because President Clinton and senior trade officials in the administration say that NAFTA, the trade agreement with Mexico, ''has created 340,000 jobs in the United States.'' This says, ''The senior U.S. official, who asked not to be identified, said NAFTA, the trade agreement with Mexico, has created 340,000 jobs in the United States.''

I can understand why this person did not want to be identified. I can understand why somebody who puts out this kind of nonsense does not want to be identified. But let me remind those who have dinner together and talk about the United States-Mexico relationship, that the year before we had a free trade agreement with Mexico we had nearly a $2 billion trade surplus. In fact, the year before that it was a nearly $6 billion trade surplus with Mexico. When we had NAFTA up for consideration here in the U.S. Senate, the surplus was nearly a $2 billion.

Guess what? This year that nearly $2 billion surplus with Mexico is going to go to a $15 billion—some estimates say $18 billion—trade deficit. We pass NAFTA with Mexico, we have a $2 billion trade surplus, and 2 years later we have a $15 to $18 billion trade deficit with Mexico. Then we are told this creates jobs. Are people drinking from the wrong jug someplace? You create jobs when you have an $18 billion deficit? Of course you do not create jobs. You lose jobs.

Here is what we lost. The promise by these economists who flail their arms around was that we would have 220,000 new jobs if we just pass NAFTA—exactly the opposite has happened. We have lost about 220,000 jobs as a result of that trade agreement. So, I say to President Clinton and President Zedillo and others, that when we talk about these trade relationships, let us get the facts straight.

Why does it matter? It matters because this relates to jobs, opportunity, and growth in our country. It is not just Mexico. It is Japan. It is China. It is a whole series of problems we have in trade. We have a $65 billion trade deficit with Japan. It is an outrage. American jobs are moving overseas wholesale. American corporations, as all of us know, have decided we are going to allow our marketplace to be a sponge for Japanese goods and Chinese goods and, yes, Mexican goods.

When these American companies produce to sell elsewhere, they decide to produce in Sri Lanka and Bangladesh and China and Indonesia. Why? Because you can hire cheap labor in those places. So an American company shuts down an American plant, moves the jobs overseas, produces something for pennies an hour—often hiring kids to do it—and then ships the product back to Pittsburgh or Fargo or Denver, and says, ''Isn't this wonderful? Our profits are up.''

Yes, your profits are up—and our jobs are gone. Then we measure all this. The Nation's leaders measure all this with a thing called gross domestic product, GDP.

It has been a big year for GDP, I tell all these economists. Do you know why its been a big year for GDP? Because we have had all these hurricanes. Do you know, when you have hurricanes, the GDP increases? I bet nobody knows that. Only those folks in the Federal Reserve Board, with thick glasses, who live in concrete bunkers and count all the beans know that. They know you

count economic growth by hurricanes. Hurricane Andrew—remember the one that leveled Florida—guess what? All the economists counted that as one-half of 1 percent of economic growth for our country in that year.

Why? Because these economists do not count the damage. They just count the repair. Car accidents are progress; heart attacks, a big deal, at least for economists who count the gross domestic product.

My point is this. Take a look at our economic strategy for trade, and how it relates to jobs leaving America. Take a look at our economic strategy, how we measure economic progress, how we measure growth with the GDP that does not care whether people are better off, a GDP that does not care whether America's standard of living has increased, and then you understand—you have to understand—that we need to change gears in this country.

We need to change the way we think. We need to care about whether an economic strategy works for real people. We need fundamental change in the way we piece together an economic strategy that creates jobs, expanded economic opportunity and growth.

Frankly, our trade strategy is wrong. It is bankrupting this country. Our economic strategy measures the wrong things, and we are not even discussing the right topics. How many people in this Chamber, at a time when this country has the largest trade deficit in the history of civilization—I repeat, the largest in history—how many people have come to the floor of the Senate in the last 6 months to talk about the trade deficit?

The trade deficit is bigger than the fiscal policy budget deficit. There are not three people, four people who come to the floor to talk about it. Those who do are called xenophobic isolationist stooges because either you are a free-trader or one of the nuts who does not understand.

If this country needs to turn its attention to what is fair trade and how we recapture economic opportunity, good jobs that pay decent incomes here at home, responsibility and accountability for corporations. Corporations are the artificial people in our society. What is the responsibility of corporations who access our marketplace but move jobs elsewhere? What is their responsibility in any sense of economic nationalism, to care about what happens to our country?

I promised I would be brief, but I will come later and have printed in the RECORD the first 6 months' trade information in our country that shows the largest merchandise trade deficit in the history of this country. Yes, with Mexico, just as an example, it is in electrical equipment and machinery. It is in vehicles, automobiles. It is in optical, photographic, cinematography, measuring, and so on. It is in high-tech goods. It is exactly the opposite of what we were promised. It is the opposite of what we were told was going to happen with Mexico.

They said Mexico is going to produce the low-skilled goods and ship that in. That is not what happened. That is not where the deficit is. The deficit is in precisely the kind of goods that are produced through well-paying jobs. They were in this country but have since left because we have created a strategy that says, ''It is all right, you just take your jobs and go elsewhere. It is just fine with us.''

It is not fine with me. We need to care something about this country's marketplace and working people and its standard of living. Our present economic strategy does not do that. With all due respect to this President, whom I support, in my judgment —and he has done some work on trade—the fact is, our trade strategy is wrong. They are wrong about NAFTA and they are wrong about the consequences with Mexico.

With all due respect to a lot of folks on the other side of the aisle who have never seen a free-trade agreement they did not love to death and want to pass quickly, and with all due respect to those folks who are going to try to drag out something called fast track and put it on the floor of the Senate and the House in the reconciliation bill—you are dead wrong.

You do this country a disservice when you take something that is fundamentally undemocratic and use it as a vehicle to try to pole vault trade agreements through this kind of a Chamber. These are trade agreements that, in my judgment, erode this country's economic base.

I will come back at another time and speak at some greater length about what is the remedy for all this. However, I hope one day, one way or another, enough of us will become a critical mass to say these things matter. We need to say that these things are hurting our country, and are issues we must deal with aggressively to put America back on track.

Mr. President, I yield the floor.

Mrs. KASSEBAUM. Mr. President, I appreciate the Senator from North Dakota limiting his remarks. It is a subject, and an important subject that he cares a great deal about.

CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY [LIBERTAD] ACT OF 1995

The Senate continued with the consideration of the bill.

Mrs. KASSEBAUM. Mr. President, I would like to speak on the subject of the legislation before us at this time, which is the Cuban Liberty and Democratic Solidarity Act, and to say that all of us on both sides of the aisle share I believe the same objective—to craft a United States policy toward Cuba that will most effectively encourage a democratic transition in that last stronghold of authoritarian rule in our hemisphere. The question before us today is whether this legislation is the best means of advancing that goal.

If I may speak for just a moment about some of the concerns that I have, in the past, I have argued for a policy of strengthened engagement with the Cuban people. I believe we should take steps to encourage the free exchange of ideas within Cuba and increase news coverage of the island, to support dissident organizations and humanitarian groups in Cuba, and to help lay the groundwork for support of a post Castro government.

These objectives are widely shared. Some of the initiatives announced last week by President Clinton would move us in that direction. Similarly, chapters I and II of the legislation before us take a similar approach.

I want to commend the chairman of the Foreign Relations Committee, Senator HELMS, the majority leader, Senator DOLE, and other colleagues on both sides of the aisle—this is not a partisan issue on this legislation—for their hard work on these sections of the bill.

But to my mind, Mr. President, this legislation still raises very difficult issues, primarily in chapter III of the act before us. That section establishes a cause of action in United States Federal courts against any person or organization, foreign or domestic, who acquires property in Cuba against which a United States national has an expropriation claim.

In part, this approach is designed to help United States nationals to recover damages for the expropriation of their property in Cuba, and that is certainly understandable. Since they cannot recover from the Castro regime, this legislation would let them go after deep-pocket companies that have acquired property that Castro expropriated.

At the same time, this approach has, in my judgment, a broader foreign-policy consequence—to discourage foreign investment in Cuba. It seeks to do so by discouraging companies from acquiring certain expropriated property because of the uncertainty of what litigation may be involved. It is interesting that this legislation would allow any United States citizen who meets its criteria to seek relief through our Federal courts—even if the person is recently naturalized and was a Cuban citizen at the time the Cuban Government expropriated his property or her property.

I believe many questions about this approach remain unanswered, and perhaps they can be answered. But I want to raise them now with issues that are troubling to me, and I have been very appreciative of Senator HELMS and Senator HELMS' staff who have offered to try to help me understand the questions that I have.

What precedent are we setting for use of our Federal courts? I am not convinced that Congress would be wise to decide that our Federal courts should be used as a tool to advance our foreign policy interests. If we use courts to advance our policy objectives in Cuba

today, will we be tempted tomorrow to use the courts to advance our interests in China? In Eastern Europe? In Africa? And what if policy objectives that are current today change tomorrow, as they often do in the fluid field of diplomacy and international politics? Will we then change the cause of action we have established in our legal system? What effect will that have on the certainty of the law and the distinction between law and diplomacy?

What will be the practical effect on our court system? Estimates of the number of lawsuits that would be filed under this legislation vary widely, from less than a dozen to tens of thousands.

It is protective, not retrospective. And I understand that. But it could go from less than a dozen to perhaps thousands of cases.

We really do not know. At a time when our courts already are overburdened, it seems to me we should conduct a thorough and thoughtful assessment of what would be required if this legislation were to become law.

Will this approach make us, rather than Castro, the focus of the international Cuban debate? In this bill, we are considering extending the reach of our courts for political purposes, and many of our friends—countries that have businesses that could find themselves hauled into U.S. court under this legislation—have serious concerns about this approach. At a time when we want to marshall our friends to our side in opposition to the Castro regime, we may discover that we have instead driven a wedge between us.

Will this approach spawn a backlash against our companies abroad? Many U.S. companies worry that if we choose to use U.S. courts as a channel to pressure foreign companies to advance political objectives, other countries will do the same. We may well find our companies operating abroad dragged into foreign courts as part of broader policy disputes that do not even involve the United States. I believe we should think very carefully about the precedent we may be setting.

Mr. President, I commend the majority leader and the chairman of the Foreign Relations Committee for their leadership in bringing this important debate before the Senate. But I do think there are serious questions that relate both to our foreign policy and to our judicial system about which we must think very carefully. I know these matters have been discussed at length—certainly people on both sides have made strong arguments to me about their position. The Foreign Relations Committee did conduct a hearing on some of the issues related to this subject. But I am troubled that neither the Foreign Relations Committee nor the Judiciary Committee has given this complex legislation the careful review that it deserves, regarding the judicial structure as laid out in the legislation before us.

Perhaps I am too conservative in my approach to this matter. But it seems to me that we should be hesitant to take steps that may potentially politicize our courts, may put at risk our businesses abroad, and may detract from our efforts to marshall international support for ending the Castro regime, which is what we are all dedicated to addressing here in the U.S. Senate. The Senate should think and act very carefully before taking this precedent-setting step in my judgment.

Mr. President, I yield the floor.

Mr. THOMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

AMENDMENT NO. 2915

Mr. THOMPSON. Mr. President, there has been introduced by the Senator from Missouri, Senator ASHCROFT, a sense-of-the-Senate resolution regarding the consideration of a constitutional amendment to limit congressional terms. His amendment would take the position that it is the sense of the Senate that the Senate should pass prior to the end of the first session of the 104th Congress a constitutional amendment limiting the number of terms Members of Congress can serve.

I would like to address that sense-of-the-Senate resolution for a moment. In the first place, I want to commend Senator ASHCROFT once again. He is one of the leaders. We are original cosponsors of the constitutional amendment provision that came out of the Judiciary Committee with regard to term limits.

So he and I have joined hands together, along with so many the others, especially some of the newer Members of Congress, to fight strongly for term limits. It has been very high on our agenda for some time.

I must respectfully disagree with him on this matter of tactics. It seems to me that we would be better served if we would wait until we are positioned to have a better chance of winning. It is just that simple. Good friends and good colleagues, even agreeing on the same issue, can disagree on tactics, and we do that. I would like to explain for a moment my reasoning.

I suppose we are making progress because for about 200 years, the Congress, the U.S. Senate, went without even getting a vote on term limits for a constitutional amendment. Now we are debating among ourselves as to when the best time for the vote is. So I really think that is progress.

Ten of the freshmen Members of the U.S. Senate, so many others who have been here for a longer period of time, decided early on in this session that it was going to be a top priority for us.

We came into the U.S. Congress with a little different view. We thought that service in the U.S. Congress should not necessarily be a career, but that it should be an interruption to a career. We thought it was good for people coming to Congress to have done other things, and that they would do some other things in their life later on. This was based on the proposition, not that newer faces were necessarily better than faces that had been around for a while, but that in the long run we would have a better chance of doing the things we are going to have to do in this Nation. Members would make the tough decisions, if we had more citizen legislators who came in being able to take risks, and not having their entire livelihood and their entire fate wrapped up in the next election.

Career politicians, in my opinion, are somewhat averse to taking risks. In order to provide the leadership, this country is going to need to get us over the hurdles we are now facing. Goodness knows we are right in the middle of taking those hurdles right now. We are going to have to have people who are not dependent on the last public opinion poll, but who seriously have talked to the people. And, after having talked with the people who sent them up here, they will have to decide they are going to do some things in different ways and exercise some leadership.

That is the thinking we have and are firmly committed to. So I introduced a bill in the Judiciary Committee for a constitutional amendment. Other people have introduced other bills. It is pretty clear now, after the Supreme Court decision, that term limits will have to be voted on as a constitutional amendment. That is a rather high hurdle, but we are committed to that. I believe we will ultimately succeed in that.

Senator ASHCROFT joined with me, and for the first time, really, I think in the history of the Senate we passed such a bill out of the Judiciary Committee and onto the floor of the Senate. So we feel pretty good about that.

But right now, as I say, we are in the position of taking different views as to where we go from here. I would feel much more comfortable, frankly, to take the floor of the Senate to debate the policy, and I cannot wait until we get into a situation where we can spend a few days debating that policy. There may be a few people in the Chamber who disagree with my position on this as we consider it.

But right now we are talking about tactics. We are in the middle right now, as everyone in this Nation who pays any attention at all knows, of some of the toughest budget negotiations probably in the history of this body. People are talking about train wrecks. People are asking, who is going to blink first? The Government is going to shut down; we are going to exceed the debt limitation. All kinds of terrible things are going to happen. And reporters are rushing from one end of Pennsylvania Avenue to the other end to get briefings almost hourly as to what the positions are going to be and who is going to relent and who is going to be willing to compromise and all of that.

This is important stuff because it is the very crux of the agenda of most of those of us who support term limits so

avidly. Many of us who support term limits also came to town with the commitment to balance the budget for the first time in decades in this country, to keep from bankrupting the next generation which we are surely on the road to, committed to saving Medicare, committed to major reform in welfare, committed to tax cuts for the American people.

Those are the things on which the last election was run. Those are the things I think the American people are for. Reasonable people can disagree with all or part of that agenda, but that is the agenda, that is what is before us now.

So, finally, after winning these elections and coming to town and getting our feet under us and having the budget process work its will down to this point, we are in the middle of it. And it is a great day for the Senate because I think those of us who are for those measures will prevail.

But, regardless, they are on the table, they are being debated for the first time in a long time, and they are important to the future of this country. We have been talking about reforming welfare for years and years. We have not done anything. Everybody is for a balanced budget. This is the first time in decades we really have a chance to make the first downpayment toward that end.

These are important matters. My feeling is that in the midst of that, it would be better to wait until we have a better opportunity to focus on the issue of term limits. I think too often we get spread too thin on so many of these issues. Some might say we are doing it for these last few days, maybe the next few days, because we all know what the real battles are going to be about here in the next couple weeks and they have nothing to do with what is being debated here today.

So the question becomes, would it be better to rush to a vote now in the midst of all this and take a few hours and have a vote on term limits? And those of us who are for term limits would get as much time as we could and come in and make an argument and have a quick vote and we would lose, and then we would go on about our business, which is the primary business of this country right now. Or whether it would be better to wait until the first of the year when we will have more time, we will be able to generate more attention and give these groups and these citizens out in this country who are so interested in this issue an opportunity to do their work and focus their attention on these congressional districts and these States that are vitally important.

I think the answer is the latter. Reasonable people can disagree. Some people can say, well, we ought to make folks vote on it now; we know we are going to lose; make folks vote on it so we can go to their States later on and say they voted against it and put the pressure on them to change their votes. Others say let us wait because if a person is not likely for the issue, it might be better for the person to vote with us later on.

Reasonable people can disagree. I think it is the latter. I do not mind fighting a good cause and going down in flames if that is the way it has to be. But I prefer to fight a good cause and win. And if we will not shoot ourselves in the foot, as so many of us who have been pushing so strongly the last few months have the tendency to do in both Houses of Congress, we can ultimately have a victory in this area.

On October 3, I wrote a letter to the majority leader, Senator DOLE, briefly outlining this position and my feeling that it would be better to put the vote off until we could focus on it because we would have a better chance of winning. I was not alone. There were 10 freshman Senators. We did not solicit the signatures of anyone except in the freshman class, and not all were present when we passed the letter, as a matter of fact, but 10 of us signed the letter to the majority leader for this purpose. We may be right; we may be wrong tactically, but those who share our opinion that it would be better to wait until the first of the year include Americans Back in Charge, which is an avid pro term limits organization and doing a lot of good work, the Christian Coalition, the American Conservative Union, the Seniors Coalition, the Council for Government Reform, and Citizens Against Government Waste.

Now, all of those groups which constitute the term limits coalition share our view, or we, the 10 freshman Members, and I would daresay others who are pro term limits in this body, share their view that it would be better to wait, instead of rushing to judgment on this thing, until we have an opportunity to have a real battle, a real debate, and enough time to generate the support necessary to get the job done.

Unfortunately, now the issue has gotten into Presidential politics. As the majority leader knows, I have endorsed someone else in the Presidential race, but I must say this. It is unfair and unfortunate that the majority leader is being attacked as in some way being weak on term limits or deciding unilaterally that he does not want to have a vote on it.

The majority leader committed early on to having a vote on this matter, and we went to him and asked him, based on our understanding of what would be the best tactics and our understanding of what would be the best strategy, to wait until we had a chance to have a real shot at victory.

And the majority leader acceded to that. And we appreciate that. I am not running for President. I am trying to get term limits passed. I do not have any dogs in that particular fight in that regard. I am interested in the best approach to pass term limits. This is what I think ultimately will be the best strategy to get term limits passed.

They can fight about the rest of it among themselves. But I think we ought to be fair and make sure we are not leaving the wrong impression with regard to who is doing what and what the motivations are and accusing people of dragging their feet on term limits when just the contrary is true. Therefore I respectfully oppose the sense-of-the-Senate resolution.

Thank you.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER (Mr. COVERDELL). The Chair recognizes the majority leader.

Mr. DOLE. Mr. President, I know there is some difference of opinion apparently on this side, maybe on the other side too, on when we will have a vote on term limits. I am just trying to accommodate what I thought was a consensus. Apparently it was not a consensus.

Now what I want to do is get consent to have a cloture vote tonight at 8:30. We will have a vote on the sense-of-the-Senate resolution, I assume, as soon as something comes up that we can offer the sense-of-the-Senate resolution. But whether or not we are going to have a vote on term limits this year depends whether it passes or not.

I am sorry that the freshmen I thought were all in agreement are not now in agreement. But in any event, what we need to resolve is that we have a cloture vote tonight at 8:30 on the pending business, which is the Cuban Freedom of Democracy Act. As I understand it there is no objection unless the Senator from Missouri objects. We have got a number of people who want to leave. I think 10 Senators are leaving on a task force that I suggested to go to Bosnia. And we have got five Senators coming back at about 8:30. And it is a very important cloture vote. I do not think we will get cloture the first time around.

We think it is a very important vote. We would like to get consent to do that. I can assure the Senator from Missouri he will have an opportunity to vote. But the Democrats cannot agree if we can have the vote prior to the cloture vote on Tuesday. I will not make a Federal case out of that. The Senator can get his vote almost any time.

Mr. ASHCROFT. Reserving the right to object, I suggest the absence of a quorum for a time of discussion.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

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

Mr. KYL. Mr. President, I know that the Senator from West Virginia wishes to speak. I am just going to take a moment to agree with the comments from the Senator from Tennessee a moment ago expressed about having the vote on

the term limits resolution. Most of us who support term limits want to have that vote at a time when we have the best opportunity to win it. And the reason that we sent a letter to the majority leader asking him to hold the vote until sometime in the future when we thought we had that support or might have that support was precisely because we wanted to have the vote scheduled when we thought we could win it.

There will be more time for the supporters to mobilize support in the interim period of time. And I just wanted to express my appreciation to the majority leader for acceding to the wishes of the majority of those of us who would prefer to have the vote later.

I also want to say however there has not been any greater advocate from term limits than the Senator from Missouri, Senator ASHCROFT, and that if he wishes to have a vote on the sense-of-the-Senate resolution, I naturally would support that. But I just wanted to make it very clear that the only reason that the majority leader would defer the vote on the term-limits proposal itself is because those of us who support it have requested that he do so. I appreciate the willingness of the majority leader to accommodate us in that regard.

I appreciate, Mr. President, the opportunity to speak here for this moment. I would suggest the absence of a quorum.

Mr. ROCKEFELLER addressed the Chair.

The PRESIDING OFFICER. Will the Senator from Arizona withhold?

Mr. KYL. Yes.

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia.

FORGETTING THE DISABLED

Mr. ROCKEFELLER. Mr. President, I have just been made aware of something which I think is unprecedented as far as I can remember, in which case and in any event is very shocking. I want my colleagues to be aware of it, that an attempt is now in the process, or may have already been made and accomplished by the Republican leadership, to drop language from an amendment that was passed overwhelmingly in the Senate Finance Committee in its formal and official public markup. I am not sure if this is a violation of Senate rules or of Senate Finance Committee rules but it is a violation of any kind of reasonable practice.

Let me say this again because it is just to me an unbelievable situation. I said that correctly. As I speak, Republican leadership staff is telling reporters—is telling reporters—that language that was voted on, voted on and passed by the vote of 17 to 3, a recorded vote, is going to be dropped.

Now, there is no doubt about what happened. For one, I was among the committee that was there. Second, I am a coauthor of the amendment that was involved. And there is also a transcript of the proceedings of the Senate Finance Committee markup. And there was a rollcall vote. Seventeen Republicans and Democrats voted for the Chafee-Rockefeller amendment in committee.

Now, this amendment stemmed out of the whole question of what are we going to do with pregnant women, and children and the disabled with respect to turning over all of Medicaid to the States. And there were those of us who felt that pregnant women and children and the disabled ought to be—that guarantee ought to continue because that is so fundamental in American life. So poor children, pregnant women and the disabled, that is what the members of the Finance Committee voted for.

Now, again, some say that this is going to be dropped. No new debate. No new hearing. No new vote. Unprecedented. Just a closed door. A dealing with a closed door. And the disabled get dropped.

Now, I do not know where I am. Is this the U.S. Senate or is this the twilight zone? We are looking through a looking glass of some sort. When votes do not count and history is not history and what was done was not actually done, this is more than a wonderland, it is positively Orwellian.

I do not know whether I participated, therefore, in some kind of a show markup. Was this just a game we were playing? It was a formal session, called to session by Chairman ROTH. It lasted for 3 days. This occurred, I believe, on the last day. But you go to a show markup and then the real results are done later.

Now, there were some deals that were cut behind doors over on the House side the other day, yesterday, which we were informed about last night, some of us, which were pretty shocking. But this is the Senate. And the committee process, which I respect, which I am a part of, is made a sham. And forget the rules, forget the procedures, forget the record.

Now, I am just going to go to two things and I will be finished on it. This was an amendment offered by Senator CHAFEE and myself.

Let me just read the purpose. ''To guarantee health care coverage''—this is what was handed out to each Senate Finance Committee member before the discussion of the vote—''To guarantee health care coverage to low-income pregnant women and children''—that happens to be children through the age of 12—''and to individuals with disabilities,'' verbal emphasis I add.

The words are already there in the description. ''At the appropriate place, insert language,'' et cetera, ''coverage for pregnant women and children aged 12 and under, living in families below 100 percent of the Federal poverty level and to individuals with disabilities,'' verbal emphasis I supply.

The record itself in this discussion, one Senator is saying, ''What it would do would be to guarantee health care coverage to low-income pregnant women and children and individuals with disabilities,'' in explaining the amendment before the Finance Committee members before the vote.

And then shortly thereafter, the same Senator says, ''That language be inserted which guarantees coverage''—this is in the debate now—''to pregnant women and children, age 12 and under, living in families below 100 percent of the poverty level and individuals with disabilities.''

Very clear to members of the Finance Committee.

Then on the next page, the same Senator indicating, ''So we make a little improvement over the current thing, plus individuals with disabilities.''

Then later on in the debate, and there was some debate over this, the same Senator: ''And I also would point out to everyone here that we are dealing with the disabled as well.''

This was the statement that was made immediately prior to the vote. ''We are dealing with the low-income pregnant women and children and the disabled, as I mentioned before. So I would like to have a vote,'' the Senator said.

Another Senator said, ''Mr. Chairman, all time has expired on both sides.''

The chairman said, ''We are trying to proceed. I congratulate the distinguished Senator,'' et cetera, et cetera, the clerk will call the roll.

The clerk: ''Mr. DOLE.''

The chairman: ''Aye by proxy,'' and he was represented.

''Mr. Packwood.''

No by proxy.

''Mr. CHAFEE.''

Aye by proxy.

''Mr. GRASSLEY,'' and so on it went.

So here we have the amendment, here we have the committee transcript of the hearing itself and now, if the disabled are dropped after they were included in the amendment, voted for in the amendment and the amendment was approved by 17 of the 20 members of the Finance Committee, then how can anybody ever trust anything that goes on in this body? How can anybody trust anything that goes on in the Finance Committee? How can anybody trust anything that goes on as between the two parties within this Chamber?

It is an outrageous situation, Mr. President. It is one which is grossly unfair. It is manipulative of due process, of proper voting and, in fact, of consensus on the Finance Committee.

There are a lot of disabled folks out there. For them to get dropped in some kind of a back-room deal before this bill comes to the Senate, I want to put my colleagues on notice, it is going to be a very interesting discussion.

I thank the Chair, and I yield the floor.

Mr. DODD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY [LIBERTAD] ACT OF 1995

The Senate continued with the consideration of the bill.

UNANIMOUS-CONSENT AGREEMENTS

Mr. DASCHLE. Mr. President, I ask unanimous consent that a cloture vote occur tonight at 8:30 p.m. and that the mandatory quorum under rule XXII be waived.

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

Mr. DASCHLE. Mr. President, I further ask unanimous consent that the second cloture vote, if necessary, occur on Tuesday, October 17, 1995, at a time to be determined by the two leaders, and that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Is there objection?

Mr. ASHCROFT. Reserving the right to object, and I will not object. I would just like to say I had hoped to get a vote on my amendment, which is the pending business on the Cuba resolution, and I will do whatever I can, wherever I can, to get that amendment an opportunity for a vote, but I do not want to stand in the way of this important resolution. So I will not object at this time to this unanimous-consent request, but will be seeking to get a vote on it in the event that the cloture vote fails, or, in the event that the cloture vote succeeds, I will amend the next business or near next business of the Senate in order to get that vote. I do not object.

The PRESIDING OFFICER. Is there any other objection? Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LEAHY. Mr. President, I have listened to some of the debate on the Cuba resolution and, in a way, I almost think I am watching the U.S. Senate scripted by Monty Python. You would think that we have these two huge megacountries at war with each other, trying to see which one can get some kind of an advantage over the other. But the situation as it is involves the most powerful nation in history and an impoverished little island. I do not hold any brief for Mr. Castro and his brand of communism, nor do I hold any brief for the mistakes he has made in his country that have caused suffering among his own people.

But when you hear in this debate suggestions that somehow United States security is at risk if we do not continue to punish Mr. Castro and the people of Cuba, that is ridiculous, Mr. President. It is a bit like the argument we heard about a decade ago that if the Soviet Union were able to have their supporters in Nicaragua, the next thing you know, they would be marching on Galveston, TX. It ignores the reality of the situation and ignores the fact that if they were foolish enough to do that, they would not get very far. The Texas National Guard is stronger than any Central American military force.

Here we have a situation where some are saying we should not even give Fidel Castro a visa to go to the United Nations, as if the United States would turn its back on its own treaty and legal obligations in that regard. Maybe at some point we should acknowledge the reality. The reality is that you have an aging Communist leader, whom time and history and economic realities have left behind, who must realize that himself, and who will not live forever—as none of us do—but a man who poses no threat to the United States ideologically, militarily, economically, or in any other way. But you have an awful lot of people on that little island who do not have medical needs met, nutritional needs met, and so many of their economic needs certainly are not met.

We have the rest of the world looking at the United States and saying, ''What are they afraid of?'' Our neighbor to the north, Canada, a country with whom we share the longest unguarded frontier in the world, has regular relations with Cuba. I can drive an hour from my home in Vermont to the airport in Montreal and get on a plane to Cuba. They are not threatened by it. But here, in the most powerful nation on Earth, I cannot do that. I would have to have all kinds of special exemptions made and State Department authorization, and on and on and on. You know, at some point, somebody is going to say that we are afraid of our own shadow. I do not think we are. We are too good and too powerful a nation for that.

Let us pay attention to the real foreign policy concerns of our country. Let us ask ourselves, should we not be spending far more time in reasserting the leadership we have not given NATO over the past 3, 4, or 5 years? Let us ask whether we should be doing more to support the emerging democracies of the world. Let us ask what we are doing to expand our markets abroad like the Japanese, Europeans, and others do, at a time when we have huge balance-of-payment deficits, which started about 8 years ago. Let us not continue this absurd obsession with the aging leader of a tiny little island that poses no threat to the United States.

It demeans what we stand for, and it impedes the development of closer relations between our two countries. It is by strengthening those ties, by enabling Americans to travel freely to Cuba and Cubans to come here, that we will eventually see democracy in Cuba, not by continuing to isolate Cuba as if the Cold War had never ended and the Soviet Union were still trying to put its missiles there. The times have changed, and it is time we changed with the times.

BIPARTISAN BUDGET SUMMIT NEEDED NOW

Mr. LEAHY. Mr. President, this morning's headline reports that budget negotiations between the President and the Republican congressional leaders have broken down. Instead of working together, the leaders are slinging partisan arrows of blame at each other in today's papers. I think, because of that, it is all the more reason to have a bipartisan summit on the budget.

In fact, this is the third time in the last 2 months and the fourth time this year that I have called for a summit meeting between congressional leaders and the President to resolve their budget differences.

In my earlier speeches, my main concern has been to avoid the costly and unnecessary Government shutdown that some have predicted in the beginning of the fiscal year last week. Fortunately, the President and the Congress have avoided this disaster. We agreed to a continuing resolution that funds the Government for the next 6 weeks. I applaud the bipartisan cooperation displayed to reach this continuing resolution.

But I fear that the President and the Republican congressional leadership are now playing a more serious game of chicken—a high-stakes game over raising the debt limit.

The Government is fast approaching the $4.9 trillion ceiling of Federal borrowing imposed by Congress in 1993. For the Government to keep paying its bills, Congress has to increase the debt limit. I think the deadline is about a month away on November 15, when the Government needs to borrow to meet $25 billion in interest payments, payments due thousands of individuals, businesses, financial institutions, and pension funds that own Treasury securities.

The Republican leaders are now threatening to use the debt limit as a club to beat the President into submission over the budget. Already, 165 Republican Members of the House of Representatives have pledged to refuse to vote for raising the debt limit, unless the President agrees to what they say should be the budget. In 21 years here, I have not seen an action so irresponsible by either Democrats or Republicans. The Speaker of the House, NEWT GINGRICH, is not helping by going along with the ultimatum and saying, ''I am with them. I do not intend to schedule the debt limit if they are not met.'' It sounds almost like a child in a sandbox

throwing a tantrum, instead of somebody who leads a great institution and is a leader of a great national political party.

The Speaker says he will use this hard-line approach no matter what, declaring, ''I do not care what the price is.'' Treasury Secretary Rubin responded that the President will not be blackmailed by the use of the debt limit as a negotiating level.

Well, I am one Vermonter who feels that issuing ultimatums is dumb and counterproductive. Raising the debt limit should not be a partisan issue. It is just too important.

Federal Reserve Chairman Alan Greenspan got it right when he said: ''The issue of default should not be on the table. To default for the first time in the history of this Nation is not something anyone should take in a tranquil manner.''

In fact, such a default would have serious consequences, indeed.

The nonpartisan Congressional Budget Office, reflecting some of the feelings as Republican Chairman of the Federal Reserve Board recently warned:

> Defaulting on payments have much graver economic consequences than failing to enact discretionary appropriations by the start of the fiscal year * * * even a temporary default—that is, a few days' delay in the Government's ability to meet its obligations—could have serious repercussions in the financial markets. Those repercussions include a permanent increase in Federal borrowing costs * * *.

It is foolish to risk increasing our Federal borrowing costs through a default.

Unfortunately, the United States carries close to a $4.9 trillion debt burden and over 16 percent of our annual budget goes to interest payments on the Federal debt.

Interestingly enough, some of the same people who say that we will not honor this debt today are some of the same Members of Congress who strongly supported the President of their own party who, during the 1980's, tripled the national debt.

One analyst estimated that if the Government's interest rate had been just a 0.01 percentage point higher than the last year, the Government's annual borrowing costs would have increased by $211 million. Those same people say they want a balanced budget are willing to throw away a chance to balance the budget by permanently jacking up the Government's interest costs.

That repercussion of default goes a lot further than just the Government's borrowing costs. It may make some nice political points back home to say, ''We do not care; we will just shut down the Government, that mean, nasty old government. We do not need it anyway.''

Well, they ought to also tell some of their constituents, if they are a homeowner looking for a mortgage, their mortgage rates will go up. If they are consumers shopping for a new car, the costs of that new car will go up. If they are a small business that wanted to expand, wanted to increase their inventory, wanted to increase their equipment, they will pay more for the money to do that.

To crush the dreams of millions of Americans over this silly game of political poker is totally irresponsible. Some have even suggested that the Treasury Department play games with Government trust funds—including the Social Security trust fund, the Medicare trust fund—in order to postpone default. I believe that also is irresponsible.

Every day Treasury collects billions of dollars for these public trust funds for the payroll taxes. They invest the fund surpluses to pay beneficiaries later on. This year, the Social Security trust fund will run a surplus of $481 billion. The Medicare trust fund will run a surplus of $147 billion. Tapping into these funds allows the Treasury to avoid default, but cashing in the surpluses is morally and fiscally wrong.

We made a commitment to the American people to keep these funds in trust for future generations. Divesting the funds ignores the long-term investment needs to provide the baby-boom generation with Social Security and Medicare benefits in the years to come.

The Republican leadership and the President need to get together. The consequences of a Government default are just too serious to be held hostage by partisan politics. To protect our public trust funds, to keep the Government's and private sector's costs down, and maintain America's creditworthiness, we need a bipartisan budget summit now to avoid a debt limit crisis.

CELEBRATING THE ''NEW'' OLD NORTH END

Mr. LEAHY. Mr. President, Burlington Vermont's Old North End does not look like the kind of community most people, even most Vermonters, envision when they think of Vermont. It is one of the State's most economically depressed neighborhoods, in a city which is the closet thing to urban you will find in Vermont. But the character of Vermonters, is as evident in the Old North End as it is in every corner of Vermont.

One year ago the resident's of the Old North End requested designation as an enterprise community under President Clinton's new enterprise zone initiative. The State and city government, businesses, schools, nonprofit groups, and residents sat down together and came up with a plan to rebuild the Old North End.

I have never seen so many people, from such different backgrounds work so hard to fulfill their dream. That hard work paid off.

This weekend Vermont's only enterprise community celebrates the beginning of its revitalization and the launching of 70 strategies for renewal. I am honored to have been asked to participate in that celebration.

Today, the dream of a new Old North End is well on its way to becoming a reality. The foundations have already been built with the dedication and commitment of a great many people who have shown all of the best qualities Vermont has to offer. Congratulations are in order for every one of them. Let the celebration begin.

ON MEDICAID

Mr. LEAHY. Mr. President, far too often, in Washington, the human side of Federal programs are forgotten. This year's debate has been more concerned with the bottom line and tax cuts than how best to serve the people. In a recent column in the Burlington Free Press, Barbara Leitenberg put a face on what is at stake in the Medicaid debate. I ask unanimous consent that Ms. Leitenberg's article be printed in the RECORD for my Senate colleagues to read.

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

[From the Burlington Free Press, Sept. 4, 1995]

SENIORS FEAR HOLES IN MEDICAID NET

(By Barbara Lettenberg)

''It's not a Contract with America; it's a contract with death,'' says Lyman Deavitt, 65, of Burlington, his blue eyes flashing in anger. ''I'd like to meet Newt Gingrich one-on-one.''

Deavitt is especially worried about congressional proposals to limit the growth of Medicaid, the ultimate safety net for health-care costs.

He suffers from insulin-dependent diabetes and resulting neuropathy in both legs, two hard-to-treat ancurysms, blood vessel and bowel blockages, cataracts, and infections in his one remaining kidney.

Because of surgery for cancer of the bladder, he must use a device that siphons his urine directly from his kidney to a pouch outside his body.

''I have no way to pay for these things,'' says Deavitt. ''All I have is $704 a month from Social Security. You can understand why I get on a rampage about those jerks in Washington.''

Medicaid is a federal/state program, started in 1965, which provides medical and long-term care for people with very low incomes. In Vermont, that means no more than $683 per month. $741 in Chittenden County. A single person must have no more than $2,000 in resources; a married couple, no more than $3,000.

More than 82,000 Vermonters participate in Medicaid: Almost 45,000 are under 18; 28,000 are 18–64; and 9,500 are 65 and older. Medicaid pays for physician and hospital care, and some home health and personal care. It is the payer of last resort for care in nursing homes. Medicaid also has special programs in which people who do not quite meet its strict income and resource eligibility rules can get benefits when they face extraordinary health-care bills.

In its Budget Resolution, passed in June, Congress proposes to cut $182 billion from Medicaid by the year 2002. This would be done by limiting the rate of increase from about 10 percent a year to just below 5 percent. Although Medicaid will still grow at this lower rate, programs will have to be cut because the lower rate does not account for general and medical care inflation and the growth in the eligible population.

Some 7,100 Vermonters would be cut from the Medicaid rolls between 1996 and 2002 if these changes are approved, says the national Long Term Care Campaign in its study, ''Some Cuts Never Heal.''

Lyman Deavitt was born in Fletcher, one of nine children: five boys and four girls. He attended a one-room schoolhouse and ''just missed graduating from high school in Johnson.'' When he was a young man, his family moved to Essex Junction.

After a series of jobs at the Park Cafe and the old Oakledge Manor in Burlington and after five years working in Boston, he became credit manager at Flanders Lumber Co. in Essex Junction. He stayed there 15 years until his bout with cancer in 1981 and successive disabilities made him unable to work.

''I tried to go back to work at Flanders after my cancer surgery,'' says Deavitt, ''but I could only manage about three hours a day, and they had to let me go. Then I had to spend all of my money on medical care. I was put on disability in 1984.''

Deavitt's mother taught him to crochet after his cancer surgery, and he spends a great deal of his time making afghans. The latest one is going to be raffled off at the senior high-rise on St. Paul Street, with the proceeds going to the Burlington Visiting Nurse Association.

If his benefits from Medicaid are reduced, couldn't Deavitt get help from his family? He has a married daughter in Florida and a grown grandson. ''There's no way my daughter can help,'' says Deavitt. ''She's very ill. My parents and my brothers are dead. Two of my sisters have no money, like me. The other two are married, and I couldn't ask them. I'd rather be put out on the street. That's what's happening: The politicians are forcing people to live on the street.

''It's terrifying for me to hear all this talk about cuts in Medicaid,'' says Deavitt. ''If they want to start cutting programs, they should leave the elderly out, the people with disabilities, the children. Why don't they stop the space program instead? To me, this is a bad setup.''

A NATIONAL CAMPAIGN AGAINST LANDMINES

Mr. LEAHY. Mr. President, earlier today, Save the Children, the Women's Commission for Refugee Women and Children, and others joined together to launch a national campaign to ban the production, use, and transfer of antipersonnel landmines.

They spoke of a 2-week conference that has just ended—actually, more than a conference, a gathering of nations—in Vienna, Austria, to reach agreement on ways to stop the killing and maiming of civilians by these indiscriminate weapons.

At that conference in Vienna, officials from governments from around the world, including our own, made speeches about how terrible landmines are. Many of them spoke of the fact that there are 100 million unexploded landmines in over 60 countries, and every day, every 22 minutes, somebody—often a child—is killed or maimed by these landmines. That is 72 people every day of every week of the year. They went on to say how much they all wanted to get rid of them, but. They each had an exception or loophole so their landmines, or their manner of using them, would not be affected.

President Clinton gave a stirring speech at the United Nations last year, where he called for the eventual elimination of antipersonnel landmines. That was an historic milestone. But in Vienna last week, the United States lagged behind several countries, including several of our NATO allies. While Belgium outlawed landmines and Austria renounced their use and France announced that it would no longer produce them, the United States continued to resist these kinds of dramatic steps.

At least the U.S. Senate, a body that can and should be the conscience of the Nation, voted by a two-thirds majority to impose a 1-year moratorium on the use of antipersonnel landmines and to continue our moratorium on the export of landmines.

We here in the U.S. Senate took a leadership position that has been applauded around the world. Editorials around the world have said how far reaching we were. A number of countries have even gone farther.

Why did Belgium, a country that sends people for peacekeeping missions all the time, ban the use of antipersonnel landmines by its own forces? Because when Belgium sends peacekeepers, even after the fighting has stopped and the guns have been withdrawn, there is one killer that remains behind—the millions of antipersonnel landmines, each one waiting for a peacekeeper or a nurse or a missionary to step on a pile of leaves or some grass or a road or walk by a watering hole and suddenly lose their leg or their arm or their life. The same happens when a child picks up a shiny object thinking it is a toy and loses his or her hands or face or eyes or life. That happens every few minutes in the 60-odd countries that are infested with unexploded landmines.

Mr. President, much could be done if the United States had the courage to adopt as its official policy the moratorium passed by the U.S. Senate, Republicans and Democrats, some of the most conservative and some of the most liberal. It was a vote that spanned the political spectrum. I thank the distinguished Presiding Officer who voted for that.

It is no denigration of any of us that we have differences in political philosophy. We come from different parts of the country and different parties. But we approach this issue with the same humanitarian sense.

This is not a Republican issue or a Democratic issue. The distinguished Presiding Officer knows from his past experience in the past administration—he knows how volunteers from this country, carrying out the highest ideals of this country, volunteers in the Peace Corps, go to countries like Ethiopia, and Nicaragua, and perhaps even Bosnia someday. What is one of the biggest dangers they face? It is not malaria, it is not dysentery, although those diseases are there. It is that when they go into a village to help somebody plant a new variety of corn or wheat or help build an irrigation system or teach a group of children how to play baseball, they may not come back alive because of landmines, probably left there by people who were fighting years ago. But the landmines remain.

I hope our country will take more of a lead, that we will start catching up with some of our NATO allies and others who have experienced firsthand the devastation these insidious weapons cause.

I expect we are going to send troops to Bosnia, to fulfill our commitments to NATO. At a meeting of the bipartisan congressional leadership with the President and his Cabinet the other day I said, ''If we do send Americans into Bosnia, into the former Yugoslavia, Mr. President, I hope you will do one thing. I hope you will tell the American people that this is not a risk-free operation. That even if there is a cease-fire, even if there is a cease-fire that holds, the men and women we send in there will face one very grave danger—from landmines. Some estimate over 1.5 million landmines are strewn in Bosnia alone.'' I learned today that there are another 2 million in Croatia.

We need to tell the American people that their sons and daughters may not be shot by one of the warring sides in the former Yugoslavia, but they may be injured or killed tragically by a landmine left behind. And it is quite possible we will not even know which side put it there.

These are the Saturday night specials of civil wars and guerrilla warfare.

So, I applaud those who came together today to renew a national debate on banning landmines. I thank my colleagues here in the Senate who joined to vote for a moratorium on their use. I commend the President for the position he has taken, as far as it has gone. I commend the Secretary of State, UN Ambassador Albright and others who have also, but I urge the administration to redouble its efforts. Only strong leadership, by the world's only superpower, will suffice.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY [LIBERTAD] ACT OF 1995

The Senate continued with the consideration of the bill.

Mr. LIEBERMAN. Mr. President, I rise in support of the substitute Cuban

Liberty and Democratic Solidarity Act of which I was privileged to be an original cosponsor, and intend, if I am not, to be a cosponsor of the substitute.

Mr. President, for decades we in America faced down Fidel Castro's threats to our security, and his efforts to spread communism in our hemisphere. The worldwide struggle against communism is over, and democracy and market economies have won. It may be too easy in that global context to simply take Castro and his continued power in Cuba as a curiosity—a harmless relic of a bygone age. But it is much more than that.

His continued governance of Cuba represents the continuation of dictatorship and denial of human rights to the people of Cuba. The valiant struggle of the Cuban people to liberate themselves from the yoke of Castro's Communist regime goes on. We in our turn owe it to them, and to our principles, to remain steadfast in support of their struggle. The Cuban Democracy Act of 1992, of which I was a cosponsor, established a policy, now carried out by the Clinton administration, which is to maintain pressure on the Castro regime for peaceful democratic and market reform.

Mr. President, it is pleasing to note that we are seeing progress as a result of that policy. Without Soviet aid, the Cuban economy continues to deteriorate. With freedom and democracy growing throughout the Western Hemisphere, Castro cannot long silence the voices of the Cuban people in an era marked by a growing wave of self-determination and democracy. The Cuban people will not long be stifled in their desire to realize for themselves the better life that millions and millions more people around the world have achieved within the last decade. So by any reasonable calculus, by any rational predictor of the course of history, the days of the Castro regime are numbered.

The question that the substitute before us poses is should we now relent and allow the Cuban economy to expand? Should we give Castro thereby a new lease on life? Should we leave the Cuban people to suffer longer under what remains as an oppressive regime? Or instead, should we increase our economic pressure on Cuba which is working? Should we renew our commitment to a peaceful transition to democracy and political and economic freedom?

That is the choice we now face. And my answer to the question is to choose the latter course; to increase the economic pressure, and to strongly renew our commitment to a peaceful transition for the Cuban people to economic opportunity and political freedom.

The Cuban Liberty and Democratic Solidarity Act builds on the Cuban Democracy Act of 1992. It is a continuation and a strengthening of a policy that is working. This bill extends the economic sanctions to keep economic pressure on the regime in Cuba. At the same time, it extends a message of hope to the Cuban people by establishing a basis for United States assistance to the democratic Cuba of the future.

Mr. President, the triumph of freedom over communism—the worldwide triumph of freedom over communism—cannot be considered complete while the people of Cuba, our neighbors, remain oppressed by a dictator on their island in our hemisphere.

So I urge my colleagues to vote for this substitute. Changes have been made which I think improve the measure from the original introduced, and which I hope will broaden the base of those in both parties who can support this proposal.

Tonight, if that is when the vote on cloture occurs, I intend to vote for cloture. And I urge my colleagues of both parties to do likewise.

I thank the Chair. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BUMPERS. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The issue before the Senate is the second-degree amendment of the Senator from Missouri [Mr. ASHCROFT] to a first-degree amendment to the Cuba bill.

Mr. BUMPERS. Mr. President, I ask unanimous consent the amendment be temporarily laid aside that I be allowed up to 10 minutes to speak as if in morning business.

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

NOBEL PRIZE WINNERS

Mr. BUMPERS. Mr. President, this is really a very gratifying time for me to speak on this subject because it goes back to the time of my first year in the Senate, 1975.

I was put on the space committee by the Democratic steering committee. I did not request to be put on that committee and I did not want to be on it. We did not have much of anything to do.

And so after I had been here for a few months, I went to the chairman of the committee, Ted Moss, who was the senior Senator from Utah at the time, and I said, ''Ted, I don't mind telling you I'm bored around here. I have been Governor, and there is a lot of action in the Governor's office. There is none here for a freshman with no clout.''

I said I had been reading a theory that has been publicized by two chemists at the University of California-Irvine, named Rowland and Molina. ''They have this theory they say they have worked out in a lab that shows''—and at that time this was how simple the idea was to me—''that the hair sprays we use on our hair in the bathroom in the morning over a period of about 15 years waft their way into the stratosphere and they destroy a three-celled molecule called ozone, and that the ozone layer is what protects us from the ultraviolet rays of the Sun. It seems like an intriguing theory to me, very possibly true, and I would like to be able to chair just some ad hoc hearings and have people come in from around the country to testify for or against the Rowland and Molina theory.''

Senator Moss said that was fine, I could do that, but I needed to get a Republican colleague to help me. So I recruited my good friend from New Mexico, Senator DOMENICI, who had not been here much longer than I had. I asked him: ''Will you join me and we will hold hearings. We will get some atmospheric scientists from around the country to come in and testify.'' He said he would be glad to.

So we did. We held nine hearings. We had Dr. Elroy from Harvard, who was considered the premier atmospheric scientist in America. We had Dr. Robert Otten, who was the author of the greenhouse theory. And then finally we had Dr. Sherwood Rowland, who, along with Dr. Mario Molina, developed the theory of ozone depletion.

You can imagine how much publicity it got. Senators do not go to a hearing unless there are a lot of television cameras with their red lights on, and there were no television cameras interested in ozone depletion. So we were pretty lonely holding these hearings. And when it was over, I suggested that we offer a bill or an amendment in this Chamber at the earliest possible time to ban or to phase-out the production of what we call CFC's, chlorofluorocarbons, at the earliest possible time.

Senator DOMENICI did not think the hearings were conclusive enough to do that, and I could understand that because there were a lot of people in the country who were very reticent about accepting this theory.

Well, I heard that my colleague, Senator Packwood, who was on the Environment and Public Works Committee at the time, had an interest in it, so I went to see Senator Packwood. I told him about the hearings. I said I thought he and I ought to team up and see if we could not stop the manufacture of these so-called chlorofluorocarbons and he said he thought that it was a great idea. So we spent several hours talking about it. And then we offered the amendment.

And when it came time to vote, Mr. President, that hallway directly in front of me was so full of chemical industry lobbyists you could not get in here to vote. At that time this was a $2 billion-a-year industry. When I saw that, I did not think we had much chance anyway; but when I saw that crowd out in the hallway, I knew we did not have a chance.

I think we got 32, possibly 35 votes. And believe you me, that was the most

liberal Senate I have ever seen. I shudder to think how many votes we would get under a similar situation today.

But the arguments abounded on this floor that this is not conclusive; there is not enough evidence to disrupt this industry. And we were only trying to phase it out; we were not trying to kill it all at one time. And all those industry arguments made about how this was even a conspiracy of the Soviet Union KGB, a disinformation attack by the Soviet KGB to sow seeds of discord in the United States.

My argument was simply this: If it takes 15 years for these chlorofluorocarbons to work their way into the stratosphere, even if we banned all CFC's at that moment, it would be 15 years before we would begin to reverse the damage that had already been done.

And I said, ''This is the time, if there ever was a time, to err on the side of caution.'' These comments are not self-serving. I actually said those things on the floor of the Senate. I said them to everybody I could find to say them to, that I thought our committee hearings had produced enough evidence that the ozone depletion theory was real, that we ought to err on the side of caution and no great damage would be done if we were wrong.

Mr. President, we were not wrong. We were dead right. And the National Academy of Sciences started their studies. And in 1985, thanks to a slightly separate theory by Paul Crutzen, who was also honored yesterday, of the Max Planck Institute for Chemistry, Mainz, Germany we discovered the hole in the ozone layer developing over Antarctica. And it created such a stir in this Nation that we had the big 1987 Montreal Protocol. We agreed to phase out the manufacture of all chlorofluorocarbons—and, incidentally, the principal one being Freon gas in your refrigerators and automobile air conditioners—that we would phase out the manufacture of all of those by this year, 1995, and hopefully we are going to.

So, Mr. President, I really came to the floor to say, No. 1, I told you so—and that will get you about a half of one vote to say, ''I told you so''—but more importantly than anything else, to extend my profound and sincere thanks and congratulations to Mario Molina, who was just a postdoctoral fellow working under ''Sherry'' Sherwood Rowland. Everyone calls him Sherry. Yesterday they were awarded the Nobel prize for chemistry, along with Dr. Crutzen, the three of them.

I cannot tell you how gratifying it is to me that the Nobel committee has chosen two people I feel that I have known all of my public life. As I say, I just came here this afternoon to publicly say on the Senate floor this Nation owes those two men a deep debt of gratitude. I am most grateful that we have people like that in this country.

I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I might first make a parliamentary inquiry, Mr. President. Is there a consent order about voting today?

The PRESIDING OFFICER. There is a consent order under which a vote on cloture will take place at 8:30 p.m.

Mr. DOMENICI. On the pending matter?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. Mr. President, I ask unanimous consent that I be permitted to speak for 5 minutes as in morning business.

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

Mr. DOMENICI. Could I precede that with a remark to my good friend, Senator BUMPERS, after which I will go on in morning business?

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

Mr. DOMENICI. I say to Senator BUMPERS, I did not get here in time to listen to all of his remarks, but I vividly recall that we served on a little subcommittee. I was on that subcommittee, I might share with my friend and the Chair, because freshmen Senators then did not get very good assignments. And so one of my assignments was to the Public Works Committee, now Environment and Public Works. And that was a top assignment then because the senior Senator from New Mexico, who was a Democrat, was also on that committee, and he was second from the top.

I was not only on the Republican side, but I was the last and brandnew person. And then they gave me a seat on Space, which was being phased out. And it is in one of those subcommittees under the rubric of space that the Senator and I held hearings on this very strange phenomenon from whence came the Nobel awardees because of their research. I think that little subcommittee was the first to hold a hearing.

Mr. BUMPERS. Absolutely.

Mr. DOMENICI. I am not sure I understood the breadth at that point, but clearly while there are not answers on all of it, there are some very significant answers, and we have done a great deal in the United States against tough odds in reference to the combinations that are occurring out there, some of which we were causing with what we used.

I compliment the Senator on the remarks and compliment the awardees. I do not know them as well as the Senator does. I think it is rather a sensational award, and people ought to continue to do work like that if there are going to be Nobel awards for them for that kind of exciting work.

TRIBUTE TO RACHEL SCHLESINGER

Mr. DOMENICI. Mr. President, on behalf of myself and my wife Nancy and my family, I would like to speak a few moments about Rachel Schlesinger, who died this past Tuesday. For the most part, when we hear the word ''Schlesinger'' around here, we think of Rachel's husband, Jim Schlesinger, who has held some very high Cabinet posts with both Democratic and Republican Presidents. But I do not want to speak about him today.

I want to just take a few minutes in my way to speak about Rachel Schlesinger, who died this past Tuesday. There are going to be a lot of eulogies for Rachel because there are so many of us who were touched in some special way by this remarkable woman. Let me add a few personal thoughts and sentiments about her.

Rachel, in my opinion, personified what one committed individual can do for those who are less fortunate, those who need special help, and those who cannot always fend for themselves. She was a gentle and unassuming lady. Those of us who saw her in action knew that behind her quiet exterior was a person of great strength and dedication to issues of importance to her and, in many instances, to her family.

Years before the issue of mental illness became as well understood as it is today, Rachel Schlesinger was speaking out and advocating for more research about this disease.

She testified in behalf of the mentally ill. She offered her support to those small, but valiant, organizations who worked so hard to share the message of this dread disease, which we now call mental illness or mental disease.

My wife reminded me how amazed she was that just a few months ago, while suffering her own health battles, she attended a meeting of the National Alliance of the Mentally Ill and was as gracious and friendly as ever, while suffering immensely from the disease that would finally cause her demise.

Rachel always believed more could and should be done to find a cure for mental illness, be it schizophrenia, manic depression, bipolar illness, or any of the dread illnesses that we choose now to call mental illness or mental disease.

She was a strong influential and outspoken communicator about this issue. We appreciate deeply all of her help, her selfless energies in behalf of this cause.

Another example of Rachel Schlesinger's great heart was her concern for the homeless. We remember that she handed out sandwiches from a food wagon. She was one who took time from her own busy schedule to lend a hand to those in need. Today, people say, and we learn this from our young generation, ''If you're going to talk the talk, you better walk the walk.'' Well, Rachel was one of those who really did, she walked the walk.

Let me also mention one other facet of her life that so many people close to her admired, and that was her love of music. As a musician herself, Rachel

saw music as a private expression of oneself as well as something that should be nurtured for the community and by the community.

Literally up until a few days before she died, she was a driving force in fundraising for the Arlington Symphony Orchestra. She had founded and for many years she had managed the highly acclaimed Arlington ''Pops'' concerts. She opened up her home on countless occasions for the orchestra's donor activities. No work or effort was too much to ensure that it survived.

She believed, quite simply, that music was a love that could be shared with others. She could be found wherever and whenever help was needed, and her devotion and great spirit will be forever remembered and missed by all those who benefited from and shared her deep love and passion of this beautiful music that she became so attached to.

Mr. President, some will comment in the days ahead about Rachel Schlesinger's full life, her exciting ventures in far places of the Earth, her wonderful family of eight children and her devoted husband who respected and admired her so deeply. All of these comments will be heartfelt and true. I would just like to close with the thoughts that Rachel was a very special person to those of us who were touched by her, by her enthusiasm and her personal commitment to so many good causes and important issues.

I share my wife Nancy's simple but heartfelt summation: ''Rachel was, most of all, a caring person.''

To her family and many friends, Nancy and I join you in our thoughts and our prayers and joy in having known a remarkable and wonderful lady, Rachel Schlesinger.

Mr. President, I yield the floor.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996—CONFERENCE REPORT

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the conference report to accompany H.R. 1976, the agriculture appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1976) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1996, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the RECORD of September 28, 1995.)

Mr. COCHRAN. Mr. President, I am pleased to report to the Senate that we successfully concluded the conference with the House on September 28 on the Agriculture appropriations bill. We worked out our differences. The other body has adopted the conference agreement, and it is now before the Senate. I urge the Senate to adopt it.

This bill appropriates funds for the Department of Agriculture, the Commodities Futures Trading Commission, the Food and Drug Administration and related agencies for the fiscal year that began October 1.

The funding level in the bill is $63.2 billion. This represents a reduction in spending of $5.8 billion from last year's level. It is less than the President's requested level of funding for these programs for the next year. It is actually a smaller amount than we agreed to when this bill was before the Senate. It is $631 million less than the total appropriated by the Senate-passed bill, but it is $615 million more than the level recommended in the House bill. I am pleased to report that the discretionary spending level is $13.3 billion in budget authority and $13.6 billion in outlays and that these amounts are within the subcommittee's discretionary spending allocations.

There are things that can be said about the fact that we do not have enough funds to provide levels of support that we would like for many areas under the jurisdiction of this committee, but this is a time of constraint, it is a time when we are trying to reduce the overall costs of Government, insist upon new efficiencies in the operation of Government agencies, and this bill is, therefore, consistent with our overall budgetary goals and policy goals.

The committee of conference on this bill considered 160 amendments in disagreement between the two Houses. It was our desire to complete conference on this bill before the start of the new fiscal year and we did that. I would like to thank all members of the conference committee for their support and cooperation in this effort. I believe this conference report reflects a mutually satisfactory resolution of the differences between the two Houses, and does so in a manner which reflects the funding requirements of the many programs and activities covered by the bill within the limited resources available.

Approximately $39.8 billion, close to 63 percent of the total new budget authority provided by this bill, is for domestic food programs administered by the U.S. Department of Agriculture. Excluding the Food Stamp Program reserve, this represents an increase of $1.5 billion above the fiscal year 1995 level for these programs, which include food stamps; commodity assistance; the special Supplemental Food Program for Women, Infants, and Children [WIC]; and the school lunch and breakfast programs.

The $260 million increase above fiscal year 1995 for the Women, Infants, and Children [WIC] Program, as recommended in both the House and Senate bills, remains the single largest discretionary program funding increase provided by this bill.

The conference agreement accepts the House bill proposal to consolidate funding for commodity food assistance programs and provides $166 million for this purpose. It also provides the House recommended level of $65 million, $32 million above the fiscal year 1995 level, for the Food Donations Program on Indian reservations; and maintains the fiscal year 1995 level of $150 million, as proposed by the House, for the Elderly Feeding Program.

The House bill recommended no fiscal year 1996 funding for a Food Stamp Program reserve. The Senate bill provided $1 billion for this purpose. The conferees have resolved this difference by agreeing to provide a $500 million Food Stamp Program reserve. Although this reserve has not been required for a period of years, this amount will assure that sufficient funds are available to cover benefits in the event of an economic downturn or unforeseen event resulting in increased program participation levels.

With respect to rural development programs, the Senate-passed bill consolidated funding for seven rural development loan and grant programs, while the House bill consolidated funding for three programs—water and waste disposal grants and loans and solid waste management grants. The conferees have adopted the House bill position and have provided a total of $487.9 million for this consolidated account. The conferees also have provided $2.9 billion in total rural housing loan authorizations, $415 million more than the House and $42 million less than the Senate bill levels.

I am also pleased to report that the Senate bill's higher levels for farm operating and ownership loans were retained by the conferees. Loan authorizations totaling $2.45 billion are provided for these important farmer assistance programs.

For discretionary conservation programs, the conferees have provided total funding of $857.7 million. The conference agreement also retains the Senate recommendation providing for the enrollment of an additional 100,000 acres in the Wetlands Reserve Program, the same as the fiscal year 1995 level.

In addition, this conference agreement provides $53.6 million for the Commodity Futures Trading Commission. It retains a number of Senate bill provisions, including the provision regarding poultry labeling regulations issued by the USDA, a provision which limits eligibility for the market promotion program, and a provision prohibiting the use of FDA funds for the Board of Tea Exports.

Mr. President, I realize that sacrifices are required of everyone if we are to reduce the Federal budget deficit. However, I regret that the resources required to be allocated in this bill to maintain essential food assistance benefits continues to reduce the remaining portion of the bill allocated to those programs so essential to agriculture and to rural America. These are beneficial programs. They help America's farmers to be competitive both here and abroad; they provide essential services to people in rural towns and communities across this Nation; they work to conserve and protect our Nation's natural resources.

Mr. President, Senate approval of this conference agreement is the remaining step required to send this appropriations bill to the President for signature into law.

I am proud of the work that the committee has done, both in developing the bill to present to the Senate and in conference. I hope the Senate will approve it.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I thank the distinguished Senator from Mississippi for his generous comments and his leadership for making possible the presentation of the conference agreement for the fiscal year 1996 appropriations bill for the Department of Agriculture, the Food and Drug Administration, and related agencies. This has been a very difficult year, but we have been able to reach an agreement with the House which has resulted in this conference report and I urge my colleagues to support it.

This conference report contains $63.2 billion in new budget authority which is $630.5 million below the bill passed by the Senate earlier this year and nearly $5.8 billion below the amount contained in the appropriations bill for fiscal year 1995. I must point out to my colleagues that these reductions have not been taken lightly nor will they be lightly received. For far too long, this subcommittee has seen a dwindling of resources available to us to make the increasingly difficult choices of budget priorities. The programs under the jurisdiction of this subcommittee are often overlooked or misunderstood in their importance to our Nation as a whole and to the specific groups these programs are designed to serve. They do deserve our attention and they deserve our support. I only wish the allocation provided this subcommittee would have allowed us to do more.

The programs funded by this bill are programs that touch upon the lives of nearly every American. These programs range from school lunch and nutrition education for our Nation's children to promoting and enriching the research capacity on the land grant campuses across the country. These programs will enhance soil and water conservation, as well as promote the export of U.S. products, and provide humanitarian assistance in areas of deprivation. Included in this bill are programs designed to provide housing to the poor, a better business climate for companies seeking to locate in rural areas, and better habitat for our Nation's wildlife. The funding included in this bill will protect the capacity of our Nation to produce an abundant and safe food supply for our people an many around the world.

This conference report contains more than $700 million for the Agricultural Research Service and $850 million for activities of the Cooperative State Research and Extension Services. This combined investment of more than $1.5 billion in research and extension will be an important contribution to improve the quality and efficiencies of our Nation's productive capacity and make us more competitive in world markets.

Also provided is nearly $545 million for the Food Safety and Inspection Service. This amount is slightly above the amount provided by the House, but somewhat below the Senate figure. The Government's role in food safety is at a critical juncture as we move away from the organoleptic method toward a more effective microbiological inspection system based on sound science. The importance of the work of this agency must not be underestimated and I am concerned that higher levels of funding may be necessary during the transition of moving toward the updated system. Everyone has a stake in this challenge, including the producer, the processor, the marketer, and ultimately the consumer whose reliance on the integrity of this agency's mission must be without question.

In the area of conservation, this conference report provides $630 million for the Natural Resource Conservation Service's Conservation Operation account to provide technical assistance and guidance to improve water quality, check soil erosion, and better protect our natural resource base. One hundred million dollars is provided to provide watershed and flood prevention services and $77 million is included to enroll an additional 100,000 acres in the Wetlands Reserve Program.

One of the areas in which the Senate was at strong disagreement with the House was that of rural development. To a large extent, the conference agreement more closely resembles the more acceptable funding levels contained in the Senate provisions. The section 502 rural housing program level was maintained at the Senate figure of $2.7 billion, an increase of $450 million above the House level. The water and wastewater programs provided through the Rural Utilities Assistance Program are included with nearly $500 million in new budget authority, an amount more than $50 million higher than that proposed by the House. Also, additional funds may be available for these programs if carryover funds in the WIC Program exceed $100 million.

I do not know if carryover funds in WIC will exceed this amount. WIC is an extremely important program as well, and I hope that the WIC Program will be able to expand in a manner to utilize all available funds. However, if the carryover in this account continues to grow as it has in the past, I can think of no better use of these funds than to provide safe water and sanitary conditions to households which, in many cases, may be WIC recipient households as well.

In the area of nutrition, nearly $8 million in child nutrition programs is provided, $27.6 billion for the Food Stamp Program, and more than $3.7 billion for the WIC Program, an increase of $260 million above last year's level. The amount included in the conference report for domestic food programs exceeds that of all other programs combined, as it has in recent years. The conference report provides $39.8 billion in domestic food programs which is 63 percent of the total amount provided in this Act.

The conference report also provides $125 million for the Foreign Agricultural Service to promote the export of U.S. commodities including an increase for the foreign market development program. The market promotion program is included at the fiscal year 1995 level but with an amendment similar to the Senate provision prohibiting the allocation of Federal funds to large companies for branded advertising. During these times of fiscal constraint when funding is being reduced for rural housing, water and sewer programs, and many other services crucial for human welfare, it is incredible that we have been providing Federal grants to companies—many of which have advertising budgets of their own totalling millions of dollars—to advertise their products. The conference agreement contains a limitation on this program that is a first step in bringing some sanity to this program and helping restore taxpayer confidence in our ability to manage their hard earned tax dollars.

Mr. President, there are many other important items contained in this conference report that I will not take time to mention here. As I stated earlier, the programs in this act are vitally important to all Americans and I only wish our allocation had been more generous in order for us to provide greater assistance in areas that will otherwise suffer this coming year. I understand there has been some concern that savings were achieved from limitations on mandatory programs and, as former chairman of an authorizing committee, I empathize with those that may feel we should not have realized those savings. I can only respond by restating that this has been a most difficult year and savings from mandatory programs were only achieved when absolutely necessary and in areas where it was understood to cause the least harm. I honestly hope that the allocation process for fiscal year 1997 will not result in

the same pressures on our subcommittee as we have seen again this year. I must also honestly admit that I do not hold out much hope that such improvement is likely.

In closing, I want to say again what a pleasure it has been to work with my good friend and colleague from Mississippi, Senator COCHRAN. He has, once again, proved that he has an excellent knowledge of the programs held under the jurisdiction of this subcommittee and that he is extremely fair and thoughtful in the deliberations culminating in the presentation of this conference report.

Mr. President, let me say that this has been a very difficult, difficult year for all of us in trying to start honestly toward a balanced budget by the year 2002. It has been especially difficult for some of us who are totally committed to the viability of America's agricultural system.

I had been out of town and I read a 2-week old Newsweek magazine last night. The article referred to the anger of the middle class. The article contained interviews of several people who expressed their views about Congress, with the usual statements: ''Those clowns will never balance the budget.'' ''The place is totally controlled by lobbyists.'' ''I've lost faith in our country and our Government.''

In all honesty, I relate and understand their anger and hostility. But I also want to say that I wish I could visit personally with each one of those people who made those remarks about what is going on here.

I would like to point out to them that this budget in this agriculture bill is almost $6 billion—$6 billion—less than last year.

The presiding Senator at this very moment, the chairman of the Interior Subcommittee on Appropriations, has just gone through the same kind of cuts in his subcommittee, and they are painful and they alienate still more people who lose some of their benefits, because it has been a draconian time here.

So I want to just say this bill, in my opinion, protects the things that really must be protected. It cuts where we feel we can afford to cut and, at the same time, provide, as best we can, for a viable agricultural economy in the country.

Mr. President, let me close by saying, despite the trauma of trying to craft a bill with these terrible, really, big cuts, it has been made much easier by working with my good friend, Senator COCHRAN, from Mississippi, whose knowledge of agricultural programs and, particularly, those programs in the agricultural appropriations bill, is legendary. He has been as careful as he could be about the interests of various Senators, but he has also been very realistic with them in telling them the so-called good old days are gone. You cannot accommodate all the requests here, all the interests. And considering the amount of money we had to spend, he has done an absolutely superb job.

Let me make one other comment because it goes without saying that I have always been unalterably opposed to the idea of term limitations. I listened to some of that debate last night. I felt like I was virtually the only one in the country that is opposed to term limits. The American people may favor term limits, but when you do, you lose the institutional memory, the unbelievable knowledge of people like Senator COCHRAN in areas like this. When you lose that, and the integrity and dedication of people like that, you lose something that takes a long time to rebuild.

So it was an honor for me, as ranking member on this committee, to work with him. I think we have come up with a bill that does everything we could possibly do within the limits and the amount of money we had.

I strongly recommend passage of this bill.

Mr. COCHRAN. Mr. President, I am deeply grateful for the kind and generous remarks of my good friend and colleague from Arkansas. His support, assistance, and leadership in developing this bill and help in managing it on the floor of the Senate were greatly appreciated and very important to the final work product that was turned out by the Senate.

I hope that Senators will support the conference report, as recommended by both managers and both sides of the aisle. When this bill passed the Senate, it passed on a record vote, with only three dissenting votes. I think that is a strong statement of support that existed for the passage of our bill, and I am glad to say that much of the compromise that was necessary reflected many of the recommendations the Senate made during the conference. But it was a give and take and a very fair conference in every sense of the word.

I would like to make one further clarification with respect to the conference agreement on this bill. The statement of managers accompanying the conference report inadvertently fails to explain the conference committee's agreement regarding Agricultural Research Service laboratories proposed for closure in the President's fiscal year 1996 budget. The conference agreement provides funding to maintain the El Reno, OK; Sidney, MT; Clemson, SC, and Miami, FL, ARS laboratories. The other locations not transferred to non-Federal ownership, as proposed by both the House and Senate, are to be maintained as ARS worksites. The Houma facility is to be used as a work site of the ARS Center in New Orleans, LA.

Mr. BUMPERS. I was wondering if my colleague would take a moment to reiterate and confirm what is my understanding of the conference committee's actions concerning the Department of Agriculture's fresh poultry labeling rule. I understand that, by including the Senate-passed bill provision in the conference report, the conferees intended to prevent the final rule which was promulgated on August 25, 1995, from taking effect, and also to prevent USDA from using any funds to implement or enforce this regulation as promulgated. Is that my colleague's understanding as well?

Mr. COCHRAN. I appreciate the distinguished Senator from Arkansas raising this question. I would say to my friend that this is my understanding of the effect of the conference committee's action as well. As you may recall, the regulation as promulgated did not reflect the Department's findings in scientific research. It included a misleading label for those products not qualifying to be labeled ''fresh'' or ''frozen.'' I would also remind my colleague that the Department's final regulation did not include any temperature variance for products. Therefore, the language of this act makes it clear that the rule as published on August 25 shall never go into effect unless the conditions of this statutory language is met. The burden is now upon USDA to submit a regulation to the appropriate committees for approval which resolves these critical issues in a satisfactory manner. I thank my colleague for his inquiry.

Mr. BUMPERS. I would be grateful if Senator BROWN would, for a moment, engage in a colloquy with me to discuss the intent of his amendment on bypass flows. This issue is very complicated. I would like to assure that we are clear on what facilities would be affected. Additionally, the Department of Agriculture is concerned that the amendment does not allow, among other things, its Office of General Counsel to defend litigation concerning administrative decisions of the USDA officials.

Mr. BROWN. I appreciate the opportunity to discuss further the intent of my amendment to the agriculture appropriations bill.

The provision I am speaking of is section 732 of the general provisions title in the conference report dealing with a water issue. After meetings with Secretary Glickman and his staff, we have come to an understanding regarding what this provision does. This amendment does not apply to new facilities. Further, the amendment would not apply to authorizations to expand facilities or their operations. This amendment only applies where the operators of facilities are applying for authorizations to continue operating in the same manner as they have been operating.

This amendment neither addresses the ability of the Department of Agriculture to assert administrative or judicial claims to water or water rights, nor defending proper administrative decisions of USDA officials.

Mr. BUMPERS. I appreciate the clarification.

Mr. DOMENICI. Mr. President, I rise to support the conference report accompanying the Agriculture, Rural Development, and Related Agencies appropriations bill for fiscal year 1996.

The conference report provides $62.6 billion in new budget authority [BA]

and $45.6 billion in new outlays to fund most of the programs of the Department of Agriculture and other related agencies.

All of the funding in this bill is nondefense spending.

When outlays for prior-year appropriations and other adjustments are taken into account, the final bill totals $63.2 billion in BA and $52.7 billion in outlays for fiscal year 1996.

The subcommittee is at its 602(b) allocation for both budget authority and outlays.

The Senate Agriculture Appropriations Subcommittee 602(b) allocation totals $63.2 billion in budget authority [BA] and $52.8 billion in outlays. Within this amount, $13.3 billion in BA and $13.6 billion in outlays is for discretionary spending.

For discretionary spending in the conference report, the bill is essentially at the subcommittee's 602(b) allocation for both BA and outlays.

The bill is $1.6 billion in BA and $1.1 billion in outlays below the President's budget request for these programs. It is essentially at the House-passed bill level in BA and $26.5 million below the House bill in outlays. The conference report is $405.7 million BA and $759.4 million in outlays below the 1995 level.

The conference report includes mandatory savings of $389 million in BA and $249 million in outlays which are used to offset discretionary spending. Some of the savings duplicate those in the reconciliation bill.

The Congress is currently working on an omnibus budget reconciliation bill that seeks to achieve a balanced Federal budget by the year 2002. Congress must work to minimize the double counting of mandatory savings in the appropriations bills and the reconciliation bill in order to reach a balanced Federal budget.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of the final bill be printed in the RECORD.

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

AGRICULTURE SUBCOMMITTEE—SPENDING TOTALS—CONFERENCE REPORT

[Fiscal year 1996, in millions of dollars]

	Budget authority	Outlays
Nondefense discretionary:		
Outlays from prior-year BA and other actions completed	.....	3,751
H.R. 1976, conference report	13,310	9,814
Scorekeeping adjustment	.....	.....
Subtotal nondefense discretionary	13,310	13,566
Mandatory:		
Outlays from prior-year BA and other actions completed	501	3,337
H.R. 1976, conference report	49,277	35,791
Adjustment to conform mandatory programs with Budget:		
Resolution assumptions	64	49
Subtotal mandatory	49,842	39,177
Adjusted bill total	63,152	52,743
Senate Subcommittee 602(b) allocation:		
Defense discretionary	.....	.....
Nondefense discretionary	13,310	13,608
Violent crime reduction trust fund	.....	.....

AGRICULTURE SUBCOMMITTEE—SPENDING TOTALS—CONFERENCE REPORT—Continued

[Fiscal year 1996, in millions of dollars]

	Budget authority	Outlays
Mandatory	49,842	39,177
Total allocation	63,152	52,785
Adjusted bill total compared to Senate Subcommittee 602(b) allocation:		
Defense discretionary	.....	.....
Nondefense discretionary	.....	−42
Violent crime reduction trust fund	.....	.....
Mandatory	.....	.....
Total allocation	.....	−42

Note.—Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

Mr. MCCAIN. Mr. President, I want to express my great disappointment with a key provision of the conference report for H.R. 1976, the fiscal year 1996 Agricultural appropriations bill. I deeply regret that important funding for the tribally controlled community colleges in the United States was largely cut from the bill.

During the Senate debate on H.R. 1976, I was successful in offering an amendment which provided $4 million in extension and academic improvement funds to our nations tribal colleges. I was greatly assisted by Senators BINGAMAN, CONRAD, DOMENICI, and INOUYE all joined me in this worthy effort.

While a relatively small amount compared to the over $1 billion that will be spent at other universities throughout the United States, this $4 million appropriation would have been a great boost to our long-neglected tribal colleges. They receive virtually no State or local funding, and are in desperate need of Federal assistance.

This conference report represents an unhealthy dose of the status quo in this regard. There are hundreds of millions of dollars for large State universities, and a few token dollars metered out to Indian colleges and universities.

Of course, the students educated at these tribal colleges, over 20,000 nationwide, are striving to build a future for themselves after growing up in the poorest communities in America. The level of poverty that faces native Americans would astound most of their fellow citizens.

The funds that I and a group of my concerned colleagues were seeking for tribal colleges were fully authorized in 1994 by legislation which gave partial ''land grant status to tribal colleges and institutions. This designation was long overdue, for tribal colleges reside in largely rural areas, and Indian reservations are comprised of tens of millions of acres of agricultural land. Agricultural programs at tribal colleges would be a solid investment in Indian students and their communities.

For over a century the U.S. Department of Agriculture has provided large amounts of funding to State land grant colleges and historically black colleges. These funds support agricultural research, education, and extension services. It is time we recognized the vital mission of America's tribal colleges as well. This conference report was a prime opportunity to do so, yet we have faltered again.

Deleting the $2.55 million that the Senate version of H.R. 1976 contained for extension programs at tribal colleges was unfair and unnecessary. It is yet another example of how little attention or concern is often given to the needs of native Americans by this body. At a time when several universities in the United States will receive over $20 million each from the Department of Agriculture—and others have received as much as $40 million in a single year—the managers of this bill cut the extremely modest amount provided to tribal colleges.

Let me make it quite clear that there was no reason for these funds to be revoked, except perhaps for the Senate to maintain its record of consistent inattentiveness to the plight of many native Americans. I oppose the conference report for this unnecessary and harmful deletion of funds. I will renew my efforts to assist our Nation's tribal colleges and Indian students at each appropriate opportunity in the upcoming year.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BUMPERS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. ABRAHAM). Without objection, it is so ordered.

CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY [LIBERTAD] ACT OF 1995

The Senate continued with the consideration of the bill.

AMENDMENT NO. 2898

Mr. GRAHAM. Mr. President, am I correct that the pending business is the amendment offered by Senator DOLE as a substitute to H.R. 927?

The PRESIDING OFFICER. That is correct.

Mr. GRAHAM. I thank the Chair.

Mr. President, it is my purpose today to reiterate my support as an original cosponsor of legislation introduced by Senator HELMS, now the substitute amendment offered by Senator DOLE, to the Cuban Liberty and Democratic Solidarity Act.

I was the Senate sponsor in 1992 of the Cuban Democracy Act.

This legislation reiterated the policy of the United States relative to the

Castro regime in Cuba and emphasized that the United States had no ill feeling for the people of Cuba, in fact, that the United States citizens shared in the pain of the people of Cuba and desired to reach out to them in ways that would ease that pain while facilitating a transition from their authoritarian regime.

The Cuban Democracy Act of 1992 was a continuation of the spirit of bipartisanship which has characterized United States policy toward Cuba since the emergence of the dictator, Fidel Castro. Through Democratic and Republican Presidents and Congresses we have had a consistent policy of political and economic isolation of the Castro regime. And particularly since the fall of the Soviet Union and the end of the significant subsidy which the Soviet Union had supplied to the Cuban regime, we have had a bipartisan policy of reaching out directly to the people of Cuba.

The adoption of the Cuban Democracy Act of 1992 sent a clear and concerted message of common purpose with the people of Cuba. The Cuban Democracy Act helped force an economic crisis for Castro's government, a crisis which has reached the point that he has now begun to contemplate economic reforms. There is some evidence that he is beginning to ease some of the restrictions which he holds on the Cuban people.

Unfortunately, it has not resulted in any movement toward liberalization of his political regime in terms of steps toward democratic government, nor has it resulted in any significant improvement in human rights. In fact, in areas such as the treatment of human rights activists, the treatment of journalists, in just the past few months, the Castro regime seems to have increased its attempts to control its people.

This legislation that is before us today continues the two-track policy of restraint on the regime through the embargo, isolation, economically and politically, of the Castro regime and, on the second track, an effort to reach out to the Cuban people. This legislation strengthens the embargo and at the same time indicates our continued admiration and desire to see the day when freedom and democracy will be available to the Cuban people.

This legislation increases the pressure on the Cuban Government by tightening the embargo. It prohibits the Cuban Government from profiting from confiscated property. This legislation has already deterred the flow of foreign capital to the Castro regime as investors who are anxious to enter into business partnerships with the Castro government have been closely monitoring this legislation awaiting action by the United States.

For the Cuban people, this bill reaches out to demonstrate our common purpose. As an example, in the area of strengthening radio and television Marti, this legislation will facilitate the exchange of information from the United States to the Cuban people with the aim of fostering dialog and stimulating activism at the grassroots level.

The Cuban Liberty and Democratic Solidarity Act builds an apparatus for the peaceful transition of a post-Castro Cuba to a free, democratic society. By conditioning United States assistance to Cuba's commitment to change, this legislation helps prevent another dictator from ascending to power in Cuba.

President Clinton's recent actions, actions of just last week, were consistent with the purposes of the Cuban Democracy Act and consistent with the purposes of the bill before us today. The President's actions followed on the two-track approach. It stepped up the enforcement of the embargo by strengthening the Office of Foreign Asset Control both here in Washington and, as the Cuban Democracy Act provided, the Office of Foreign Asset Control in Miami. These offices monitor and enforce the embargo.

As part of the effort to foster democracy at the grassroots level, President Clinton has taken the following actions: He has allowed United States nongovernmental organizations, such as Freedom House, to work in Cuba to promote human rights and democratic actions; he has permitted transfer of communications equipment to Cuban nongovernmental organizations so that they will have an opportunity to communicate among themselves and with the rest of the free world, exchange of news bureaus, authorizing the issuance of licenses for United States news bureaus in Cuba; and permitted travel on a case-by-case basis for humanitarian, religious, and educational purposes. All of those initiatives are part of the effort to demonstrate to the Cuban people our common resolve.

This legislation is a continuation of a consistent, bipartisan Cuban policy and a bold step toward the goal of a democratic, free Cuba. This vote is a measure of our resolve not to aid or abet the government of Fidel Castro. We are unwavering in our commitment to freedom and democracy in the Western Hemisphere. We are anxious for the day when this last holdout of authoritarianism within our own hemisphere is eliminated.

Congress has a great opportunity to send a message, to send a message to Fidel Castro and to the rest of the world, that the United States stands firm in its conviction against totalitarian regimes. We all await with hope the day that a free and independent Cuba will have a normal and friendly relationship with the United States. Until that day, we must firmly let Fidel Castro know that we are not interested in contributing to his oppressive rule and remain vigilant to the threat that he poses.

Thank you, Mr. President. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. CRAIG. Mr. President, I stand this afternoon in support of the Cuban Liberty and Democratic Solidarity Act of 1995. This is the next step in a long road leading toward releasing Castro's dictatorial ties that have bound the people of Cuba for so many years.

This legislation includes a number of provisions which would strengthen international sanctions against the Castro government in Cuba, develop a plan to support a transition government leading to a democratically elected government in Cuba, and enact provisions addressing the unauthorized use of United States citizen-owned property confiscated by the Castro government.

I agree with the intent of this legislation, which is to help bring freedom and democracy to Cuba. Mr. President, Libertad is a comprehensive bill designed to increase the pressure on Fidel Castro and bring about fundamental political and economic reforms. This is not a case of Americans forcing a solution on Cuba. Instead, it is Cubans who are crying for this assistance to which we are responding.

It is my understanding that 47 dissident leaders who are currently inside Cuba have, at great personal risk, publicly endorsed the Helms bill. This support came in a letter sent to the chairman from Havana and organized by dissident leader Elizardo Sampedro Marin of the Democratic Solidarity Party.

The letter reiterates the need to not only maintain but strengthen the current embargo, and the letter states:

> The economic embargo maintained by subsequent administrations has begun to make its effects felt not against the people, but against those who cling to power. Those effects are felt after the downfall of the socialist camp, which forced the Havana regime to improvise economic moves, waiting for the miracle to pull them out of a very difficult situation.

Mr. President, those who are inside fighting for freedom and democracy in Cuba support the efforts of this legislation and see it as the best path toward democracy for Cuba. In addition, we should address Castro's needs for hard currency to continue to prop up his dictatorship.

It is my understanding that a number of press reports indicate that the mere existence of this legislation and pending passage have had an impact on Castro's efforts to generate that hard currency. His efforts to tempt foreign investors into Cuba by auctioning off properties that were illegally confiscated without compensation from Americans must be curtailed.

To assist the Cuban people to regain their freedom and prosperity is the first goal of this legislation.

The second is to strengthen international sanctions against Cuba. The

third is, this bill should provide for the national security of the United States. Fourth is, to encourage free and fair elections in Cuba. Fifth is, to provide a policy framework for United States support to the Cuban people during a transition to democracy. Sixth is, to protect American nationals against confiscatory taking and unauthorized use of their confiscated property.

Mr. President, there has been a great deal of debate on title III of this bill, and, certainly, I have had my own concerns as well. However, I appreciate the efforts of the chairman. He has worked hard at offering this bill and clarifying the intent of the legislation to ensure that certified claimants have priority in all events to assets of the Cuban Government in settling property claims.

In closing, I just add that we must not lose sight of the overall intent of this legislation. Embracing Fidel Castro at this time is not going to lead to freedom and democracy in Cuba. Therefore, I hope my colleagues will support this very important piece of legislation that Chairman HELMS and the committee have labored long and hard at providing.

Would the Senator from North Carolina entertain a question?

Mr. HELMS. I would be glad to respond to the distinguished Senator from Idaho.

Mr. CRAIG. Some of my constituents have raised questions as to whether this legislation will unleash a wave of thousands of lawsuits tying up our courts and establishing, in effect, a new Cuban claims program for Cuban-Americans to the detriment of certified claimants. Are these fears, in any way, justified?

Mr. HELMS. I am very glad the Senator asked that question because it appears that there has been organized fearmongering regarding this legislation by a few who, are not content to wait until it is lawful for Americans to deal with a free and independent Cuba. Instead, these people seem intent on cutting their own early deal with the evil dictator, Castro, at the expense of the Cuban people. I have previously said that I am expecting to hear soon that the Libertad bill is the cause of the common cold.

There is nothing in this bill which disadvantages certified American claimants; on the contrary, there is much that enhances their status. And there is nothing in this bill that will result in a wave of lawsuits that will burden our courts.

In the first instance, this bill particularly recognizes and restricts the U.S. Government's espousal responsibilities to certified claimants. The Libertad bill also specifically ties the President's authority to provide foreign assistance or to support international credit to a new government in Cuba to that government's public commitment and initiation of a process to respond positively to the certified claimants' property claims.

The bill advantages certified claimants by restricting the right of action—the right to sue foreigners for compensation—to require that recoveries from traffickers will reduce the amount recovering claimants can otherwise obtain from the U.S. Government's espousal. And it is not a possible to obtain default judgments against the current government in Cuba under this bill, thus assuring that additional claims will not burden the new government.

Title III also protects the settlement amount of all certified claims by denying a claim to, participation in, or interest in any settlement proceeds by: First, those who were not eligible to file under the International Claims Settlement Act of 1949 but did not do so; second, those who were not eligible to file under the International Claims Settlement Act; or third, any Cuban national, including the Cuban Government. Such an exclusive provision does not now exist. The Libertad bill will make it clear, in a statute, who can receive the benefits of any settlement of certified property claims with the Cuban Government. In short, it is the bill's intent that certified claimants have priority to assets of the Cuban Government in settling property claims.

The President is authorized to suspend the right of action when a transition government comes to power, and he is already authorized under existing law to terminate any lawsuits then underway. Thus, this statute will not impede the President's authority to negotiate with a transition Cuban Government.

The right of action is itself an important weapon for certified claimants to assure their property will still be intact when freedom comes.

Let me point out some other reasons why the Libertad will not result in a flood of litigation. The bill provides a 180-day grace period, beginning on the bill's date of enactment, for traffickers to stop their violation of our citizen's property rights. There is an additional 30-day notice required before exemplary additional damages can be sought. Furthermore, the jurisdictional requirements mandate that the plaintiff must be a U.S. citizen with a claim to commercial property valued in excess of $50,000 that is being unjustly exploited by a third party. The bill requires that the defendant must be properly found within the jurisdiction of U.S. courts. The bill denies the use of the right of action when a property claim has been traded or transferred into U.S. jurisdiction after the bill's enactment.

As I have previously stated, it also discourages suits against the present government in Cuba and requires that the defendant be proven to have knowingly and intentionally trafficked in the property after the 6-month period following the bill's enactment. The Congressional Budget Office has estimated that only a few cases would qualify under these stringent requirements.

The point of these requirements is to ensure that only commercially significant cases are filed and adjudicated. I hope you will agree that we have accomplished our goal and that this will reassure your constituents that they have been falsely informed regarding what this bill does.

Mr. CRAIG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MEDICARE CUTS IN THE RECONCILIATION BILL

Mr. LAUTENBERG. Mr. President, I rise today to begin some comments on the upcoming reconciliation bill. The Republican reconciliation bill simply, in my view, puts the question to this body: Whose side are you on? I think that is the basic question. Are you on the side of middle-class Americans? I think that is the defining precept. Or are you on the side of our senior citizens, middle-class families who are trying to send their children to college, and lower income working families? Or are you on the side of the wealthy and the special interests?

The Republican reconciliation bill is a bonanza for the well-off and the powerful, while senior citizens, students, and working-class families get stuck footing the bills.

In my view, this is plain wrong. While the Republicans lay down for the wealthy and the special interests, Democrats stand up for the middle-class, working Americans who are struggling to hang on and to build a better life for their children.

The Senate will soon consider the biggest reductions in the history of the Medicare program—reductions in services, that is. Regrettably, the Senate will not have much time to consider these severe cutbacks thoroughly or thoughtfully. The debate on the reconciliation bill is limited to a total of 20 hours. That is quite incredible when you think about it, because reconciliation bill language is kind of arcane for most of our citizens. So, simply put, it is how we balance the books, how we reconcile income with expense. It is a question that families deal with and a question that businesses deal with. And here we have virtually the whole budget for the fiscal year for the Federal Government, and we are going to deal with this in 20 hours—quite incredible. But those are the rules and we have to play by them.

Therefore, I want to take this chance to join with other colleagues on this day to talk about what we see as the faults in the reconciliation bill, before

we consider it under such strict time restrictions.

Mr. President, the Republican budget is built around a false premise. The Republicans argue that in order to save Medicare, we have to destroy its fundamental mission. This is simply not true. But our friends on the other side continue to perpetuate this myth. They have their propaganda machinery operating at full speed. They say they are saving Medicare, that they are throwing out a life raft. I have to ask the question: For whom? Who is the life raft for?

The answer comes back very clearly. It is for the well-heeled. It is primarily based on the House bill, and we are talking about a $20,000 tax break for a $350,000 income earner.

I think it is time to call our people and tell them the truth. The first unbelievable statement that Republicans are making is that we need $270 billion to save Medicare. That is the life raft they pretend to throw out. It is simply untrue.

The Republicans are using this $270 billion to finance their $245 billion tax break for the rich folk. We see it here in graphic form on this chart. But we do not see it in the kind of graphics that the average family is going to see it in when they have to pay the bill. It is no coincidence that the Medicare cuts are $270 billion and the tax breaks for the well-off are $245 billion. These figures are remarkably similar because one is being used to finance the other. They are taking from our senior citizens, who paid the bills over the years, signed the contract with their country, weathered the storms in the post-World War II years, and they are giving it back to the wealthy and special interests.

Mr. President, the second Republican claim is that we need to cut $270 billion to make Medicare solvent. That is not true. The chief Health and Human Services Medicare actuary has stated that we only need $89 billion in savings to make Medicare solvent until the end of the year 2006.

The next chart simply lays out the arithmetic. Here $270 billion in GOP-proposed cuts—cuts in growth, cuts, period; $89 billion in savings needed for the trust fund, and that leaves a net sum of $181 billion, a lot of money. Where does that money go? Well, it goes to finance the tax breaks for the upper-income people.

Mr. President, the third inaccuracy I want to discuss is the Republicans' fallacious portrayal of their $135 billion in Medicare part B cuts. The $135 billion in Medicare part B cuts include increased premiums and deductibles for our senior citizens. Those are taxes, in no uncertain terms. But these increases are not being used to save Medicare. I want to repeat that the Medicare part B cuts are not being used to make Medicare part A, the trust fund, solvent. They are two distinctly, separate pots of money.

Our friends, the Republicans, are going around the country claiming that these increases in Medicare part B are being used to save the system. But, once again, it is very clear that that is not the mission. They are being used to finance the tax breaks for the rich.

Mr. President, Medicare is not just a health insurance program. Medicare is a commitment that we made to our citizens. It is 30 years old now. It is a promise for those that if they worked hard during their lives, paid the premium, that one's medical needs would be taken care of when retirement comes.

In the coming weeks, the American people need to hear the truth about Medicare, because the Republicans are going to try to ram through their Medicare cuts, the tax breaks for the wealthy, while they increase taxes on the elderly.

We are going to try and tell the truth. We will tell them their Medicare program is being used as a slush fund for tax breaks for those at the top of the income ladder.

When Americans understand the facts, Mr. President, I do not think they will like what they see.

In confirmation of my statement—I think it sits fairly in front of the American people—I refer today to a story that appeared in the New York Times. It says ''Doctors' Group Says GOP Agreed to Deal on Medicare.''

Well, if there is any doubt about whether it is the special and the powerful that are getting the better part of this deal at the expense of the elderly and the disabled and others who will have to find ways to pay for programs that they have already paid for, then one simply has to see or hear what is being said in this article:

> Just hours after endorsing the House Republican plan to revamp Medicare, officers of the American Medical Association said today that they had received a commitment from the House Republicans not to reduce Medicare payments to doctors treating elderly patients.

I add what is not being said is they did agree to increase the costs for the senior citizens, to put a tax on the elderly so that they could find the funds not to reduce the Medicare payments.

And then Mr. Kirk Johnson, senior vice president, says: ''It's wrong to suggest that the AMA endorsement was contingent upon billions of dollars.''

''There isn't a precise figure. We don't know the amount.'' Well, we know what the mission is; we may not know the specific amount.

It goes on to say, ''The House Ways and Means Committee approved the bill today by a party-line vote of 22–14.'' They identify Representative BILL THOMAS, a California Republican who is chairman of the Ways and Means Subcommittee on Health, who said the concession to doctors would cost no more than $400 million over 7 years.

That is a nice, round figure. Still an awful lot of money. An aide to Speaker NEWT GINGRICH said, ''If the doctors are for sale, they come real cheap.'' Four-hundred million dollars over 7 years, it is not a lot of money; it is only a lot if your income is $25,000 a year, like 75 percent of our senior citizens in this country, or $10,000, like it is for 35 percent of our senior citizens, or it is for 25 percent of our senior citizens who live on nothing more than their Social Security.

I guarantee if they see $400 million and ask where it is going that they will think twice about how they feel about being stuck with the bill as the programs are being cut in front of their faces.

The article goes on:

> Lawmakers and lobbyists scramble today to explain events leading to the association's endorsement of the Republican plan . . . their accounts, though incomplete, open a revealing window on the normally secret negotiations.

Boy, the public has to hear that—secret negotiations between congressional leaders and the high-powered lobby.

> Mr. GINGRICH met AMA leaders on Tuesday and beamed as they announced their support for his handiwork.

I am reading from the reporter's story.

''Mr. THOMAS,'' formally identified chairman of the Ways and Means Subcommittee on Health, ''confirmed that the doctors would be protected against any reduction in Medicare fees in the next 7 years. Under current law, and under the House Republicans' original proposals, fees for many doctors would have declined.''

I do not hear anybody saying that they are guaranteeing that fees for the elderly nor fees for the impoverished Medicaid will not go up. They are saying, let them pay. Let them pay. Let their fees increase over $3,000 a person over the next 7 years for elderly people who qualify for Medicare. I assume that is true for the disabled as well.

Let the copayments increase. Let the deductibles increase. Charge them the taxes. Even though they paid the bill, even though the agreement was made, let them pay.

When the American people understand the facts, Mr. President, and that is the mission, I do not think they will like what they see. They will ask the right questions. I only hope that they get honest answers.

I ask unanimous consent that the article in the New York Times be printed in the RECORD.

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

DOCTORS' GROUP SAYS G.O.P. AGREED TO DEAL ON MEDICARE

(By Robert Pear)

WASHINGTON, Oct. 11—Just hours after endorsing the House Republican plan to revamp Medicare, officers of the American Medical Association said today that they had received a commitment from House Republicans not to reduce Medicare payments to doctors treating elderly patients. But the organization said that it was not for sale and insisted that there was no quid pro quo.

''It's wrong to suggest that the A.M.A. endorsement was contingent on billions of dollars,'' said Kirk B. Johnson, senior vice

president of the association. ''There isn't a precise figure. We don't know the amount.''

In any event, he said, the money is less important than the overall policy embodied in the Republican bill, which would slow the growth of Medicare and open the program to all sorts of private health plans, including those organized by doctors. The House Ways and Means Committee approved the bill today by a party-line vote of 22 to 14. [Page A20.]

Representative Bill Thomas, a California Republican who is chairman of the Ways and Means Subcommittee on Health, said the concession to doctors would cost no more than $400 million over seven years.

An aide to Speaker Newt Gingrich said, ''If the doctors are for sale, they come real cheap.''

Lawmakers and lobbyists scrambled today to explain events leading to the association's endorsement of the Republican plan, which is fiercely opposed by Democrats and some consumer groups. Their accounts, though incomplete, opened a revealing window on the normally secret negotiations between Congressional leaders and a high-powered lobby.

Mr. Gingrich met A.M.A. leaders on Tuesday and beamed as they announced their support for his handiwork.

Mr. Thomas, who attended the meeting, confirmed that the doctors would be protected against any reduction in Medicare fees in the next seven years. Under current law, and under the House Republicans' original proposals, fees for many doctors would have declined.

The association denied that it had sold its endorsement for monetary gain. In a telephone interview from his office in Chicago, Mr. Johnson said, ''We got assurances that there would not be absolute rollbacks or reductions physician fees.'' But he said the endorsement was not predicated on those assurances.

The cost of the concessions was a subject of dispute. Mr. Thomas said: ''How much is it going to cost us to make the adjustment? Two or three hundred million dollars. I don't know the exact amount.''

But independent health policy experts and budget analysts said that the Republicans' assurance to the doctors, if taken literally, could increase Medicare spending by a few billion dollars, beyond the amounts that would be spent under current law in the next seven years. The experts said they could not easily reconcile the Republicans' promise to the doctors with the large savings the House Republicans still expect to achieve.

The Republicans plan to cut projected spending on Medicare by $270 billion, or 14 percent, over the next seven years, and they still intend to get $26 billion of that amount by limiting payments to doctors. The Senate version of the legislation would cut only $22.6 billion from projected spending on doctors' services, and leaders of the A.M.A. said they thought they had received a commitment from some House Republicans to move toward the Senate position on this issue.

The A.M.A. apparently assumes that doctors will control the growth of physician services much better than the Congressional Budget Office expects. The budget office assumes that the volume of such services under Medicare will increase by an average of almost 10 percent a year through 2002.

Mr. Gingrich has been wooing other groups, like the American Hospital Association and the American Association of Retired Persons, in hope of winning their support for the Republican Medicare plan. But they are demanding more than the Republicans can afford to provide. Hospitals are hit much harder than the doctors and are responsible for more of the savings.

Democrats had a field day criticizing the agreement between Mr. Gingrich and the A.M.A.

President Clinton's press secretary, Michael D. McCurry, said, ''It appears that the doctors have won at the expense of elderly patients.'' Representative Henry A. Waxman, Democrat of California, said, ''The A.M.A. has taken an extremely narrow view of the interests of doctors.''

But Mr. Gingrich dismissed the criticism as ''tawdry nonsense'' and called the Democrats hypocritical. ''When the Democrats offer to spend more money on something, which by the way will go to doctors and hospitals, that's good'' in their eyes, he said. ''But if it's a Republican idea to send money to doctors and hospitals, then that's a bad idea.''

On Medicare, Mr. Gingrich said, the Democrats ''don't have a plan, they have no solution, they have no ideas, and all they do is complain.''

Cathy Hurwit, legislative director of Citizen Action, a consumer group, said the Republicans ''have sought to buy off special interests like the A.M.A. by including provisions that put the financial interests of doctors ahead of the medical needs of their patients.''

Mr. Thomas vehemently denied that Republicans had bought the doctors' endorsement. He said leaders of the association were already in ''philosophical agreement'' with much of the bill, including new limits on medical malpractice lawsuits and changes in the law regarding fraud and abuse in the Medicare program. In addition, he said, doctors like the bill because it would allow them to ''control their destiny'' by forming their own health plans to serve Medicare patients.

But just last week the association expressed concern about the bill's stringent limits on Medicare payments to doctors. On Oct. 3, James H. Stacey, a spokesman for the association, said the House bill would reduce Medicare fees for some doctors, and as a result, he said, they might be less willing to participate in the program, which serves 37 million people.

The doctors' arithmetic was correct, but they violated a cardinal rule of political etiquette by going public with their concerns while House Republicans were trying to negotiate with them behind the scenes. Republican leaders chided them, but their faux pas might have paid off.

Medicare uses a fee schedule to pay doctors, and the fees are updated each year to reflect increased costs and other factors.

Mr. Thomas said: ''The doctors came to us and demonstrated that within the medical profession and between specialties, there were certain instances of an actual negative factor between years, rather than just a slowing of the growth. We examined their materials and came to the conclusion that they were right.''

Mr. Thomas described the latest changes as ''a fine-tuning, a rather minor adjustment.'' As a result, he said, ''there will be no year in which a medical specialty gets less money than the year before.''

Under the Medicare fee schedule, every physician service, from a routine office visit to a coronary bypass operation, is assigned a numerical value, and this number is multiplied by a fixed amount of money, called a dollar conversion factor, to determine how much the doctor is paid for the service. Under current law and under the original House Republican bill, the conversion factor would have declined in the next seven years.

Mr. Johnson of the A.M.A. said today that House Republican leaders had promised to ''work with us to prevent the conversion factor from declining.'' An increase in the conversion factor increases total Medicare costs, and a reduction lowers the cost, assuming no change in the volume of doctors' services.

Mr. LAUTENBERG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY [LIBERTAD] ACT OF 1995

The Senate continued with the consideration of the bill.

Mr. DASCHLE. Mr. President, in a couple of hours, we will be called upon to vote on cloture on the pending measure. Let me say that I know colleagues on this side of the aisle have different views about the substance of the legislation, but I hope that our colleagues could be concerned about process as well as substance in this case. When legislation comes before this body, we usually have ample time to deliberate, ample time to offer amendments, ample time to consider all of the ramifications of the pending legislation.

That is certainly not the case here. I suppose if we had a significant list of legislative items to be considered—a backed up legislative schedule—and we needed to get on with a number of bills before the end of the week or the end of next week, I could understand perhaps expediting consideration of this particular bill in an effort to accommodate that agenda. But that is not the case either. So regardless of how one may feel about the importance of this issue, about the substantive provisions incorporated in the bill, I would urge my colleagues to think carefully about whether or not this is the procedure to which we should subscribe.

Frankly, I do not think it is. I do not think we ought to be rushed into passing this bill. I do not think we ought to be forced to come to closure on this legislation prior to the time we have had ample opportunity to consider some of the complicated issues involved. I personally think there is a lot of merit to some aspects of what the sponsors of the bill are attempting to do. Still, I have some very grave concerns about some of the provisions, especially title 3 as it is written. Of course, addressing such concerns is the whole purpose behind good debate and the opportunity Senators should have to offer amendments.

So I urge my colleagues to vote against cloture at this early stage in the deliberative process. It is important that we be given the opportunity to deliberate in a fair and open way to accommodate the rights of every Senator, whether he or she be Democrat or

Republican, so I urge my colleagues to vote no on tonight's cloture motion.

OFFSETTING TAX CUTS

Mr. DASCHLE. Mr. President, I wish to call attention, as other colleagues have done today, to the work just accomplished by the Ways and Means and Energy and Commerce Committees in the House of Representatives. Unfortunately, the legislation these committees produced is every bit as disastrous as we anticipated it would be, and I am concerned not only about the quality of the bill they passed but the process they used to consider this legislation.

The plan they passed heaps tremendous additional costs on seniors across this country. And, in particular, it squeezes dry rural America. I have no doubt whatsoever that it will close hospitals and clinics in many parts of this country including South Dakota, and I believe that it decimates medical research and innovation, all in the name of saving the trust fund.

Yet, as we have attempted to explain over the course of this debate, what was done in the Ways and Means and Commerce Committees over the last several days has nothing to do with saving the trust fund. The actuaries in Health and Human Services have reconfirmed just as late as last week that we only need $89 billion to save the trust fund. Yet, over half of the savings in the Republican plan comes from part B of the Medicare program, which has nothing to do with the trust fund. Of the $270 billion reduction in Medicare spending, over half of the savings comes from part B.

The new costs that are going to be imposed on seniors, cuts in benefits, increases in premiums, increases in deductibles, have absolutely nothing to do with the trust fund. The Republicans decided to cut $270 billion from Medicare before they even saw the trustees' report. In fact, Republicans actually repealed the law, passed in 1993, that dedicated new revenue to help shore up the trust fund.

That is why actuaries in the Health Care Financing Administration say that even with $270 billion in cuts that the Republicans call for, the trust fund is solvent only to the year 2006, the same solvency date as one gets from cutting $89 billion from Medicare. That is amazing to me. Despite the fact that the HCFA actuaries confirm that the $89 billion in Medicare cuts that Democrats have advocated in our Medicare alternative accomplishes exactly the same thing in terms of trust fund solvency as the $270 billion, Republicans are still determined to cut huge amounts from Medicare.

And so, Mr. President, we have a very clear choice—$89 billion in Medicare cuts, presented by the Democrats as a way to address Medicare solvency with real long-term improvements in the infrastructure of the program, following the recommendations of the Health and Human Services actuaries, versus $270 billion in cuts, which achieves exactly the same level of solvency. This choice certainly raises a question about what the additional $181 billion in Medicare cuts contained in the Republican plan will truly be used for.

I think it is as clear as the charts that have been shown on the floor this afternoon. We know what the additional $181 billion is going to be used for. We know that we have to come up with $245 billion in offsets for the Republican tax cut. That is really at the heart of this whole debate.

Republicans are meeting this afternoon here in the Senate to come up with a package of tax cuts, largely dedicated to those who do not need tax relief, in an effort to complete this reconciliation package.

We know they need $245 billion to offset this tax cut, and there is no secret as to where that money is going to come from. It will come from Medicare. It will come from Medicaid. It will come from increases in the cost to working families who will lose benefits from the cut in the earned-income tax credit. It will come from the education budget, and it will come from agriculture. The American people need to understand where the money for the Republican tax cut is coming from.

What is so tragic is that money for the tax cut is coming from people who cannot afford to give it in the first place—impoverished families who have a spouse in a nursing home who will have to sell their farms, sell their homes, sell their businesses in order to ensure that that family member can stay in the nursing home where he or she has been residing. That is just plain wrong. That kind of transfer is not in our best interest and we have got to defeat it when we have the opportunity to do so in the weeks ahead.

The process by which Republicans are trying to pass this bill is as problematic as the substance of the legislation. I want to address that issue for just a moment. As we have made clear over the last several weeks, there have been no hearings, there has been no consultation or real effort to reach out to Democrats to try to accommodate our concerns, no analysis provided, no explanation of how seniors, hospitals, or families are affected, and no legislative language until after the committee vote was taken.

That fact has not been widely reported. There have been votes taken in committee, but no legislative language. Generally when we go through a markup, we take the bills page by page and attempt, as best we can, to modify the legislation through the amendment process in order to accommodate the concerns raised by Senators. None of that happened because nobody had legislative language or sufficient detail to be able to determine how best to amend the bill. In other words, we have had no hearings, no analysis, no explanation, and no legislative language before a vote was taken on major legislation to radically alter important programs upon which seniors and families depend.

But we do know how some of the decisions about this legislation were made. It has been widely reported that the AMA lined up outside the Speaker's office just yesterday and made a decision to cut a deal with the Speaker, and as a result they walked away with the assurance that they would not have to contribute to the Medicare reductions to the extent seniors and other providers would have to.

In other words, doctors now, because they were able to cut their own deal with the Speaker, are not going to be required to contribute to this process to the degree that it was originally proposed. Yet, we also know that the Republicans are holding fast to their determination to cut Medicare by $270 billion. So someone else, seniors or other providers, will have to be hit even harder to make up the additional revenue.

I thought it was all the more revealing when the board chair of the AMA on the 27th of September made reference to these deals and indicated—and I quote—''The bright lights of public scrutiny can only hurt, not help, delicate discussions.'' The translation is, ''Bright lights and public scrutiny are counterproductive to good deals.'' We are not going to cut a deal if there is public scrutiny and bright lights.

That is not the way this democracy should work. Backroom deals may help doctors, backroom deals may spare them sacrifice; but backroom deals away from the light of day can only hurt seniors and cannot do anything to give us the opportunity that we should have had in the first place through hearings, through a legislative process, through a markup with legislative language, to carefully consider important legislation.

Seniors and their families were not invited into the Speaker's backroom. Rural hospitals were not invited into the Speaker's backroom. We really still do not know what kind of a deal was cut. That is all the more reason many of us are very concerned about backroom deals. We still, a couple days after the fact, do not know exactly what kind of a deal was cut with the physicians.

We are also very concerned about budget gimmicks like lockboxes that supposedly lock in savings from a certain program so they are dedicated only for certain purposes. This is a budget gimmick. We all know all program cuts and all tax decreases come from the same budget. We know in the end they will be able to transfer cuts in benefits to cuts in taxes. Medicare savings will still go to tax breaks for those who do not need it.

We also know that the Republican budget expenditure limit target is a gimmick that will cut more and more in subsequent years from Medicare, and take more and more out of the pockets of seniors.

Seniors know that this legislation means double deductibles, increases in

premiums, increases in the eligibility age for Medicare and the elimination of important senior protections that have long been part of this program.

Mr. President, this legislation presents seniors with a series of bad choices—and bad choices are no choices at all. And these bad choices are created in the name of benefits and tax breaks to those who do not need them. We can do better than this. We can do better than backroom deals. We need to open up this legislative process, allow the light of day to shine on our decisionmaking, allow the details of this bill to be examined and carefully considered as it must ultimately be, if this legislation is going to become law. We can do better. And I hope we begin sooner rather than later.

I yield the floor and I note the absence of—I withhold for just a moment.

RECESS UNTIL 7:30 P.M.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate stand in recess until 7:30 this evening, and that when the Senate reconvenes, the time between 7:30 and 8:30 be equally divided in the usual form.

There being no objection, at 6:38 p.m., the Senate recessed until 7:29 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. BENNETT).

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from Utah, suggests the absence of a quorum. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BOND. Mr. President, I rise to address the vote for cloture on the Dole-Helms amendment to the Sanctions Act.

I will be voting for cloture because I wish to see this process move along. This bill has been pending all year, and it is time we addressed it and moved on. In voting for cloture, however, I want to make clear that I do not support this legislation. I think it is a mistake, and I do not believe it will achieve the intended results.

First, this bill will impose trade sanctions on many of our closest allies and trading partners throughout the world. That is not going to help the people of Cuba in any way, but it is going to hurt American companies doing business around the world.

Second, the bill creates an unprecedented right of action for legal claims of former property owners in Cuba. Not only will that impose a severe burden on our court system, it will do so without, in anyway helping the people who need it most—families and small property owners who lost their homes and businesses to the Castro regime. This new right of action will also put us into conflict with some companies headquartered in some of our closest allies who are now operating plants in Cuba.

As a result of both of these problems, the United States will find itself under immediate attack in the World Trade Organization.

This legislation will only add to the already overwhelming misery of the Cuban people. I don't want to do that, and I know none of my colleagues do either. Certainly, we all want to see an end to the Castro regime—a cold war relic whose time has passed. I believe, however, that Castro's days are numbered. Communism has fallen around the world, and it will fall in Cuba as well. We should let it fall of its own weight, and then be there to assist the Cuban people in developing and nurturing a new democratic successor. This bill will not achieve that goal—in fact, it will move in the other direction. I urge Senators to oppose it.

Mr. PELL. I would like to speak for 2 minutes.

The PRESIDING OFFICER. The Senator is recognized for 2 minutes.

Mr. PELL. Thank you.

As I have stated on previous occasions, my usual practice is to always vote for cloture as a matter of principle. Indeed, in my more than 34 years in the Senate, I have cast over 330 votes in favor of cloture and have only voted otherwise very rarely.

The vote tonight is one of those rare occasions, because I feel so strongly about the issue at hand. I believe the best American policy in Cuba will be one of openness and regular relations. My several visits to that island over the years have only fortified my belief that the Communist regime there will wither under the light of expanded contact with the United States.

Having in other periods of life lived under communism, I know that when exposed to freedom and the market economy it dies of its own ineptitude.

The bill before us has just the opposite effect, and extended debate is warranted to make the case against it. So I shall be casting my vote, with some reluctance, against cloture.

Mr. President, I ask unanimous consent that material I have here be printed in the RECORD.

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

U.S. DEPARTMENT OF STATE,
Washington, DC.

LEGAL CONSIDERATIONS REGARDING TITLE III OF THE LIBERTAD BILL

The U.S. Government has long condemned as a violation of international law the confiscation by the Cuban Government of properties taken from U.S. nationals without compensation, and has taken steps to ensure future satisfaction of those claims consistent with international law. Congress recognized the key role of international law in this respect. Title V of the International Claims Settlement Act of 1949, as amended, pursuant to which the Foreign Claims Settlement Commission (FCSC) certified the claims against Cuba of 5,911 U.S. nationals, accordingly applies to claims ''arising out of violations of international law.''

The State Department, however, opposes the creation of a civil remedy of the type included in Title III of the ''Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995'' (the ''LIBERTAD bill'') currently under consideration by the Congress. The LIBERTAD bill would be very difficult to defend under international law, harm U.S. businesses exposed to copy-cat legislation in other countries, create friction with our allies, fail to provide an effective remedy for U.S. claimants and seriously damage the interests of FCSC certified claimants. It would do so by making U.S. law applicable to, and U.S. courts forums in which to adjudicate claims for, properties located in Cuba as to which there is no United States connection other than the current nationality of the owner of a claim to the property. Specifically, the LIBERTAD bill would create a civil damages remedy against those who, in the language of the bill, ''traffic'' in property of a U.S. national. The bill defines so-called ''trafficking'' as including, among other things, the sale, purchase, possession, use, or ownership of property the claim to which is owned by a person who is now a U.S. national.

The civil remedy created by the LIBERTAD bill would represent an unprecedented extra-territorial application of U.S. law that flies in the face of important U.S. interests. Under international law and established state practice, there are widely-accepted limits on the jurisdictional authority of a state to ''prescribe,'' i.e., to make its law applicable to the conduct of persons, as well as to the interests of persons in things. In certain circumstances a state may apply its law to extra-territorial conduct and property interests. For example, a state may do so in limited circumstances when the conduct has or is intended to have a ''substantial effect'' within its territory. The Senate version of the bill appears to imply that so-called ''trafficking'' in confiscated property has a ''substantial effect'' within the United States. Some have explicitly defended the LIBERTAD bill on this ground.

Asserting jurisdiction over property located in a foreign country and expropriated in violation of international law would not readily meet the international law requirement of prescription because it is difficult to imagine how subsequent ''trafficking'' in such property has a ''substantial effect'' within the territory of the United States. It is well established that under international law ''trafficking'' in these confiscated properties cannot affect Cuba's legal obligation to compensate U.S. claimants for their losses. The actual effects of an illegal expropriation of property are experienced at the time of the taking itself, not at any subsequent point. An argument that subsequent use or transfer of expropriated property may interfere with the prospects for the return of the property would be hard to characterize as a ''substantial effect'' under international law. Under international law, the obligation with respect to the property is owed by the expropriating state, which may satisfy that obligation through the payment of appropriate compensation in lieu of restitution.

As a general rule, even when conduct has a ''substantial effect'' in the territory of a state, international law also requires a state to apply its laws to extra-territorial conduct only when doing so would be reasonable in view of certain customary factors. Very serious questions would arise in defending the reasonableness under international law of many lawsuits permitted by Title III of the LIBERTAD bill. The customary factors for judging the reasonableness of extra-territorial assertions of jurisdiction measure primarily connections between the regulating

state, on one hand, and the person and conduct being regulated, on the other. Title III would cover acts of foreign entities and non-U.S. nationals abroad involving real or immovable property located in another country with no direct connection to the United States other than the current nationality of the person who holds an expropriation claim to that property. Moreover, the actual conduct for which liability is created—private transactions involving the property—violates no established principle of international law. Another customary measure of reasonableness is the extent to which the exercise of jurisdiction fits with international practice. The principles behind Title III are not consistent with the traditions of the international system and other states have not adopted similar laws.

International law also requires a state assessing the reasonableness of an exercise of prescriptive jurisdiction to balance its interest against those of other states, and refrain from asserting jurisdiction when the interests of other states are greater. It would be very problematic to argue that U.S. interests in discouraging ''trafficking'' outweigh those of the state in which the property is located, be it Cuba or elsewhere, International law recognizes as compelling a state's interests in regulating property present within its own borders. The United States guards jealously this right as an essential attribute of sovereignty. In contrast, discouraging transactions relating to formerly expropriated property has little basis in state practice.

That international law limits the United States' exercise of extra-territorial prescriptive jurisdiction does not imply that U.S. courts must condone property expropriations in cases validly within the jurisdiction of the United States. Our courts may refuse to give affect to an expropriation where either (i) the expropriation violated international law and the property is present in the United States or (ii) in certain cases, the property has a legal nexus to a cause of action created by a permissible exercise of prescriptive jurisdiction. In fact, generally speaking, our laws prohibit our courts from applying the ''Act of State'' doctrine with respect to disputes about properties expropriated in violation of international law. If applied the doctrine might otherwise shield the conduct of the foreign state from scrutiny. Indeed, in a number of important cases the Department of State has actively and affirmatively supported these propositions in cases before U.S. courts to the benefit of U.S. claimants, including with respect to claims against Cuba. The difficulty with Title III of the LIBERTAD bill stems not from its willingness to disaffirm expropriations that violate international law, but from its potentially indefensible exercise of extra-territorial prescriptive jurisdiction.

Some supporters of the LIBERTAD bill have advanced seriously flawed arguments in defending the extra-territorial exercise of jurisdiction contemplated by Title III. Some have defended Title III on the deeply mistaken assumption that international law recognizes the wrongful nature of so-called ''trafficking'' in confiscated property. No support in state practice exists for this proposition, particularly with regard to property either held by a party other than the confiscator or not confiscated in violation of international claims law (if, for example, the original owners were nationals of Cuba at the time of loss.) Many of the suits allowed by Title III would involve ''trafficking'' in properties of this type, where an internationally wrongful act would seem extremely difficult to establish.

Regrettably, the support in international state practice offered by some for viewing so-called ''trafficking'' as wrongful has generally confused a state's power to assert jurisdiction over conduct with the ''Act of State'' doctrine, discussed previously. The unwillingness of our courts to give effect to foreign state expropriations violative of international law in matters over which they have valid jurisdiction under international law, however, does not imply that international law recognizes as wrongful any subsequent entanglement with the property. Others have suggested that general acceptance of domestic laws relating to conversion of ill-gotten property makes ''trafficking'' wrongful under international law. This argument is extremely unpersuasive as many universally accepted domestic laws, including for example most criminal laws, have no international law status. So-called ''trafficking'' has no readily identifiable international law status. International law does condemn a state's confiscation of property belonging to a foreign national without the payment of prompt, adequate and effective compensation. In such circumstances the U.S. Government has been largely successful in assuring that U.S. claimants obtain appropriate compensation, precisely because of the protection afforded by international law.

Some supporters have maintained incorrectly, in addition, that Title III is similar to prior extra-territorial exercises of jurisdiction by the United States over torts committed outside the United States. The Alien Tort Statute (ATS) and the Torture Victim Protection Act of 1991 (TVPA) have been cited as examples in this context. The assertion is plainly false and the LIBERTAD bill differs significantly from the examples cited. While the ATS and TVPA do empower U.S. courts to adjudicate certain tortious acts committed outside the United States, they do so only with respect to acts that violate international law. The ATS covers only torts ''committed in violation of the law of nations or a treaty of the United States.'' Similarly, the TVPA creates liability for certain conduct violating fundamental international norms of human rights (i.e. torture and extra-judicial killing). In contrast, as explained previously, supporters of the LIBERTAD bill have failed to identify any basis in international law permitting the use of U.S. courts for the adjudication of suits regarding extra-territorial ''trafficking.''

Title III of the LIBERTAD bill also deviates substantially from accepted principles of law related to the immunity of foreign sovereign states, as well as their agencies and instrumentalities. Although much of the discussion of the bill has focussed on suits against certain foreign corporations and individuals, in its current form the Senate version of the bill would allow a suit to be brought against ''any person or entity, including any agency or instrumentality of a foreign state in the conduct of commercial activity'' that ''traffics'' in confiscated property. Since ''trafficking'' is defined to include such things as possessing, managing, obtaining control of, or using property, it would appear at a minimum that Title III authorizes suits against many Cuban or other foreign governmental agencies or instrumentalities. To the extent Title III provides for such suits, they would be highly problematic and difficult to defend.

The Foreign Sovereign Immunities Act (FSIA), enacted in 1976 after careful deliberation, is consistent with international law principles of foreign sovereign immunity. To the extent the LIBERTAD bill would permit suits against agencies and instrumentalities of foreign governments it would go far beyond current exemptions in the FSIA. The LIBERTAD bill, unlike the FSIA, would not require the agency or instrumentality to be ''engaged in commercial activity in the United States.'' Moreover, the LIBERTAD bill contemplates suits against agencies or instrumentalities of foreign states for any conduct that constitutes so-called ''trafficking''; as defined in the LIBERTAD bill this notion is broader than owning or operating property, the FSIA standard.

Similarly, to the extent the provisions of the LIBERTAD bill permitting suits against ''entities'' is construed to authorize suits against foreign governments as well, it would go well beyond current exemptions in the FSIA and under international law for claims involving rights in property. Under the FSIA, a foreign state (as distinguished from its agencies and instrumentalities) is not immune only when the ''property or any property exchanged for such property is present in the United States in connection with a commercial activity carried on in the United States by the foreign state.'' The LIBERTAD bill would appear not to impose those requirements. In addition, suits against ''entities'' would in these circumstances include those brought against foreign governments other than Cuba that may have acquired confiscated property in violation of no principle of international claims law. These potential expansions of the exceptions from the immunity of foreign states, as well as their agencies and instrumentalities, from the jurisdiction of U.S. courts and their implications for U.S. liability in other countries represent matters of great concern.

Some have suggested that even though the creation of a cause of action such as that contemplated in Title III of the LIBERTAD bill is not currently defensible under international law, the United States should enact these provisions of the bill to promote the development of new international law principles in this area. Suggestions of this sort in this context rest on a dubious premise of how state practice contributes to international law. While the practice of states represents a source of international law, state practice makes law only when it is widespread, consistent and followed out of a sense of legal obligation. The enactment of Title III in the face of serious questions about its consistency with international law, and without the support of the international community, would not contribute positively to international law relating to the expropriation of property.

In addition to being very difficult to defend under international law, enactment of Title III would also undermine a number of important U.S. interests connected to these significant international law concerns. General acceptance of the principles reflected in Title III would harm U.S. business interests around the world. At present and in general, the laws of the country in which the property lies govern the rights to that property, particularly with respect to real property. United States businesses investing all over the world benefit from their ability to rely on local law concerning ownership and control of property. Under the precedent that would be set by Title III, a U.S. business investing in property abroad could find itself hailed into court in any other country whose nationals have an unresolved claim to that property. Such a precedent could increase uncertainties for U.S. companies throughout the world. Perversely, Title III would hurt U.S. businesses most directly in Cuba. U.S. businesses seeking to rebuild a free Cuba once a transition to democracy begins will find themselves easy targets of Title III suits, as U.S. corporations generally are subject to the jurisdiction of our courts.

Congress should expect that the enactment of Title III of the LIBERTAD bill, with its broad extra-territorial application of U.S. law, significant departures from established claims practice and possible contravention

of international law, will create serious disputes with our closest allies, many of whom have already voiced their objections. The United States must expect the friction created by Title III to hurt efforts to obtain support in pressing for change in Cuba. Moreover, once the transition to democracy does begin, Title III will greatly hamper economic reforms and slow economic recovery as it will cloud further title to confiscated property.

Perhaps most importantly, Title III of the LIBERTAD bill would not benefit U.S. claimants. The private right of action created by Title III, furthermore, would likely prove ineffective to U.S. claimants. Past experience suggests that countries objecting to the extra-territorial application of U.S. law reflected in Title III, most likely some of our closest allies and trading partners, could be expected to take legal steps under their own laws to block adjudication or enforcement of civil suits instituted against their nationals. Moreover, many foreign entities subject to suit would deem U.S. jurisdiction illegitimate and fail to appear in our courts. Title III would in those circumstances merely produce unenforceable default judgements. In addition, some commentators have estimated potential law suits to number in the hundreds of thousands, so the LIBERTAD bill would also clog our courts and result in enormous administrative costs to the United States. As the lawsuits created under Title III might not result in any increase in or acceleration of compensation for U.S. claimants, these costs would be unjustifiable.

In so far as it departs from widely accepted international claims law, Title III of the LIBERTAD bill undermines widely-established principles vital to the United States' ability to assure that foreign governments fulfill their international obligations for economic injury to U.S. nationals. In doing so, Title III hurts all U.S. citizens with claims against another government. With respect to claims against Cuba specifically, the cause of action contemplated in Title III of the LIBERTAD bill will hamper the ability of the U.S. Government to obtain meaningful compensation for certified claimants. Consistent with our longstanding and successful claims practice, at an appropriate time when a transition to democracy begins in Cuba, the United States will seek to conclude a claims settlement agreement with the Cuban government covering certified claimants, or possibly create some other mechanism to assure satisfaction of their claims. If Title III is enacted into law and U.S. claimants have an opportunity, at least on paper, to receive compensation for claimed properties from third party ''traffickers,'' the Cuban Government may simply refuse to address the claims on the grounds that the claimants must pursue alternative remedies in U.S. courts. Yet, as indicated previously the prospects for broad recoveries in this manner are very poor.

Even if Cuba accepts its international law responsibilities with respect to U.S. claims, the United States can expect that a large quantity of private suits would profoundly complicate claim-related negotiations, as well as subsequent claims payment procedures. Cuba might easily demand that the United States demonstrate that each person holding an interest in any of the nearly 6,000 certified claims, and possibly the tens of thousands of uncertified claims, has not already received compensation via a lawsuit or private settlement. As the United States will not have records of private suits, let alone non-public out of court settlements, doing so would be extremely difficult. In addition, dealing with unpaid judgments in this context would likely prove particularly difficult.

Finally, the Castro regime has already used, and if enacted into law would continue to use, the civil cause of action contemplated by Title III of the LIBERTAD bill to play on the fears of ordinary citizens that their homes or work places would be seized by Cuban-Americans if the regime falls. The United States must make it clear to the Cuban people that U.S. policy toward Cuban property claims reflects established international law and practice, and that the future transition and democratic governments of the Cuban people will decide how best to resolve outstanding property claims consistent with international law.

EXECUTIVE OFFICE
OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, September 20, 1995.

STATEMENT OF ADMINISTRATION POLICY

(This statement has been coordinated by OMB with the concerned agencies.)

H.R. 927—CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY ACT—(BURTON (R) IN AND 43 COSPONSORS)

The Administration supports the central objective of H.R. 927, i.e., to promote a peaceful transition to democracy in Cuba. However, H.R. 927 contains a number of seriously objectionable provisions that would not advance U.S. interests in Cuba and would damage other U.S. interests. Therefore, the President's senior advisers would recommend that H.R. 927 be vetoed unless the following provisions are deleted or amended:

The bill would encroach upon the President's exclusive authority under the Constitution to conduct foreign affairs, or otherwise unduly limit the President's flexibility, by purporting to require the President or the Executive branch to pursue certain courses of action regarding Cuba. Mandatory provisions should be replaced with precatory language in the following sections: 102(b); 104(a); 110(b); 112, 201; 202(e); 203(c)(1); and 203(c)(3).

The exemption in section 102(d) from civil penalty authority for activities related to research, education and certain other purposes, and the burdensome requirement for an agency hearing for civil penalties in other cases, greatly limits the effectiveness of civil penalties as a tool for improving embargo enforcement. Section 102(d) should be amended to address this shortcoming.

Section 103 should be amended to make the prohibition of certain financing transactions subject to the discretion of the President.

Section 104(a) should be amended to urge U.S. opposition to Cuban membership or participation in International Financial Institutions (IFIs) only until a transition government is in power to enable the IFIs to support a rapid transition to democracy in Cuba. Section 104(b), which would require withholding U.S. payments to IFIs, could place the U.S. in violation of international commitments and undermine their effective functioning. This section should be deleted.

Sections 106 and 110(b), which would deny foreign assistance to countries, if they, or in the case of section 110(b), private entities in these countries, provide certain support to Cuba, should be deleted. Section 106 would undermine important U.S. support for reform in Russia. Section 110(b) is cast so broadly as to have a profoundly adverse affect on a wide range of U.S. Government activities.

Section 202(b)(2)(iii), which would bar transactions related to family travel and remittances from relatives of Cubans in the United States until a transition government is in power, is too inflexible and should be deleted.

Sections 205 and 206 would establish overly-rigid requirements for transition and democratic governments in Cuba that could leave the United States on the sidelines, unable to support clearly positive developments in Cuba when such support might be essential. The criteria should be ''factors to be considered'' rather than requirements.

By failing to provide stand-alone authority for assistance to a transition or democratic government in Cuba, Title II signals a lack of U.S. resolve to support a transition to democracy in Cuba.

Title III, which create a private cause of action for U.S. nationals to sue foreigners who invest in property located entirely outside the United States, should be deleted. Applying U.S. law extra-territorially in this fashion would create friction with our allies, be difficult to defend under international law, and would create a precedent that would increase litigation risks for U.S. companies abroad. It would also diminish the prospects of settlement of the claims of the nearly 6,000 U.S. nationals whose claims have been certified by the Foreign Claims Settlement Commission. Because U.S. as well as foreign persons may be sued under section 302, this provision could create a major legal barrier to the participation of U.S. businesses in the rebuilding of Cuba once a transition begins.

Title IV, which would require the Federal Government to exclude from the United States any person who has confiscated, or ''traffics'' in, property to which a U.S. citizen has a claim, should be deleted. It would apply not only to Cuba, but world-wide, and would apply to foreign nationals who are not themselves responsible for any illegal expropriation of property, and thus would create friction with our allies. It would require the State Department to make difficult and burdensome determinations about property claims and investment in property abroad which are outside the Department's traditional area of expertise.

PAY-AS-YOU-GO SCORING

H.R. 927 would affect receipts; therefore, it is subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act (OBRA) of 1990. OMB's preliminary scoring estimate is that receipts would be insignificant. Final scoring of this proposal may deviate from this estimate.

THE SECRETARY OF STATE
Washington, DC, September 20, 1995.

Hon. NEWT GINGRICH,
Speaker, House of Representatives.

DEAR MR. SPEAKER: I am deeply concerned about H.R. 927, the Cuban Liberty and Democratic Solidarity Act, which the House is scheduled to consider this week. The Department of State believes that in its current form this legislation would damage prospects for a peaceful transition in Cuba and jeopardize a number of key U.S. interests around the world. For these reasons, I would recommend that the President veto the bill if passed by the Congress in its current form.

As you know, we share with the sponsors of the bill the goal of promoting a peaceful transition to democracy in Cuba. We have pursued that goal by maintaining a tough, comprehensive economic embargo against the Cuban government while reaching out to the Cuban people through licensing private humanitarian aid and improved telecommunications. This policy, guided by the Cuban Democracy Act, has helped to force the limited but positive economic changes that are taking place in Cuba.

We believe that H.R. 927 would actual damage prospects for a peaceful transition. We have consistently objected to the overly rigid list of more than a dozen ''requirements'' for determining when a transition or a democratic government is in power. These inflexible standards for responding to what

may be a rapidly evolving situation could leave the United States on the sidelines during a transition. Moreover, by failing to provide clear authority to assist even a transition or democratic government that meets the bill's certification requirements, the legislation fails to signal to the Cuban people that the United States is prepared to assist them once the inevitable transition to democracy in Cuba begins.

In addition to damaging prospects for a rapid, peaceful transition to democracy, H.R. 927 would jeopardize other key U.S. interests around the globe. For example, it would interfere with U.S. assistance to Russia and other nations of the former Soviet Union. Other provisions would condition assistance to any country if it — or even a private entity in its territory — participates in the completion of a nuclear power plant in Cuba. This kind of rigid conditioning of assistance can have far-reaching consequences and may interfere with our ability to advance the national interest.

While we are firmly committed to seeking the resolution of U.S. property claims by a future Cuban government, the right created by the bill to sue in U.S. courts persons who buy or invest in expropriated U.S. properties in Cuba, (''traffickers'') is a misguided attempt to address this problem. Encumbering property in Cuba with litigation in U.S. courts is likely to impede our own efforts to negotiate a successful resolution of U.S.-citizen claims against Cuba and could hamper economic reform efforts by a transitional government in Cuba. U.S. citizens and corporations with certified claims have publicly opposed these provisions. In addition, these provisions would create tensions in our relations with our allies who do not agree with the premises underlying such a cause of action. This stance would be hard to defend under international law. Furthermore, we know that this provision is already being used by the Castro regime to play on the fears of ordinary citizens that their homes and work places would be seized by Cuban-Americans if the regime were to fall.

Title III will also ultimately prove harmful to U.S. business. First, it sets a precedent that, if followed by other countries, would increase litigation risks for U.S. companies abroad. Second, it will create a barrier to participation by U.S. businesses in the Cuban market once the transition to democracy begins. Because the lawsuits contemplated by the bill may be brought against the United States as well as foreign companies and are not terminated until the rigid requirements for a democratic Cuban government are satisfied, the bill erects an enormous legal hurdle to participation by U.S. business in the rebuilding of a free and independent Cuba.

Finally, the provisions of the bill that would deny visas to ''traffickers'' in expropriated property, which are global in scope and not limited to Cuba, will create enormous frictions with our allies and be both burdensome and difficult to administer.

In sum, the Department of State believes that while the goals of H.R. 927 are laudable, its specific provisions are objectionable and in some cases contrary to broader U.S. interests, even to the goal of establishing democracy and a free market in the country with active U.S. involvement. Given these considerations, the Department of State can not support the bill and, if it were presented to the President, would urge a veto.

Sincerely,

WARREN CHRISTOPHER.

JOINT CORPORATE COMMITTEE ON CUBAN CLAIMS,
Stamford, CT, October 10, 1995.

DEAR SENATOR: I recently wrote to urge you to oppose Title III of legislation, the ''Cuban Liberty and Democratic Solidarity Act,'' that purports to protect the property rights of U.S. nationals against the confiscatory takings by the Castro regime. At that time, Senator Helms was planning to attach this legislation as an amendment to the then-pending Foreign Operations Appropriations Bill. It is my understanding that this legislation now may be brought to the Senate floor as a free-standing bill as early as Wednesday of this week. I am writing once again to urge you to oppose this legislation insofar as it contains Title III in its present form because it poses the most serious threat to the property rights of U.S. certified claimants since the Castro regime's unlawful expropriations more than three decades ago.

In the rush to pass this legislation and thereby demonstrate our firm resolve against Fidel Castro, the far-reaching domestic consequences of this legislation have received far too little attention. In my letter of September 20th, I wrote of the irreparable harm certified claimants would suffer if Title III of this legislation is passed. For the first time ever and contrary to international law, this legislation would permit a specified national origin group, Cuban-Americans, who were not U.S. citizens at the time their property was confiscated, to file Title III lawsuits against the Government of Cuba for the property losses they suffered as Cuban nationals. Indeed, this legislation even permits Cuban exiles abroad to file lawsuits in U.S. federal courts if they establish a corporation in the United States for the purpose of pursuing any claim they may have against Cuba. The creation of a new right to sue is never an inconsequential matter yet the careful scrutiny such a provision deserves has been disturbingly lacking to date.

We can reasonably expect plaintiffs' attorneys to exploit this newly created lawsuit right to the fullest extent possible, creating a tide of litigation that will all but sweep away the value of the claims currently held by U.S. certified claimants. Each time one of those lawsuits is reduced to a final judgment against Cuba, the injury to U.S. certified claimants increases. Ultimately, the cumulative weight of those judgments will extinguish any possibility the certified claimants ever had of being compensated. A virtually bankrupt Cuba cannot be expected to compensate the U.S. certified claimants, who hold claims valued today at nearly $6 billion, when it is also facing the prospect of satisfying potentially tens of billions of dollars in federal court judgments held by Cuban-Americans, whose claims have been valued as high as $94 billion.

Our already overburdened federal courts will have to deal with the daunting task of adjudicating some 300,000 to 430,000 lawsuits, according to one estimate that has never been refuted. (And that does not even take into account the number of additional claims that we can anticipate will be brought on equal protection grounds by Vietnamese-Americans, Polish-Americans, Chinese-Americans and other national origin groups.) Indeed, a litigation explosion appears to be exactly what the bill's sponsors intend: They hope to enlist an army of lawyers to launch a barrage of federal court lawsuits against Cuba in order to hopelessly entangle the island in lawsuits. In so doing, title to property in Cuba will be clouded for years to come, thus ensuring that every effort at privatization or market-oriented economic reform will be doomed to failure. In a classic case of overkill, however, this endless litigation will not only encumber the current regime, but will impose an onerous burden on a future democratic government that will make normalization of relations with the United States virtually impossible.

Faced with this prospect, the president, as an exercise of executive prerogative in the conduct of foreign affairs, may elect to dismiss those federal court judgments pending against a friendly government in Cuba. However, dismissing those lawsuits may not turn out to be such a simple matter because the U.S. Government may very well find itself liable for tens of billions of dollars in property takings claims to this large class of citizens who were non-U.S. nationals at the time they lost properties in Cuba. In short, if Title III is enacted, we will be left either with the prospect of protracted litigation against Cuba, which will indefinitely delay normalization of relations with a post-Castro Cuban government, or enormous liability to possibly hundreds of thousands of Cuban-Americans should those federal court judgments be dismissed as an incident of normalization.

Amazingly, the Senate is poised to vote on this legislation without the benefit of the Judiciary Committee's views on these and other critical issues that fall within its purview. The Judiciary Committee has held no hearings on Title III, has not reviewed it, nor has it, or the Foreign Relations Committee for that mater, issued any reports on it. It is astonishing that we may be so casually headed toward putting our government, and ultimately U.S. taxpayers, on the line for tens of billions of dollars worth of Cuban-American claims in a foreign land. The only conclusion that can be drawn is that this legislation is being rushed to a vote before these serious issues can be thoroughly considered by the Senate through its normal procedures. Given the profound domestic implications of this legislation beyond the obvious and immediate injury to U.S. certified claimants, I urge you to oppose Title III of this legislation if for no other reason than to ensure that these concerns receive the careful deliberation they warrant.

Sincerely,

DAVID W. WALLACE,
Chairman.

NATIONAL COUNCIL OF THE CHURCHES OF CHRIST IN THE USA,
September 19, 1995.

DEAR REPRESENTATIVE: I write on behalf of the National Council of Churches of Christ in the USA (NCC) to urge your opposition to the Cuban Liberty and Democratic Solidarity bill, H.R. 927, which is scheduled to be considered on the House floor this week. We believe strongly that contrary to its stated objectives, the bill is likely to provoke a negative response that will harm efforts to achieve peaceful social, economic, and political change in Cuba.

The National Council of Churches and many of its member denominations have maintained a decades-long relationship of pastoral accompaniment with the Protestant churches of Cuba. Through Church World Service (CWS)—our relief, refugee, and development program—the NCC has assisted for more than thirty years in the resettlement in the U.S. of Cuban asylum seekers and refugees. Over the past four years CWS has carried out regular shipments of humanitarian assistance that is administered through the Cuban Ecumenical Council for use in nursing homes and childrens' hospitals.

On numerous occasions the NCC has called on the U.S. and Cuban governments to engage in dialogue aimed at resolving the long-standing conflict between our countries. In particular, we have urged measures that would foster greater communication and understanding between people in the U.S. and

Cuba, which we view as key to achieving a more normal relationship.

Our deep concerns about the Cuban Liberty and Democratic Solidarity Act include the following:

1. By incorporating in U.S. policy recognition of property claims of Cubans who became U.S. citizens subsequent to the expropriation of their property, and by subjecting to sanctions anyone who ''traffics'' in such property, the bill is likely to strengthen hard-liners within the Cuban government and fuel renewed anti-U.S. sentiment among the Cuban population. This provision is likely to be interpreted within Cuba as a move to return to the economic and social situation that existed there prior to the 1959 revolution. There is little or no support for such a move within Cuba, even among the most vehement critics of the current regime.

2. The bill specifies conditions for the expansion of U.S. assistance that are likely to undermine diplomatic efforts to achieve a peaceful resolution of the conflict between the U.S. and Cuba. By linking broader U.S. assistance to Cuba to a highly specific set of conditions, the bill reduces significantly the diplomatic tools available to the Administration. At the same time, the bill fails to broaden humanitarian or exchange programs that foster stronger people-to-people relationships.

3. The bill reinforces regulations promulgated in August 1994 that restrict travel and shipment of goods to family members. These new restrictions have led to serious delays in efforts to secure licenses for travel to Cuba. The ability to travel to Cuba on short notice is particularly important to the pastoral accompaniment of the Protestant churches during this difficult period of transition. [Oscar: other problems resulting from the new regulations?]

The NCC believes that a new approach to U.S.-Cuban relations is long overdue. The Cuban Liberty and Democratic Solidarity Act represents a further deepening of an anachronistic policy in serious need of change. I strongly urge you to oppose H.R. 927 and to support efforts to bring about more normal relations between the U.S. and Cuba.

Sincerely,

JOAN BROWN CAMPBELL,
General Secretary.

MANSFIELD & MUSE,
Washington, DC, September 20, 1995.

Senator W. COHEN,
United States Senate, Washington, DC.

Re ''The Cuba Liberty and Democratic Solidarity Act''

DEAR SENATOR: My client Amstar, along with thousands of other U.S. citizen holders of claims certified against Cuba in the 1960's by the Foreign Claims Settlement Commission, will suffer devastating economic injury if Title III of Senator Helm's bill (formerly S. 381) is passed as an amendment to the Foreign Operations Appropriations Bill. It is for this reason that I am writing.

It is absolutely false that Title III has been revised in ways that make it no longer violative of both international law and the rights and interests of U.S. citizens holding claims certified against Cuba pursuant to the 1964 Cuba Claims Act. As you know, Title III allows lawsuits to be brought in the federal courts against Cuba and private individuals either living in or doing business in that country with respect to properties taken from their owners for the most part thirty-five years ago. Damages are recoverable against Cuba and others foreseeable the current value of those properties. Contrary to international law, it makes no difference under Title III whether a litigant was a U.S. citizen at the time the property in Cuba was taken. Indeed Title III is specifically designed to give subsequently naturalized Cuban Americans statutory lawsuit rights against Cuba of a type that we as a nation have never been before given anyone else—even those who were U.S. citizens at the time of their foreign property losses.

Title III of Senator Helm's amendment will produce the following consequences if enacted in its present form:

Our federal courts will be deluged in Cuba-related litigation. On August 28, 1995 the National Law Journal (attached) reported that 300,000–430,000 lawsuits are to be expected from Cuban Americans if Title III is enacted. According to judicial impact analysts at the Administrative Office of the U.S. Courts each of these suits will average $4,500 in costs, whether they go to trial or not. Therefore the administrative costs to the courts alone of Title III will reach nearly $2 billion.

If we enact Title III those 5,911 claimants certified under the 1964 Cuban Claims Act will see their prospects of recovering compensation from an impoverished Cuba diluted to virtually nothing in a sea of Cuban American claims (To put this matter into context, the Department of State has estimated Cuban American property claims at nearly $95 billion). It is critical that it be understood that a claim certified by the Foreign Claims Settlement Commission constitutes a property interest. If Congress enacts Title III with the foreseeable effect of destroying the value of the $6 billion (according to State Department figures) in claims held by American citizens, it should expect to indemnify those citizens someday, under the Fifth Amendment's ''takings clause'', to the full amount of their economic injury. If Title III is made law, the American taxpayer will quite probably someday demand an explanation as to how on earth he or she has been forced to step into the shoes of the Cuban government and compensate U.S. companies and individuals for their property losses in Cuba over thirty-five years ago.

If we violate international law and long-standing U.S. adherence to that law by enacting Title III and conferring retroactive rights upon non-U.S. nationals at time of foreign property losses, history tells us that we will not be permitted to stop with Cuban Americans. The equal protection provisions of the Constitution will not tolerate limiting the conferral of such an important benefit as a federal right of action on only one of our many national origin groups whose members have suffered past foreign property losses if, as will surely happen, a former South Vietnamese army officer who is now a U.S. citizen sues in order to gain the same right accorded Cuban Americans to recover damages for property expropriations he suffered, who, if Title III is enacted is prepared to say he should not have such a night? On what principled basis would such a night be denied him if given by Congress to Cuban Americans? What about Chinese Americans, Hungarian Americans, Iranian Americans, Greek Americans, Palestinian Americans, Russian Americans, Polish Americans? Are we going to claim surprise when the courts tell us that the equal protection of laws requirement of the Constitution mandates that each of these national-origin groups receive the same right of action against their former governments that we are proposing to give Cuban Americans by virtue of Title III? How many such suits might we then expect from these others national-origin groups and at what cost to both the national treasury and our relations with the many countries that will end up being sued in our federal courts? It must also be kept in mind that U.S. companies that have invested in various countries where our naturalized citizens have property claims (e.g. Vietnam) will be held liable for so-called ''trafficking'' in those claimed properties if Title III is enacted and extended constitutionally to other national-origin groups.

The multitude of lawsuits that will be filed pursuant to Title III will over time be converted to final judgments against Cuba, and as such will constitute a running sore problem for the United States. Title III lawsuits are explicitly made nondismissible. The fact of hundreds of thousands of Cuban American judgment creditors against Cuba will make it impossible for us to normalize relations with a friendly government in that country. Aircraft and ships would be seized. Cuban assets in the U.S. banking system would be attached, goods produced in Cuba would be executed upon when they arrive in U.S. ports—all in pursuit of recovery of billions of dollars in federal court awards. The population of Cuba (the majority of whom were not even born when the properties of the Cuban American judgment creditors were taken) will be indentured for decades to come to the judgments entered against their country on our federal court dockets. How is such a state of affairs conducive to a reconciliation between Cubans on the island and the Cuban community of the United States?

The alternative to the permanent estrangement Title III lawsuits will produce between Cuba and the United States would of course be for a U.S. president to dismiss the judgments entered against Cuba. Notwithstanding the prohibition against such executive branch action contained in Title III, it is probable that the courts will ultimately uphold the dismissals as a legitimate exercise of the presidential prerogative to conduct foreign affairs.[2] What then?

The creation of a cause of action by Congress is obviously not a trivial matter. Hundreds of thousands of Cuban Americans will quite properly avail themselves of the right of action to be given them by Title III. These cases will proceed inexorably to final judgments. (There are really no defenses available to Cuba under Title III. It is a strict liability statute). As final federal court judgments they will carry the faith and credit of the United States government, with all the rights and remedies of execution set out in our laws. What will be the consequence of the president extinguishing these judgments and their concomitant rights of execution?

Again, as in the case of certified claimants, a federal court judgment is a property interest protected by the Constitution. If that interest is extinguished by presidential order, the Fifth Amendment ''takings clause'' with its duty of full compensation will be triggered. If Title III is enacted it should be with full knowledge that Congress may someday be asked by the public to explain how the American people came ultimately to be liable for tens of billions of dollars of damages in recompense to a group of non-U.S. nationals at the time they lost properties in Cuba.[3] In a period of heightened concern for potential governmental liability under the takings clause of the Fifth Amendment,

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[2] See, Dames & Moore v. Regan, 453 U.S. 654 (1981).

[3] See, Dames & Moore v. Regan, supra, at 688: ''Though we conclude that the President has settled petitioner's claims against Iran, we do not suggest that the settlement has terminated petitioner's possible taking claim against the United States.'' (Emphasis added). Justice Powell, concurring in part and dissenting in part, had this to say: ''The Government must pay just compensation when it furthers the nation's foreign policy goals by using as 'bargaining chips' claims lawfully held by a relatively few persons and subject to the jurisdiction of our courts.'' Id. at 691.

Title III should be approached with the greatest caution and seen for the liability time bomb it is.

A troubling aspect of Title III is its contemptuous disregard of international law. As a nation we and our citizens benefit from international law in a myriad of forms, such as overseas investment and intellectual property protection, the safety of our diplomats and sovereignty over our marine resources. Many other examples of the benefits to the United States of an international rule of law could be given. How can we in the future demand compliance with international law by other nations if we are prepared to violate that very law by enacting Title III? The proponents of this legislation have never satisfactorily answered that fundamental question.

To conclude, certain proponents of Title III from outside the Senate have engaged in a campaign to minimize its significance. Boiled down, their message is that a vote for Title III is an inconsequential thing. For example, they will say that a litigant cannot or will not sue Cuba itself, but rather any actions are limited to ''third party traffickers'' in confiscated properties. Let there be no mistake on this point. Title III is an unprecedented federal court claims program against the nation of Cuba. Section 302 of Title III is plain and unambiguous in its meaning. It is the inescapable consequences of that meaning that the Senate must address.

JOINT CORPORATE COMMITTEE
ON CUBAN CLAIMS,
September 20, 1995.

DEAR SENATOR: The Joint Corporate Committee on Cuban Claims represents more than thirty U.S. corporations with certified claims against the Government of Cuba stemming from the Castro regime's unlawful confiscation of U.S. property without just compensation. Our member corporations hold more than one-half of the $1.6 billion in outstanding certified corporate claims. On behalf of the Joint Corporate Committee, I am writing to urge you to oppose Title III of legislation Sen. Helms will offer as an amendment to the Foreign Operations Appropriations Bill because it poses the most serious threat to the property rights of the certified claimants since the Castro regime's confiscations more than thirty years ago.

The centerpiece of the Helms legislation is Title III, which creates a right of action that for the first time will allow U.S. citizens—regardless of whether they were U.S. citizens at the time their property was confiscated in Cuba—to file lawsuits in U.S. courts against persons or entities that ''traffic'' in that property, including the Government of Cuba. In effect, this provision creates within the federal court system a separate Cuban claims program available to Cuban-Americans who were not U.S. nationals as of the date of their injury. This unprecedented conferral of retroactive rights upon naturalized citizens is not only contrary to international law, but raises serious implications with respect to the Cuban Government's ability to satisfy the certified claims.

Allowing Cuban-Americans to make potentially tens if not hundreds of thousands of claims against Cuba in our federal courts may prevent the U.S. certified claimants from ever receiving the compensation due them under international legal standards. After all, Cuba hardly has the means to compensate simultaneously both the certified claimants and hundreds of thousands of Cuban-Americans, who collectively hold claims valued as high as $94 billion, according to a State Department estimate. In addition, this avalanche of lawsuits undoubtedly will cloud title to property in Cuba for years, thereby lessening the prospects for restitutionary approaches in satisfaction of some of the certified claims.

Apart from the injury to the interests of U.S. certified claimants, we can reasonably anticipate that this legislation, by opening our courts to such an expansive new class of claimants, will unleash a veritable explosion of litigation that will place an enormous if not overwhelming burden on our courts. Moreover, the legislation even would allow Cuban exiles abroad to avail themselves of this lawsuit right simply by forming a corporation in the United States, transferring any claim they may have against Cuba into that U.S. corporate entity, and bringing suit in U.S. federal courts. In addition, other similarly situated U.S. nationals of various ethnic origins who have suffered property losses under similar circumstances can be expected to pursue this lawsuit right on equal protection grounds. While it is difficult to predict with any precision the number of lawsuits that will be filed under this legislation, it is not unreasonable to conclude that they will number in the hundreds of thousands.

Finally, we must consider the impact of this lawsuit right on the ability of a post-Castro Cuban government to successfully implement market-oriented reforms. There can be little doubt that the multitude of unresolved legal proceedings engendered by this legislation will all but preclude such reform, which must be the foundation of a free and prosperous Cuba. Even should the President, as an incident of normalizing relations with a democratic Cuban government, ultimately extinguish these claims, if history is a guide, our government could assume tremendous liability to this newly created class of claimants.

In light of the pernicious implications of this legislation for the legal rights of certified claimants, an already overburdened court system, the claims settlement process and the orderly disposition of claims, and the post-Castro investment environment, we urge you to oppose the Helms amendment insofar as it contains Title III in its present form.

Sincerely,

DAVID W. WALLACE,
Chairman.

STATEMENT OF DAVID W. WALLACE, CHAIRMAN, JOINT CORPORATE COMMITTEE ON CUBAN CLAIMS ON S. 381, THE CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY ACT OF 1995

(Submitted to the Subcommittee on Western Hemisphere and Peace Corps Affairs, the Committee on Foreign Relations, United States Senate, June 14, 1995)

Mr. Chairman and Members of the Subcommittee, I appreciate the opportunity to submit this statement expressing the views of the Joint Corporate Committee on Cuban Claims with respect to S. 381, the ''Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995.''

The Joint Corporate Committee on Cuban Claims, of which I serve as Chairman, represents more than thirty U.S. corporations with certified claims against the Government of Cuba stemming from the Castro regime's unlawful confiscation of U.S. property without just compensation. Our member corporations hold more than one-half of the $1.6 billion in outstanding certified corporate claims. Since its formation in 1975, the Committee has vigorously supported the proposition that before our government takes any steps to resume normal trade and diplomatic relations with Cuba, the Government of Cuba must provide adequate compensation for the U.S. properties it unlawfully seized.

Although I am submitting this statement in my capacity as Chairman of the Joint Corporate Committee, I would like to note parenthetically that I also serve as Chairman and Chief Executive Officer of Lone Star Industries, Inc. Lone Star is a certified claim holder whose cement plant at Mariel was seized by the Cuban Government in 1960. Lone Star's claim is valued at $24.9 million plus 6 percent interest since the date of seizure.

On behalf of our Committee, I want to commend the significant contribution you have made to the debate on U.S.-Cuba policy by focusing renewed attention on the Castro regime's unlawful expropriation of U.S. property—an issue that all too often gets lost in the debate over the wisdom of the embargo policy. Recognizing the important role that trade and investment by U.S. businesses will have in Cuba's economic reconstruction and its eventual return to the international community, evidence of concrete steps by the Government of Cuba towards the satisfactory resolution of the property claims issue must be an essential condition for the resumption of economic and diplomatic ties between our nations.

I think it is important to recall the essential reason for which the U.S. government first imposed a partial trade embargo against Cuba in 1960, followed by the suspension of diplomatic relations in 1961 and the imposition of a total trade embargo in 1962. These actions were taken in direct response to the Castro regime's expropriation of properties held by American citizens and companies without payment of prompt, adequate and effective compensation as required under U.S. and international law. This illegal confiscation of private assets was the largest uncompensated taking of American property in the history of our country, affecting scores of individual companies and investors in Cuban enterprises.

These citizens and companies whose property was confiscated have a legal right recognized in long-established international law to receive adequate compensation or the return of their property. Indeed, Cuba's Constitution of 1940 and even the decrees issued by the Castro regime since it came to power in 1959 recognized the principle of compensation for confiscated properties. Pursuant to Title V of the International Claims Settlement Act, the claims of U.S. citizens and corporations against the Cuban government have been adjudicated and certified by the Foreign Claims Settlement Commission of the United States. Yet to this day, these certified claims remain unsatisfied.

It is our position that lifting the embargo prior to resolution of the claims issue would be unwise as a matter of policy and damaging to our settlement negotiations posture. First, it would set a bad precedent by signaling a willingness on the part of our nation to tolerate Cuba's failure to abide by precepts of international law. Other foreign nations, consequently, may draw the conclusion that unlawful seizures of property can occur without consequence, thereby leading to future unlawful confiscations of American properties without compensation. Second, lifting the embargo would remove the best leverage we have in compelling the Cuban government to address the claims of U.S. nationals and would place our negotiators at a terrible disadvantage in seeking just compensation and restitution. We depend on our government to protect the rights of its citizens when they are harmed by the unlawful actions of a foreign agent. The Joint Corporate Committee greatly appreciates the steadfast support our State Department has provided over the years on the claims issue. However, we recognize that the powerful tool of sanctions will be crucial to the Department's ability ultimately to effect a just resolution of this issue.

Apart from the need to redress the legitimate grievances of U.S. claimants, we also should not overlook the contribution these citizens and companies made to the economy of pre-revolutionary Cuba, helping to make it one of the top ranking Latin American countries in terms of living standards and economic growth. Many of these companies and individuals look forward to returning to Cuba to work with its people to help rebuild the nation and invest in its future. As was the case in pre-revolutionary Cuba, the ability of the Cuban government to attract foreign investment once again will be key to the success of any national policy of economic revitalization.

However, unless and until potential investors can be assured of their right to own property free from the threat of confiscation without compensation, many U.S. companies simply will not be willing to take the risk of doing business with Cuba. It is only by fairly and reasonably addressing the claims issue that the Cuban Government can demonstrate to the satisfaction of the business community its recognition of and respect for property rights.

We are pleased that S. 381 does not waver from the core principle, firmly embodied in U.S. law, which requires the adequate resolution of the certified claims before trade and diplomatic relations between the U.S. and Cuban governments are normalized. However, we are concerned with provisions of Section 207 of the revised bill that condition the resumption of U.S. assistance to Cuba on the adoption of steps leading to the satisfaction of claims of both the certified claimants and Cuban-American citizens who were not U.S. nationals at the time their property was confiscated. Notwithstanding the modifying provisions which accord priority to the settlement of the certified claims and give the President authority to resume aid upon a showing that the Cuban Government has taken sufficient steps to satisfy the certified claims, this dramatic expansion of the claimant pool, as a practical matter, would necessarily impinge upon the property interests of the certified claimants.

Even though the claimants who were not U.S. nationals at the time of the property loss would not enjoy the espousal rights that the certified claimants enjoy, the recognition of a second tier of claimants by the U.S. Government at a minimum would necessarily color, and likely make more complicated, any settlement negotiations with Cuba to the detriment of the certified claimants.

Moreover, the fact that the legislation gives priority for the settlement of certified property claims is of little consequence within the context of such a vastly expanded pool of claimants that seemingly defies a prompt, adequate and effective settlement of claims. In addition, once this second tier of claimants is recognized, it would be exceedingly difficult politically for the President to exercise his waiver authority. Finally, this dramatic expansion of the claimant pool would serve as a significant disincentive for a post-Castro Cuban Government to enter into meaningful settlement negotiations with the United States given the sheer enormity of the outstanding claims and the practical impossibility of satisfying all those claims.

In short, while we are sympathetic to the position of those individuals and entities who were not U.S. nationals at the time their property was seized, we believe that U.S. Government recognition and representation of this group of claimants—even falling short of espousal of their claims with a post-Castro Government in Cuba—would harm the interests of the already certified claimants. We believe that the recognition of a second tier of claimants will delay and complicate the settlement of certified claims, and may undermine the prospects for serious settlement negotiations with the Cuban Government.

It is our view, based on well-established principles of international law, that individuals and entities who were Cuban nationals at the time their property was confiscated must seek resolution of their claims in Cuban courts under Cuban law under a future Cuban Government whereby the respective property rights of former and current Cuban nationals may be fairly determined. In taking that position, we categorically reject any notion that a naturalized American has any lesser degree of right than a native-born American. That objectionable and irrelevant notion serves only to cloud the real issue here, and that is simply the question of what rights are pertinent to a non-national as of the date of injury. Simply put, international law does not confer retroactive rights upon naturalized citizens.

Many of the same objections noted above also apply to Section 302 of the revised bill, which allows U.S. nationals, including hundreds of thousands of naturalized Cuban-Americans, to file suit in U.S. courts against persons or entities that traffic in expropriated property. We believe this unrestricted provision also will adversely affect the rights of certified claimants. By effectively moving claims settlement out of the venue of the Foreign Claims Settlement Commission and into the federal judiciary, this provision can be expected to invite hundreds of thousands of commercial and residential property lawsuits. Apart from the enormous, if not overwhelming, burden these lawsuits will place on our courts, this provision raises serious implications with respect to the Cuban Government's ability to satisfy certified claims.

First, allowing Cuba to become liable by way of federal court judgments for monetary damages on a non-dismissible basis necessarily will reduce whatever monetary means Cuba might have to satisfy the certified claims. Second, this expected multiplicity of lawsuits undoubtedly will cloud title to property in Cuba for years, thereby lessening the prospects for restitutionary approaches in satisfaction of some of these claims. Moreover, under this provision, the President would have no power to dismiss these suits as an incident of normalizing relations with a democratically elected government in Cuba once they are commenced. Consequently, the foreign investment that will be crucial to Cuba's successful implementation of market-oriented reforms will be all but precluded by these unresolved legal proceedings.

In conclusion, we want to commend you for your efforts in raising the profile of the property claims issue and focusing attention on the importance of resolving these claims to the full restoration of democracy and free enterprise in Cuba. We also recognize and appreciate the effort you have made to modify this legislation in response to the concerns expressed by the certified claimant community; however, we hope that you will further consider our continuing concerns regarding the implications of this legislation for the legal rights of certified claimants, an already overburdened court system, the claims settlement process and the orderly disposition of claims, and the post-Castro investment environment.

Mr. PELL. I yield the floor.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, let me first of all commend my dear friend and distinguished colleague from Rhode Island. As all of my colleagues are aware, our friend from Rhode Island has announced he will not be seeking reelection almost a year from now. He has been a wonderful U.S. Senator over these many years representing his State and always keeping in mind the national interest.

He has had a longstanding view on cloture, and it has to be a very unique set of circumstances that would cause someone with more than 30 years of having maintained a very strong philosophical position—much to the chagrin, I might point out, of his colleagues from time to time who have wanted his vote or not wanted his vote on a particular matter—to take this position. So, I respect immensely his decision.

Mr. President, we are going to vote in a couple minutes on this matter. We have had a good opportunity to talk about it over the last day or so. I just want to reiterate, if I could, the underlying concern I have about this bill and why I think that cloture should not be invoked.

True of all matters that we consider in this body, but particularly when it comes to matters affecting the international relations of this Nation, the first test ought to be whether or not what we are going to do is in the best interests of our country; and, secondly, whether or not it is going to help or hinder, depending upon the purpose of the legislation, the country involved.

Before we even get to the second question, the first question must be answered positively. And my concern about this bill that is before us is that, in the first instance, it is not in the self-interest of this country to adopt this bill for the reason that it creates unprecedented new opportunities for a group of people that we have never provided access to the U.S. courts to on claims matters involving the expropriation of property where there has been a lack of compensation.

As my colleagues no doubt are aware, under U.S. claims court rules for the last four decades, more than four decades, in order to sue in a U.S. claims court, you must have been a U.S. citizen that was doing business or had property in the country where there is an expropriation of property at the time. As has been pointed out in the case of Cuba, there were some 6,000 individuals or corporations that held that status in 1959 when the expropriations took place across the board.

What we are doing with this bill, and why I ask my colleagues to read it, look at it, is for the first time in more than four decades we are now saying, in addition to that group, anyone who was a national of Cuba but who subsequently became a U.S. citizen, or even went to some other country, can now file in the U.S. claims court for compensation under the expropriation actions.

That is unprecedented. There are some 37 other countries in the world

that have matters of expropriation of properties pending. Were we to apply the same standard we are going to apply, or could apply with this legislation, it would open up in the case of Americans of Polish ancestry, Vietnamese, Chinese, German—the countries, 37 in number—then one could only begin to imagine the kind of overwhelming amount of work that would fall on our United States courts.

It is estimated that each claims action costs some $4,500 to process. Just with the passage of this legislation, we will expand the workload of that court from 6,000 cases, legitimate cases of expropriation, to some 430,000 cases. That is what we have been told is the estimate of the claims. Who is going to pay for that, and what happens to the claimants who have a consistent legitimate right? Yet, that is what we are doing with this bill.

So regardless of how one feels about the government in Cuba, how angry they may be, I just beseech my colleagues to read title III of this bill and then ask themselves whether or not this is something we ought to be doing to ourselves.

This is an unfunded mandate, in effect, for the claims that come before the court. There is another reason, in my view, why it should be rejected. We never voted on it in committee, never had a single vote. The bill is brought to the floor by the chairman of the Foreign Relations Committee who chairs the committee which has jurisdiction.

I hope we do not invoke cloture and that the bill be sent back for further work so it comes back with the kind of provisions in title III that are not, I think, so threatening and dangerous to the country.

Mr. President, I heard the gavel come down. Is there a time limitation?

The PRESIDING OFFICER. The time has been divided and the time on the Democratic side has expired.

Mr. DODD. I ask unanimous consent that my colleague be able to respond.

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

Mr. DORGAN. Mr. President, I was only going to ask a question of the Senator from Connecticut. I am not on the relevant committee. My understanding was this was not subject to a committee markup, and this legislation came to the floor without a markup; is that correct?

Mr. DODD. That is correct. Again, I can understand someone who was in the minority trying to pull that, but if you are in the majority and the chair of the committee and bring a bill out that you did not have a markup on in your own committee, I do not understand the precedent for that, it seems to me.

We had hearings on this issue, in fairness to the chairman of the committee. There are hearings we had about the situation in Cuba, but no markup of this legislation at all.

Mr. DORGAN. This is not an unimportant issue, I agree with the Senator. Since I am not involved in this committee's actions, it seems to me that the approach that would best serve the search for the right policy would be an approach where you have a committee process, where they mark up the bill, debate the bill during markup, write the best bill and then bring it to the floor. This appears not to be the regular order to get the legislation to the floor. I appreciate the Senator's response.

Mr. DODD. Just for the benefit of my colleagues, I point out, as I mentioned earlier, this expands the definition of who is a U.S. claimant to include ''any Cuban national presently a United States citizen regardless of citizenship at the time of the expropriation, as well as any person who incorporates himself or herself as a business entity under U.S. law prior to this bill becoming law.''

That is, you do not have to be a U.S. citizen today, you can be a foreign national, but if you incorporate yourself as any person, then you can bring an action in U.S. claims court. That is unprecedented, as far as the law has stood for the past 4 decades.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, there will be a vote momentarily. That will be the last vote of the day. It could be the last vote of the week, depending on whether or not we get to appoint conferees to S. 652, the telecommunications bill, tomorrow. I understand there may be an instruction on the other side. If there is an instruction, that could require a vote tomorrow. And we hope to appoint conferees to welfare reform, H.R. 4. The President has asked about expediting that. Others have asked about expediting that. We are prepared to appoint conferees. We hope we can do that tomorrow.

As to Monday, I hope to have an announcement tomorrow whether or not we will be in session at all on Monday, and if we are in session, what we will be about, because as I understand, there is going to be a massive traffic jam on Monday. They tell me thousands of buses are going to be in town, so it might not be possible to get to the Capitol, or, if you get here, it might not be possible to get anywhere else.

I will try to accommodate my colleagues and make that announcement as early as I can tomorrow.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the substitute amendment to Calendar No. 202, H.R. 927, an act to seek international sanctions against the Castro government.

Bob Dole, Jesse Helms, Bob Smith, Bill Frist, John Ashcroft, Jim Inhofe, Paul D. Coverdell, Spencer Abraham, Larry E. Craig, Trent Lott, Rod Grams, Frank H. Murkowski, Fred Thompson, Mike DeWine, Hank Brown, Chuck Grassley.

CALL OF THE ROLL

The PRESIDING OFFICER. Under the previous order, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the substitute amendment No. 2898 to H.R. 927, the Cuban Liberty and Solidarity Act, shall be brought to a close?

The yeas and nays are required under the rules. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Utah [Mr. HATCH] and the Senator from Oregon [Mr. HATFIELD] are necessarily absent.

I also announce that the Senator from Maine [Mr. COHEN] is absent due to a death in the family.

Mr. FORD. I announce that the Senator from Nebraska [Mr. EXON], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Nevada [Mr. REID] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 56, nays 37, as follows:

[Rollcall Vote No. 488 Leg.]

YEAS—56

Abraham	Frist	Mack
Ashcroft	Gorton	McCain
Bennett	Graham	McConnell
Bond	Gramm	Murkowski
Bradley	Grams	Nickles
Brown	Grassley	Pressler
Bryan	Gregg	Roth
Burns	Helms	Santorum
Campbell	Hollings	Shelby
Chafee	Hutchison	Simpson
Coats	Inhofe	Smith
Cochran	Jeffords	Snowe
Coverdell	Kassebaum	Specter
Craig	Kempthorne	Stevens
D'Amato	Kyl	Thomas
DeWine	Lautenberg	Thompson
Dole	Lieberman	Thurmond
Domenici	Lott	Warner
Faircloth	Lugar	

NAYS—37

Akaka	Dodd	Kerrey
Baucus	Dorgan	Kerry
Biden	Feingold	Kohl
Bingaman	Feinstein	Leahy
Boxer	Ford	Levin
Breaux	Glenn	Mikulski
Bumpers	Harkin	Moseley-Braun
Byrd	Heflin	Moynihan
Conrad	Inouye	Murray
Daschle	Johnston	Nunn

Pell	Rockefeller	Wellstone
Pryor	Sarbanes	
Robb	Simon	

NOT VOTING—6

Cohen	Hatch	Kennedy
Exon	Hatfield	Reid

The PRESIDING OFFICER. On this vote, the yeas are 56, the nays are 37. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

EXPLANATION OF ABSENCE

Mr. BRYAN. Mr. President, I would like to inform the Senate that my distinguished colleague, Senator REID, was called away suddenly due to the death of a lifetime friend of his family. He was unable to be present because of his attendance at funeral services in Nevada. Had he been present today, he would have voted for cloture on the matter presently before the Senate.

APPOINTMENTS BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 95–521, appoints Thomas B. Griffith as Senate Legal Counsel, effective as of October 24, 1995, for a term of service to expire at the end of the 105th Congress.

The Chair, on behalf of the President pro tempore, pursuant to Public Law 95–521, appoints Morgan J. Frankel as Deputy Senate Legal Counsel, effective as of October 24, 1995, for a term of service to expire at the end of the 105th Congress.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

(During today's session of the Senate, the following morning business was transacted.)

TRIBUTE TO SENATOR GRAMS

Mr. DOLE. Mr. President, as all Senators know, the Senate is a place of traditions. And one tradition we have is honoring those colleagues who preside over the Senate for more than 100 hours a session.

Presiding over the Senate can be very tough duty. There are periods, of course, where absolutely nothing is happening. But there are also periods where rulings from the Chair may change the course of legislation, or of history, itself.

One Senator that has impressed all of us with the knowledgeable and fair way he presides—as well as with the leadership he has shown on a wide number of issues—is Senator ROD GRAMS of Minnesota. And I am pleased to announce that Senator GRAMS has now become the second Senator in this historic Congress to have earned the Golden Gavel Award for presiding over the Senate for 100 hours.

Minnesotans can take great pride in the achievement of Senator GRAMS, and I know all Senators joins with me in congratulating him.

RECOGNITION OF NATIONAL SCHOOL LUNCH WEEK

Mr. DASCHLE. Mr. President, October 9- to 13 has been recognized as National School Lunch Week. It is therefore appropriate to congratulate those who work to elevate child welfare and nutrition concerns on the national policy agenda, as it is increasingly apparent that investments in child nutrition programs today will pay rich dividends in terms of the future health and productivity of our Nation.

The National School Lunch Program was signed into law in 1946, not as an act of charity, but as a matter of national security. Shocking numbers of young men had failed their physicals in World War II as a result of preventable, nutrition-related illnesses. The National School Lunch Act was designed to provide access to necessary nutrition for some of our Nation's most vulnerable children.

Next June, we will be celebrating the 50th anniversary of this extremely successful program. Over the years I have enjoyed working with the members of the South Dakota School Food Service Association, and we agree on the importance of child nutrition and the value of the school meals program. I look forward to our continued work in this area.

Last year Congress passed legislation that reauthorized and improved several important nutrition programs under the National School Lunch Act and the Child Nutrition Act. I was pleased to be a cosponsor of this legislation. At my urging, as part of that legislation, Congress directed the Department of Agriculture to bring schools into compliance with specified dietary guidelines by the 1996–97 school year rather than the 1998–99 school year, as originally stipulated by USDA. Among other recommendations, these guidelines establish a 30-percent limit on daily dietary fat, and a 10-percent limit on saturated fat.

In June 1995, USDA updated Federal regulations to require schools meals to meet the dietary guidelines and conform to the legislation. The school meals initiative for healthy children is a significant reform of the program's 49 year history. In support of this policy, USDA also launched Team Nutrition, which provides training and technical assistance, as well as nutrition education to schools as they strive to incorporate the new nutrition standards into their school meals. Team Nutrition's goal is to improve the health and education of children through innovative public and private partnerships.

I'm particularly pleased to recognize a South Dakota school which is leading the way in implementing healthier school meals. Rosholt Elementary School in Rosholt, SD, near my hometown of Aberdeen, is the first Team Nutrition school in South Dakota. Rosholt Elementary will serve as a model as they begin implementation of the healthy school meals policy. Compliance with the dietary guidelines will have a real impact on the health of children who participate in the school meals program, and I commend the Rosholt school and community on its commitment to the health status of its students.

I yield the floor.

MESSAGES FROM THE HOUSE

At 11:46 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker appoints Mr. BORSKI as a conferee in the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 440) to amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes; to fill the vacancy resulting from the resignation from the House of Representatives of Mr. Mineta.

The message also announced that the Speaker appoints Mr. OBERSTAR as a conferee in the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 395) to authorize and direct the Secretary of Energy to sell the Alaska Power Administration, and to authorize the export of Alaska North Slope crude oil, and for other purposes; to fill the vacancy resulting from the resignation from the House of Representatives of Mr. Mineta.

At 1:05 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1976) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and related agencies programs for the fiscal year ending September 30, 1996, and for other purposes;

The message also announced that the Speaker appoints the following Member as an additional conferee in the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4) to restore the American family, reduce illegitimacy, control welfare spending, and reduce welfare dependence: Mr. TANNER.

The message further announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 29. A concurrent resolution providing for marking the celebration of Jerusalem on the occasion of its 3,000th anniversary.

At 7:30 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House disagrees to the amendments of the Senate to the bill (H.R. 1868) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1996, and for other purposes, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. CALLAHAN, Mr. PORTER, Mr. LIVINGSTON, Mr. LIGHTFOOT, Mr. WOLF, Mr. PACKARD, Mr. KNOLLENBERG, Mr. FORBES, Mr. BUNN of Oregon, Mr. WILSON, Mr. YATES, Ms. PELOSI, Mr. TORRES, and Mr. OBEY, as the managers of the conference on the part of the House.

The message also announced that the House insists upon its amendments to the bill (S. 652) to provide for a procompetitive, deregulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies and services to all Americans by opening all telecommunications markets to competition, and for other purposes, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House:

From the Committee on Commerce: Mr. BLILEY, Mr. FIELDS of Texas, Mr. OXLEY, Mr. WHITE, Mr. DINGELL, Mr. MARKEY, Mr. BOUCHER, Ms. ESHOO, and Mr. RUSH: Provided, Mr. PALLONE is appointed in lieu of Mr. BOUCHER solely for consideration of section 205 of the Senate bill.

As additional conferees, for consideration of sections 1–6, 101–104, 106–107, 201, 204–205, 221–225, 301–305, 307–311, 401–402, 405–406, 410, 601–606, 703, and 705 of the Senate bill, and title I of the House amendment, and modifications committed to conference: Mr. SCHAEFER, Mr. BARTON of Texas, Mr. HASTERT, Mr. PAXON, Mr. KLUG, Mr. FRISA, Mr. STEARNS, Mr. BROWN of Ohio, Mr. GORDON, and Mrs. LINCOLN.

As additional conferees, for consideration of sections 102, 202–203, 403, 407–409, and 706 of the Senate bill, and title II of the House amendment, and modifications committed to conference: Mr. SCHAEFER, Mr. HASTERT, and Mr. FRISA.

As additional conferees, for consideration of sections 105, 206, 302, 306, 312, 501–505, and 701–702 of the Senate bill, and title III of the House amendment, and modifications committed to conference: Mr. STEARNS, Mr. PAXON, and Mr. KLUG.

As additional conferees, for consideration of sections 7–8, 226, 404, and 704 of the Senate bill, and titles IV–V of the House amendment, and modifications committed to conference: Mr. SCHAEFER, Mr. HASTERT, and Mr. KLUG.

As additional conferees, for consideration of title VI of the House amendment, and modifications committed to conference: Mr. SCHAEFER, Mr. BARTON of Texas, and Mr. KLUG.

As additional conferees from the Committee on the Judiciary, for consideration of the Senate bill (except sections 1–6, 101–104, 106–107, 201, 204–205, 221–225, 301–305, 307–311, 401–402, 405–406, 410, 601–606, 703, and 705), and of the House amendment (except title I), and modifications committed to conference: Mr. HYDE, Mr. MOORHEAD, Mr. GOODLATTE, Mr. BUYER, Mr. FLANAGAN, Mr. CONYERS, Mrs. SCHROEDER, and Mr. BRYANT of Texas.

As additional conferees, for consideration of sections 1–6, 101–104, 106–107, 201, 204–205, 221–225, 301–305, 307–311, 401–402, 405–406, 410, 601–606, 703, and 705 of the Senate bill, and title I of the House amendment, and modifications committed to conference: Mr. HYDE, Mr. MOORHEAD, Mr. GOODLATTE, Mr. BUYER, Mr. FLANAGAN, Mr. GALLEGLY, Mr. BARR, Mr. HOKE, Mr. CONYERS, Mrs. SCHROEDER, Mr. BERMAN, Mr. BRYANT of Texas, Mr. SCOTT, and Ms. JACKSON-LEE.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1485. A communication from the President of the United States, transmitting, pursuant to law, a notice relative to the National Telecommunications and Information Administration (NTIA) Spectrum Reallocation Final Report; to the Committee on Commerce, Science, and Transportation.

EC–1486. A communication from the Assistant Secretary for Communications and Information, the Department of Commerce, transmitting the report of the National Endowment for Children's Educational Television grants for fiscal year 1995; to the Committee on Commerce, Science, and Transportation.

EC–1487. A communication from the Assistant Secretary for Communications and Information, the Department of Commerce, transmitting the report of the Telecommunications and Information Infrastructure Assistant Program grants for fiscal year 1995; to the Committee on Commerce, Science, and Transportation.

EC–1488. A communication from the Chairman of the Federal Trade Commission, transmitting the annual report for fiscal year 1993; to the Committee on Commerce, Science, and Transportation.

EC–1489. A communication from the Secretary of the Interior, transmitting, pursuant to law, the report on matters contained in the Helium Act for fiscal year 1994; to the Committee on Energy and Natural Resources.

EC–1490. A communication from the Acting Commissioner for the Bureau of Reclamation, the Department of the Interior, transmitting, pursuant to law, a modification report of the Scofield Dam Project; to the Committee on Energy and Natural Resources.

EC–1491. A communication from the Deputy Associate Director for Compliance, Minerals Management Service, Royalty Management Program, Department of the Interior, transmitting, pursuant to law, notice of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC–1492. A communication from the Deputy Associate Director for Compliance, Minerals Management Service, Royalty Management Program, Department of the Interior, transmitting, pursuant to law, notice of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC–1493. A communication from the Assistant Secretary of the Interior (Land and Minerals Management), transmitting a draft of proposed legislation entitled, ''The Yakima Firing Center Withdrawal Act''; to the Committee on Energy and Natural Resources.

EC–1494. A communication from the Secretary of Defense, transmitting, pursuant to law, the report of a notice relative to two UH-60 Blackhawk helicopters; to the Committee on Armed Services.

EC–1495. A communication from the Deputy and Acting Chief Executive Officer of the Resolution Trust Corporation and the Executive Director of the Thrift Depositor Protection Oversight Board, transmitting jointly, pursuant to law, the report of unaudited financial statements for the six-month period ending June 30, 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC–1496. A communication from the National Credit Union Administration, transmitting, pursuant to law, the report of flood insurance compliance by insured credit unions; to the Committee on Banking, Housing, and Urban Affairs.

EC–1497. A communication from the Chairman of the Federal Financial Institutions Examination Council, transmitting, pursuant to law, the report on the Riegle Community Development and Regulatory Act of 1994; to the Committee on Banking, Housing, and Urban Affairs.

EC–1498. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, a notice regarding agency operations in the absence of appropriations; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–328. A resolution adopted by the Military Chaplains Association of the United States of America relative to Medicare; to the Committee on Finance.

POM–329. A petition from a citizen of the State of Connecticut relative to the medical profession; to the Committee on Finance.

POM–330. A resolution adopted by the Greater Miami Chamber of Commerce of the City of Miami, Florida relative to Chile; to the Committee on Finance.

POM–331. A joint resolution adopted by the Legislature of the State of Alabama; to the Committee on Finance.

''HOUSE JOINT RESOLUTION 370

''Whereas, the health insurance benefits of nearly 100,000 retired coal miners, with an average age of 73, are in jeopardy due to pending bills in the United States Congress; and

''Whereas, the coal mining industry is vital to the economy of Alabama and other states threatened by these pending bills; and

''Whereas, these bills, if enacted, could relieve more than 400 corporations and companies from contributing into a health care

fund established to replace several financially-troubled funds and would result in severe hardship to retired coal miners, imperil the economic stability of the communities in which these miners live, and would impose additional fiscal burdens on the social service systems of the various states; and

''Whereas, most of the retirees that would be affected worked their entire lives in appallingly dangerous and severe conditions, and to now deny benefits is unthinkable to fair-minded persons throughout the country: Now therefore be it

''*Resolved by the Legislature of Alabama, both Houses thereof concurring,* That we hereby express our strongest opposition to the passage or consideration of any pending bills before the United States Congress that would eliminate or reduce benefits for coal miners and their widows.

''*Resolved further,* That a copy of this resolution be sent to each member of the Alabama Congressional Delegation, and to the Speaker of the U.S. House of Representatives and the President of the U.S. Senate as an expression of our opposition.''

POM–332. A concurrent resolution adopted by the Legislature of the State of Texas; to the Committee on Finance.

''HOUSE CONCURRENT RESOLUTION

''Whereas, congressional legislation in 1976 added Section 170(e)(3) of the Internal Revenue Code, offering a tax incentive for donations by corporations to charities serving the ill, the needy, or infants; and

''Whereas, the incentive exists in the form of a charitable contribution deduction equal to half the difference between the donor's cost and the fair market value of the donated product, not to exceed twice the cost; and

''Whereas, in West Texas, which contributes a high percentage of this state's agricultural production, farmers have responded generously to solicitations by providing donations of food for dehydration and distribution to the hungry through the food bank network; and

''Whereas, fairness warrants that noncorporate farmers and any other entities supplying food or other charitable donations be entitled to equal tax treatment and enjoy a similar tax incentive as corporate farmers; and

''Whereas, such an incentive would not only increase the amount of food destined for the needy but would have a positive effect on net farm income and would prevent the destruction of crops that are economically unmarketable due to poor weather conditions, corresponding low yield, or other factors: Now, therefore, be it

''*Resolved,* That the 74th Legislature of the State of Texas hereby respectfully urge the United States Congress to amend the Internal Revenue Code to extend to noncorporate farmers, entities, and individuals the tax incentive for charitable donations; and, be it further

''*Resolved,* That the Texas Secretary of State forward official copies of this resolution to the Speaker of the House of Representatives and President of the Senate of the United States Congress and to all Members of the Texas delegation to the Congress with the request that it be entered officially in the Congressional Record as a memorial to the Congress of the United States.''

POM–333. A concurrent resolution adopted by the Legislature of the State of Nevada; to the Committee on Finance.

''SENATE CONCURRENT RESOLUTION NO. 16

''Whereas, persons with disabilities should have the opportunity to achieve the highest possible level of personal independence; and

''Whereas, persons with disabilities frequently require assistance to perform daily tasks that they would normally perform for themselves if they did not have a disability, such as bathing, dressing and preparing meals; and

''Whereas, assistance provided to a person with a disability in his home allows him to maintain his independence; and

''Whereas, if the state could pay a recipient directly for assistance provided to him in his home, the recipient could employ the person of his choice to assist him; and

''Whereas, allowing a recipient the opportunity to employ the person of his choice to assist him with his daily tasks would provide him with additional freedom and independence to manage his own affairs; and

''Whereas, under the current federal law the State of Nevada would lose federal funding if it made direct payments to a recipient for such services; and

''Whereas, under the provisions of the Internal Revenue Code of 1986 and regulations adopted pursuant thereto, the State of Nevada may not, without being considered an employer, provide various administrative, clinical and quality assurance services relating to personal assistants employed by persons with disabilities, including the investigation, recruiting, screening, training, supervision or monitoring of such persons; Now, therefore, be it

''*Resolved by the Senate of the State of Nevada, the Assembly concurring,* That the Nevada Legislature urges the Congress of the United States to amend Title XIX of the Social Security Act (42 U.S.C. §§1396 et seq.) to allow states to make payments for personal assistance services provided in the homes of recipients of Medicaid who have disabilities directly to the recipients of such services under appropriate circumstances; and be it further

''*Resolved,* That the Nevada Legislature urges the Congress of the United States to amend the provisions of the Internal Revenue Code of 1986 to require the Secretary of the Treasury to revise Revenue Procedures 70–6 and 80–4 to allow states or designated agencies of the states to provide, without being deemed an employer, various administrative, clinical and quality assurance services relating to personal assistants employed by recipients of Medicaid who have disabilities, including the investigation, recruiting, screening, training, supervising and monitoring of such assistants; and be it further

''*Resolved,* That the Secretary of the Senate prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation.''

POM–334. A resolution adopted by the Society For Conservation Biology relative to Cuba; to the Committee on Foreign Relations.

POM–335. A resolution adopted by the Senate of the Legislature of the State of Alaska; to the Committee on Foreign Relations.

''SENATE RESOLUTION NO. 2

''Whereas the International Maritime Organization (IMO), an organization under the auspices of the United Nations, is currently drafting proposals for an international treaty adopting and expanding insurance indemnity provisions for seaborne commodities; and

''Whereas in contrast to existing maritime classifications and the policies and regulations of the United States Department of Transportation and the United States Coast Guard, the IMO proposes classifying coal as a hazardous and noxious material; and

''Whereas there is no rational reason or precedent for classifying coal as a hazardous or noxious material and the current maritime insurance has, without exception, adequately provided insurance indemnity for seaborne coal shipping; and

''Whereas action classifying coal as a hazardous or noxious material could significantly increase insurance rates and the delivered cost of coal to the benefit of competing fuel sources; and

''Whereas this action would dramatically reduce the competitiveness of coal as an import fuel and reduce the amount of exported coal from countries such as the United States; and

''Whereas this action would reduce the potential for the increased export of Alaska coal; and

''Whereas the National Mining Association, the United States Coal Exporters Association, and the Alaska Coal Association, together with labor organizations, adamantly oppose the IMO proposal; and

''Whereas it is critical that United States government representatives to the IMO convention oppose the classification of coal as a hazardous or noxious material;

Be it Resolved That the Senate respectfully urges the United States Senate not to ratify a Hazardous and Noxious Substance Convention proposed by the International Maritime Organization that includes coal as a designated hazardous or noxious material.''

POM–336. A joint resolution adopted by the Legislature of the State of California; to the Committee on Foreign Relations.

''ASSEMBLY JOINT RESOLUTION NO. 42

''Whereas, Harry Wu, a United States citizen and resident of Milpitas, California, is an outspoken critic of the Chinese penal system; and

''Whereas, as a young man, Harry Wu was arrested by the Chinese Communist authorities after criticizing the Soviet Union's 1956 invasion of Hungary, and being labeled a 'counterrevolutionary rightist,' and spent 19 years as a political prisoner in a labor reform camp; and

''Whereas, Harry Wu came to the United States in 1985 as a visiting scholar at the University of California, Berkeley, in the Civil Engineering Department; and

''Whereas, Harry Wu is currently a research fellow at the Hoover Institution on War and Peace at Stanford University; and

''Whereas, Harry Wu has completed research and published articles and books reflecting the human rights abuses in China, including 'Laogai—The Chinese Gulag' and 'Bitter Winds: A Memoir of My Years in China's Gulag'; and

''Whereas, Harry Wu is the founder and executive director of the Laogai Foundation, founded to study China's labor camps; and

''Whereas, Harry Wu has worked diligently and risked his freedom to document the human rights abuses and conditions in Chinese gulags, twice returning to China in 1991 to secretly videotape conditions in the Chinese gulag, and has provided documentation on how Chinese officials disguise prison-made products so that American and other Western businesses would not be reluctant to buy them; and

''Whereas, Harry Wu has testified numerous times on Capitol Hill regarding human rights abuses, and most recently testified before the Senate Foreign Relations Committee on the illegal human organ trade that occurs with China's prison camps; and

''Whereas, Harry Wu has gained international attention for his crusade against the Chinese system of prison labor camps and has been instrumental in providing documentary information that has been broadcast in the United States and Great Britain; and

''Whereas, Harry Wu has been nominated for the Nobel Peace Prize for his work on behalf of human rights in China; and

''Whereas, Harry Wu has been detained in China since June 19, 1995; Now, therefore, be it

''*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature hereby memorializes the President and Congress of the United States to continue to use all diplomatic avenues available to press the Chinese government for the safe and speedy return of Harry Wu; and be it further

''*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.''

POM–337. A resolution adopted by the Senate of the Legislation of the Commonwealth of Massachusetts; to the Committee on Foreign Relations.

''RESOLUTION

''Whereas, Harry Wu has dedicated his life to exposing the evil of the Chinese prison camps of which he was a prisoner for nineteen years; and

''Whereas, Mr. Wu has chosen to become an American citizen, fully vested with the rights and freedoms accruing to all American citizens and the protections afforded by the United States Government to all such citizens; and

''Whereas, Mr. Wu has recently been detained by the Chinese Government without access to the United States consular officials for more than twenty days; and

''Whereas, nascent economic relationships, such as those between the United States and the People's Republic of China, grounded in emerging opportunities made possible through significant free market reforms, cannot be maintained with societies that fail to recognize the immutable link between individual liberty and economic freedom; Now therefore be it

''*Resolved,* That the Massachusetts Senate hereby urges the Congress of the United States to take whatever action necessary to secure the immediate release of Harry Wu and to guarantee his safe passage from the People's Republic of China to his home in Milpitas, California in the United States of America; and be it further

''*Resolved,* That a copy of these resolutions be transmitted forthwith by the clerk of the Senate to the presiding officer of each branch of Congress and the members thereof from the Commonwealth.''

POM–338. A resolution adopted by the Senate of the Legislature of the State of New York; to the Committee on Foreign Relations.

''SENATE RESOLUTION NO. 1612

''Whereas, the United Nations Convention on the Elimination of All Forms of Discrimination Against Women was adopted by the United Nations General Assembly on December 18, 1979, and became an international treaty on September 3, 1991; and

''Whereas, by March of 1995, 139 nations, including all industrialized members of the United Nations except South Africa and the United States have ratified or acceded to the Convention's provisions; and

''Whereas, the Convention provides a comprehensive framework for challenging the various forces that have created and sustained discrimination based on sex against half the world's population, and the nations in support of the present Convention have agreed to follow Convention prescriptions; and

''Whereas, New York State shares the goals of the Convention, namely, affirming faith in fundamental human rights, in the dignity and worth of the human person, and in the equal rights of women; and

''Whereas, New York State has a history of supporting efforts to end discrimination against women, having prohibited discrimination in employment on the basis of sex in 1964 and having ratified the Equal Rights Amendment to the United States Constitution in 1972; and

''Whereas, it is the belief of this Legislative Body that it is fitting and appropriate to support ratification of the most important international agreement affecting the lives of women throughout the world: Now, therefore, be it

''*Resolved,* That this Legislative Body pause in its deliberations to memorialize the Congress of the United States to ratify the United Nations Convention on the Elimination of All Forms of Discrimination Against Women and support the Convention's continuing goals; and be it further

''*Resolved,* That copies of this Resolution, suitably engrossed, be transmitted to the President of the United States, the President of the Senate, the Secretary of State, the Speaker of the House of Representatives, the Chair of the Senate Foreign Relations Committee and to each member of the New York State Congressional Delegation.''

POM–339. A concurrent resolution adopted by the Legislature of the State of Texas; to the Committee on Government Affairs.

''HOUSE CONCURRENT RESOLUTION NO. 30

''Whereas, in response to an Act of Congress approved April 10, 1869, the 12th Legislature of the State of Texas convened in Provisional Session from February 8 to February 24, 1870, and ratified Amendments XIII, XIV, and XV to the United States Constitution; and

''Whereas, those federal constitutional amendments, each ratified by separate joint resolutions of the 12th Legislature on February 15, 1870, solidified some of the most precious rights that have been guaranteed constitutionally to Americans, particularly ethnic minorities who were granted the blessings of equal citizenship and the beginning of an end to their past oppression; and

Whereas, Amendment XIII eliminated forever the practice of slavery, Amendment XIV promised due process and the equal protection of the laws, and Amendment XV prohibited denial of suffrage on the grounds of race, color, or previous condition of servitude; and

''Whereas, over time, copies of the three resolutions regrettably have vanished from the holdings of the Texas state archives, yet others are preserved in Washington, D.C., by virtue of their certification and transmittal to the Secretary of State of the United States and to the presiding officers of the United States Congress; and

''Whereas, the 1995 Regular Session of the 74th Legislature coincides with the 125th anniversary of these historic ratification actions and marks an appropriate time for the conveyance to this state of replicas of the three resolutions so that Texans may view and appreciate a series of documents that have played such an important role in the extension and elaboration of their civil rights: Now, therefore, be it

''*Resolved,* That the 74th Legislature of the State of Texas, Regular Session, 1995, hereby respectfully request the National Archives and Records Administration to make copies of the joint resolutions of the 12th Texas Legislature ratifying Amendments XIII, XIV, and XV to the United States Constitution and transmit those copies to the Texas State Library and Archives Commission for placement in the state archives; and, be it further

''*Resolved,* That the Texas secretary of state forward copies of this resolution to the archivist of the United States at the National Archives and Records Administration, to the vice-president of the United States and speaker of the United States House of Representatives with a request that this resolution be officially entered in the Congressional Record, and to all members of the Texas delegation to the United States Congress, as an official request to the federal government by the 74th Legislature of the State of Texas; and, be it further

''*Resolved,* That if and when such replicas are received from the National Archives and Records Administration, the Texas State Library and Archives Commission be hereby directed to place them in the holdings of the state archives to be available for public viewing and photocopying and in all other respects to be treated as any other material worthy of archival storage and retrieval.''

POM–340 A resolution adopted by the Senate of the Legislature of the State of Alaska; to the Committee on Indian Affairs.

''SENATE RESOLUTION NO. 4

''Whereas the State of Alaska entered into the Union on an equal footing with all other states, and the Statehood Compact specifically granted authority over fish and wildlife to the State of Alaska; and

''Whereas the State of Alaska is the only state subject to a federally imposed policy barring the ownership of reindeer based on race; and

''Whereas the Congress and the President of the United States are presently embarking on a campaign to return rights and authority to the states; and

''Whereas federal laws applicable to the Territory of Alaska do not necessarily apply to the State of Alaska; and

''Whereas the Reindeer Industry Act of 1937 was enacted when Alaska was a territory and became ineffective upon statehood;

''*Be it Resolved* That the Alaska State Senate respectfully requests the U.S. Congress to clarify that the Reindeer Industry Act of 1937 does not apply in the State of Alaska.''

POM–341. A petition from a citizen of the State of Texas relative to a Constitutional amendment; to the Committee on the Judiciary.

POM–342. A concurrent resolution adopted by the Legislature of the State of Texas; to the Committee on the Judiciary.

''HOUSE CONCURRENT RESOLUTION

''Whereas, the Red River constitutes the boundary between the states of Texas and Oklahoma; and

''Whereas, the exact determination of where the bank of the Red River is located is extremely difficult and subject to widely divergent opinion; and

''Whereas, the bank of the Red River is not a permanent location, but is constantly changing; and

''Whereas, the federal government claims ownership of the south half of the Red River within a 116-mile stretch between the 98th Meridian and the mouth of the North Fork of the Red River; and

''Whereas, the Kiowa, Comanche, and Apache tribes claim entitlement to 62½ percent of the revenues derived from oil and gas production from these lands; and

''Whereas, the changing location of the bank and the difficulty in determining its location at any given time has created problems in the enforcement of laws, collection of taxes, economic development, and the establishment of property ownership; and

''Whereas, it is to the mutual advantage of the states of Texas and Oklahoma to agree

on and establish a permanent boundary between both states; Now, therefore, be it

''*Resolved by the 74th Legislature of the State of Texas,* That the Red River Boundary Commission is hereby created; the commission shall consist of not more than 17 members appointed by the governor; the commissioners shall be representative of private property owners, local government elected officials, mineral interests, and the general public; such members shall serve without compensation, except for reasonable travel reimbursement; staffing for this commission shall be provided by the General Land Office, the Office of the Attorney General, and the Texas Natural Resource Conservation Commission; and, be it further

''*Resolved,* That the chairman shall be appointed by the governor; the first meeting of the commission shall be no later than July 15, 1995; and, be it further

''*Resolved,* That it shall be the duty of the commission to confer and act in conjunction with the representatives to be appointed on behalf of the State of Oklahoma for the following purposes:

''(1) to initially make a joint investigation at the joint expense of the two states as to the appropriate method of establishing a permanent location of the common boundary between the two states with respect to the Red River;

''(2) to investigate, negotiate, and report as to the necessity and advisability of a compact between the two states defining and locating a permanent, identifiable state line;

''(3) to hold such hearings and conferences in either of the two states as may be required and to take such action, either separately or in cooperation with the State of Oklahoma or the United States, or both, as may be necessary or convenient to accomplish the purposes of this resolution; and

''(4) to report to the governor and the Legislature of the State of Texas annually no later than January 15 of each year its findings and recommendations concerning joint action by the State of Texas and the State and the State of Oklahoma; and, be it further

''*Resolved,* That the Red River Boundary Commission shall terminate on June 30, 1998; and, be it further

''*Resolved,* That the legislature hereby respectfully request the president and the Congress of the United States to meet and confer with the commission and the representatives of the State of Oklahoma and to assist in carrying out the purposes of this resolution; and, be it further

''*Resolved,* That the governor of the State of Texas be and is hereby empowered and requested to forward a copy of this resolution to the governor of the State of Oklahoma and to request that the governor or legislature of that state appoint representatives of the State of Oklahoma to confer and act in conjunction with the commission for the purposes above specified, with the understanding that each state pay all expenses of its representatives; and, be it further

''*Resolved,* That the Texas secretary of state forward official copies of this resolution to the president of the United States, the speaker of the house of representatives and president of the senate of the United States Congress and to all members of the Texas delegation to the congress with the request that it be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.''

POM–343. A concurrent resolution adopted by the Legislature of the State of Oregon; to the Committee on the Judiciary.

''HOUSE CONCURRENT RESOLUTION 3

''Section 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

''Section 2. The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

''Section 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year, in which total outlays do not exceed total receipts.

''Section 4. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

''Section 5. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

''Section 6. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

''Section 7. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal.

''Section 8. This article shall take effect beginning with fiscal year 1999 or with the second fiscal year beginning after its ratification, whichever is later.''

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. KASSEBAUM, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 1028. A bill to provide increased access to health care benefits, to provide increased portability of health care benefits, to provide increased security of health care benefits, to increase the purchasing power of individuals and small employers, and for other purposes (Rept. No. 104–156).

By Mr. PRESSLER, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1318. An original bill to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes (Rept. No. 104–157).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mrs. KASSEBAUM, from the Committee on Labor and Human Resources:

Seymour Martin Lipset, of Virginia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 1999.

Eli J. Segal, of Massachusetts, to be a Member of the Board of Directors of the Corporation for National and Community Service for the remainder of the term expiring February 8, 1999.

Marc R. Pacheco, of Massachusetts, to be a Member of the Board of Trustees of the James Madison Memorial Fellowship Foundation for a term expiring October 3, 2000.

Mel Carnahan, of Missouri, to a Member of the Board of Trustees of the Harry S. Truman Scholarship Foundation for a term expiring December 10, 1999.

Chester A. Crocker, of the District of Columbia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 1999.

Max M. Kampelman, of the District of Columbia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 1999.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HATCH:

S. 1314. A bill for the relief of Saeed Rezai; to the Committee on the Judiciary.

By Mr. DOLE (for himself, Mr. MOYNIHAN, Mr. WARNER, Mr. HEFLIN, Mrs. HUTCHISON, Mr. BURNS, Mr. D'AMATO, Mr. DEWINE, Mr. COVERDELL, Mr. COCHRAN, Mr. FAIRCLOTH, Mr. BROWN, and Mr. STEVENS):

S. 1315. A bill to designate the Federal Triangle Project under construction at 14th Street and Pennsylvania Avenue, Northwest, in the District of Columbia, as the ''Ronald Reagan Building and Internation Trade Center''; to the Committee on Environment and Public Works.

By Mr. KEMPTHORNE (for himself, Mr. CHAFEE, Mr. BAUCUS, Mr. REID, Mr. KERREY, Mr. DOLE, Mr. DASCHLE, Mr. WARNER, Mr. SMITH, Mr. FAIRCLOTH, Mr. INHOFE, Mr. THOMAS, Mr. MCCONNELL, Mr. JEFFORDS, Mr. HATCH, Mr. SIMPSON, Mr. DOMENICI, Mr. BURNS, Mr. CRAIG, Mr. BENNETT, Mr. EXON, Mr. CONRAD, Mr. HATFIELD, and Mr. LAUTENBERG):

S. 1316. A bill to reauthorize and amend title XIV of the Public Health Service Act (commonly known as the ''Safe Drinking Water Act''), and for other purposes; to the Committee on Environment and Public Works.

By Mr. D'AMATO (for himself, Mr. MURKOWSKI, Mr. DODD, Mr. JOHNSTON, Mr. SHELBY, Mr. MACK, Mr. FAIRCLOTH, Mr. DOLE, and Mr. LOTT):

S. 1317. A bill to repeal the Public Utility Holding Company Act of 1935, to enact the Public Utility Holding Company Act of 1995, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. PRESSLER:

S. 1318. An original bill to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes; from the Committee on Commerce, Science, and Transportation; placed on the calendar.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE (for himself and Mr. DASCHLE):

S. Res. 181. A resolution relating to the appointment of Senate Legal Counsel; considered and agreed to.

S. Res. 182. A resolution relating to the appointment of Deputy Senate Legal Counsel; considered and agreed to.

By Mr. KEMPTHORNE (for Mr. DOLE):

S. Res. 183. A resolution making majority party appointments to certain Senate committees for the 104th Congress; considered and agreed to.

S. Res. 184. A resolution making majority party appointments to certain Senate committees for the 104th Congress; considered and agreed to.

By Mr. HELMS (for himself, Mrs. FEINSTEIN, Mr. GRASSLEY, and Ms. SNOWE):

S. Con. Res. 30. A concurrent resolution expressing the support of the United States Congress for the initial efforts of President Ernesto Zedillo of Mexico to eliminate drug-related and other corruption within the political system of Mexico and urging the President of the United States to encourage President Zedillo to continue with reforms, and for other purposes; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH:

S. 1314. A bill for the relief of Saeed Rezai; to the Committee on the Judiciary.

PRIVATE RELIEF LEGISLATION

Mr. HATCH. Mr. President, I rise today to introduce private relief legislation on behalf of my constituents, Mr. Saeed Rezai, and his wife, Mrs. Julie Rezai.

As my colleagues are aware, those immigration cases that warrant private legislation are extremely rare. In fact, it has been nearly 6 years since I last introduced a bill to grant such relief. Indeed, I had hoped that this case would not require congressional intervention. Unfortunately, it is clear that private legislation is the only means remaining to ensure a thorough and comprehensive Justice Department review of a number of specific unresolved questions in Mr. Rezai's case.

I wish to take a moment, Mr. President, to provide something by way of background to this somewhat complicated case and to explain the urgency of this legislation. Mr. Rezai first came to the United States in 1986. On June 15, 1991, he married his current wife, Julie, who is a U.S. citizen. Shortly thereafter, she filed an immigrant visa petition on behalf of her husband. Approval of this petition has been blocked, however, by the application of §204(c) of the Immigration and Nationality Act. Section 204(c) precludes the approval of a visa petition for anyone who entered, or conspired to enter, into a fraudulent marriage. The Immigration and Naturalization Service [INS] applied this provision in Mr. Rezai's case because his previous marriage ended in divorce before the conditions on his residence were lifted. In deportation proceedings following the divorce, the judge was very careful to mention that there was no proof of false testimony by Mr. Rezai, and he granted voluntary departure rather than ordering deportation because, in his words, Mr. Rezai ''may be eligible for a visa in the future.''

Despite these comments by the immigration judge, the INS has refused to approve Mrs. Rezai's petition. An appeal of this decision is currently pending before the Board of Immigration Appeals [BIA]. In the meantime, Mr. Rezai appealed the initial termination of his lawful permanent resident status in 1990 and the denial of his application for asylum and withholding of deportation. In August of this year, the Tenth Circuit Court of Appeals denied this appeal and granted him 90 days in which to leave the country voluntarily or be deported. Under current law, there is no provision to postpone Mr. Rezai's deportation pending the BIA's ruling on the current immigrant visa petition filed by his wife.

Mr. President, there is no doubt that deportation would be the source of extraordinary hardship to both Mr. and Mrs. Rezai. Throughout all the proceedings of the past 4 years, no one including the INS, has questioned the validity of their current marriage. In fact, the many friends and acquaintances I have heard from have emphatically asserted that their marriage is as strong as any they have seen. Given the prevailing political and cultural climate in Iran, I would not expect that Mrs. Rezai will choose to make her home there. Mr. Rezai's deportation will thus cause either the destruction of their legitimate marriage or the forced removal of a U.S. citizen and her husband to a country unfamiliar to either of them, and in which they have neither friends nor family.

It should also be noted that Mr. Rezai has been present in the United States for nearly a decade. During this time he has assimilated to American culture and has become a contributing member of his community. He has been placed in a responsible position of employment as the security field supervisor at Westminster College where he has gained the respect and admiration of both his peers and his superiors. In fact, I have received a letter from the interim president of Westminster College, signed by close to 150 of Mr. Rezai's associates, attesting to his many contributions to the college and the community. This is just one of the many, many letters and phone calls I have received from members of our community. Mr. Rezai's forced departure in light of these considerations would both unduly limit his own opportunities and deprive the community of his continued contributions.

Finally, Mr. Rezai's deportation would be a particular hardship to his wife given the fact that she was diagnosed earlier this year with multiple sclerosis [MS]. She was severely ill for some time and was taking a number of medications for her condition. Although Mrs. Rezai's health since the initial diagnosis of MS has improved, her physician has stated that severe symptoms may return at any time and that rapid deterioration could ensue as a result of the stress being placed upon her by her husband's immigration proceedings.

Mr. President, I firmly believe that we must think twice before enforcing an action that will result in such severe consequences as the destruction of Mr. and Mrs. Rezai's marriage and the endangering of Mrs. Rezai's already fragile health. At a minimum, the outstanding questions regarding the propriety of the denial of Mr. Rezai's current immigrant visa petition need to be addressed. The legislation I am introducing today will ensure that the necessary information is gathered to address these questions, that the Justice Department will conduct a comprehensive review of Mr. Rezai's case in light of this information and that Mr. Rezai's deportation will be stayed pending the outcome of this review.

By Mr. DOLE (for himself, Mr. MOYNIHAN, Mr. WARNER, Mr. HEFLIN, Mrs. HUTCHISON, Mr. BURNS, Mr. D'AMATO, Mr. DEWINE, Mr. COVERDELL, Mr. COCHRAN, Mr. FAIRCLOTH, Mr. BROWN, and Mr. STEVENS):

S. 1315. A bill to designate the Federal Triangle Project under construction at 14th Street and Pennsylvania Avenue, Northwest, in the District of Columbia, as the ''Ronald Reagan Building and International Trade Center''; to the Committee on Environment and Public Works.

THE RONALD REAGAN BUILDING AND INTERNATIONAL TRADE CENTER ACT

Mr. DOLE. Mr. President, earlier today, I was joined by a number of my Senate colleagues, and by Congresswoman ANDREA SEASTRAND of California in announcing the introduction of legislation to designate the Federal Triangle project as the ''Ronald Reagan Building and International Trade Center.''

Like most who work in Washington, I have enjoyed watching the monthly progress made on the construction of what, upon its completion in 1997, will be an important addition to this city's architectural landscape.

And in my view, Congresswoman ANDREA SEASTRAND had come up with exactly the right name for the project.

President Reagan always believed that Government and the private sector should be partners and not adversaries. And the Federal Triangle project—authorized during the Reagan administration—was constructed in that spirit.

As Senator MOYNIHAN, who is a cosponsor of this legislation, was the driving force behind congressional approval of the project. And he pointed out on the Senate floor in 1987 that the project's construction involved no appropriated Federal funds.

Rather, money was borrowed from the Federal Financing Bank, and will be repaid with revenues derived from leasing office space. It is anticipated

that after 30 years, the Federal Government will own the building outright.

It is also fitting to name a building that will house an international trade center after President Reagan, because no one stood stronger for free and fair trade than he did.

While naming a building can certainly not repay the debt America owes to Ronald Reagan, it is a fitting tribute to a man who transformed this city, this country, and the entire world.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1315

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal Triangle Project under construction at 14th Street and Pennsylvania Avenue, Northwest, in the District of Columbia, shall be known and designated as the ''Ronald Reagan Building and International Trade Center''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the ''Ronald Reagan Building and International Trade Center''.

By Mr. KEMPTHORNE (for himself, Mr. CHAFEE, Mr. BAUCUS, Mr. REID, Mr. KERREY, Mr. DOLE, Mr. DASCHLE, Mr. WARNER, Mr. SMITH, Mr. FAIRCLOTH, Mr. INHOFE, Mr. THOMAS, Mr. MCCONNELL, Mr. JEFFORDS, Mr. HATCH, Mr. SIMPSON, Mr. DOMENICI, Mr. BURNS, Mr. CRAIG, Mr. BENNETT, Mr. EXON, Mr. CONRAD, Mr. HATFIELD, and Mr. LAUTENBERG):

S. 1316. A bill to reauthorize and amend title XIV of the Public Health Service Act (commonly known as the ''Safe Drinking Water Act''), and for other purposes; to the Committee on Environment and Public Works.

THE SAFER DRINKING WATER ACT OF 1995

Mr. KEMPTHORNE. Mr. President, just over a decade ago, the Environmental Protection Agency developed a research plan to improve our understanding about cryptosporidium, a tiny disease-carrying microbe that can show up in our drinking water supply. Not much happened with that study plan and cryptosporidium was not regulated by the agency. Unfortunately, the failure to carry out the research necessary to support a regulation led to a failure in public health protection. In the past several years, we have witnessed outbreaks of cryptosporidiosis, which we believe to have been water-borne, in Las Vegas, San Francisco, and Milwaukee. While not terribly harmful to most Americans, the microbe can prove fatal for those with weakened immune system.

This tragedy could and should have been avoided. But the Environmental Protection Agency is not solely responsible for this failure of public health protection. The truth is that the current safe drinking law discourages the Environmental Protection Agency from concentrating its resources on regulating contaminants posing the highest health risks like cryptosporidium, a microbe scientists have known about since the 1970's. Instead of concentrating government resources on microbes causing acute and immediate health effects, the Safe Drinking Water Act requires EPA to regulate a long list of contaminants, regardless of whether or not they pose a threat to public health, regardless of whether they actually occur in drinking water, and oftentimes at the expense of regulating contaminants that pose a more serious and immediate health threat.

After a 2½-year effort to reauthorize the present drinking water statute, I and my colleagues on the committee have come to the conclusion that we need a better, safer, smarter Safe Drinking Water Act. Congress must write a better law that ensures that the water Americans drink is safe, makes wiser use of government resources, corrects the mistakes and unintended consequences of existing law, and anticipates and addresses future drinking water concerns.

Congress must write a law that gives EPA flexibility to set a drinking water standard based on peer reviewed science and the benefits and risks associated with contaminants. Congress must also commit the dollars to carry out the needed research to help identify those contaminants that pose the most serious health concern. Congress must insist on having a public record to educate the American public about the risks they face from a particular contaminant, and the costs to regulate it. Congress must also allow States and local governments to be full and independent partners in the development, implementation, and enforcement of drinking water regulations.

Guided by these goals, supported by Republican and Democratic State and local officials who work every day to provide safe drinking water to their own families, friends, and neighbors, today I introduce legislation to renew and improve the Safe Drinking Water Act.

I am joined in introducing this bill by Senator CHAFEE, the chairman of the Senate Environment and Public Works Committee; Senator BAUCUS, the ranking member of that committee; Senator REID, the ranking member of the Senate Subcommittee on Drinking Water, Fisheries and Wildlife; and Senator KERREY, who has been instrumental in negotiations last year and this year to bring sense into this particular public health statute. For 9 long months we have labored to produce a bill that we think will improve public health protection and is, at the same time, responsive to the need of States and communities across the country to be able to target scarce resources to high priority health risks, and not on trivial risks.

This legislation combines the best provisions of the bill the Senate passed last year with improvements suggested by those responsible for providing safe drinking water. The bill protects public health better than current law, and it will not roll back or weaken existing standards and public health protection.

I would like to touch on some of the highlights of the bill:

First, the bill authorizes the commitment of Federal resources to assure that the Nation's drinking water supply is safe and makes sure that the money is targeted to our most serious problems. One billion dollars is authorized annually for a drinking water State revolving loan fund, which itself will be matched by the States with another 20 percent. The committee recognizes that many communities are financially strapped and cannot afford to install treatment to ensure safe water supplies. This money will help fund compliance with drinking water standards, with special forgiveness provisions for disadvantaged communities.

The bill also authorizes roughly $53 million for health effects research, especially research into the health effects of cryptosporidium, disinfectants and disinfection byproducts, arsenic, and related research on sensitive population groups, like children, elderly, pregnant women, and those with serious illnesses. As I reviewed our progress towards improving the quality of the Nation's drinking water, I was especially dismayed to learn how poor our research efforts have been. Poor research means poor standards, and either poor health protection or overprotection at an unnecessarily burdensome cost. Therefore, we have included in the bill a 10 percent set-aside of the top of the State revolving loan fund that the administrator may use to support essential health effects research.

Third, the bill requires EPA to use the best available peer-reviewed science in identifying and regulating contaminants. It repeals the requirement that the agency regulate 25 new contaminants every 3 years, and sets up a process that will ensure that EPA has the authority and the resources to regulate those contaminants that pose the greatest risk, instead of doing those that pose a trivial risk. Furthermore, to help the agency set priorities, it is required to address only those contaminants that actually occur in drinking water, or have a substantial likelihood of doing so.

Fourth, the bill makes modifications to the current method for setting drinking water standards. Today, the administrator is always required to set a standard at the level that is technologically feasible. In some instances, this does not make sense: The costs can be excessively high in relation to the health benefits. Under this bill, we

allow the administrator to set a standard at a different level when it makes sense to do so.

In preparation for setting every new standard, the administrator will conduct a full analysis of the health risk reduction benefits that can be achieved from a maximum contaminant level that is technologically feasible, and other levels that might be appropriate to consider on the basis of risk, or benefit-cost. That analysis will be published for public comment and then becomes the basis for making a decision about whether the technologically feasible level is justified, or whether some other level is appropriate.

If the technologically feasible level is not justified, looking at costs to those public water systems serving over 10,000 people and the costs to those systems that are not likely to get a variance, the administrator may propose a maximum contaminant level that is justified. If justified, however, the administrator will be required to promulgate a standard that is as close to the health goal as is feasible.

Fifth, the bill establishes new deadlines for the issuance of some very important contaminants. These deadlines are consistent with the EPA's desire to have flexibility to focus on higher priority contaminants, and, where necessary, allows the administrator time to carry out critical research to support the standard setting process. The bill also preserves the negotiated rulemaking for disinfectants and disinfection byproducts, which includes cryptosporidium, and its makes clear that the administrator has the authority to consider and balance the risks between the disinfection byproducts and microbial contaminants.

Sixth, the bill provides new authority for the administrator to regulate contaminants on an interim basis where there is an urgent public health concern.

Seventh, the bill strengthens the existing partnership between the Federal Government and State government in the administration and implementation of the Safe Drinking Water Act. It preserves the strong role for the Federal Government in developing drinking water standards and supporting State primacy, but allows States the flexibility to tailor Federal monitoring and other requirements to meet the needs in their States. While the bill makes a few changes in enforcement provisions, the bill retains the current law's emphasis on compliance-oriented strategies to encourage better compliance among public water systems, rather than formal, punitive enforcement actions.

Eighth, the bill establishes a new process by which States may grant variances to small systems, those serving under 10,000, that are unable to comply with Federal drinking water requirements. As part of receiving a variance, a public water system will be required to install appropriate affordable technology that will result in an overall improvement in drinking water quality during the period of the variance. Rather than adjusting the overall national standard to a level that is affordable for the smallest of systems, the committee chose to help these same systems through a new variance provision. The variances must adequately protect public health, and citizens can petition EPA to overturn a variance granted by a State if that statutory requirement is not met.

Ninth, the bill helps small water systems, usually in rural areas, provide safe and affordable drinking water to their communities. Technical assistance, State revolving loan funds, a requirement that EPA identify treatment technologies affordable for small systems, and a new emphasis on helping systems to develop the financial, managerial, and technical capacity to meet Federal drinking water requirements, will do much to encourage the States and EPA to redirect time and attention to the problems and concerns of these smallest water systems.

Finally, I believe the bill looks toward the future, anticipates the drinking water needs and concerns of the 21st century, and establishes a framework to address these issues. In particular, the bill provides for voluntary, locally-driven, incentive based partnerships to provide for the protection of source water. It is crafted to avoid Federal involvement in local land-use planning issues and to allow real source water quality problems to be addressed in a cooperative, non-adversarial process. We have seen great success with local watershed planning initiatives, and I believe empowering local communities to address source water concerns is the right way to go.

Also, the bill recognizes that many public water systems are having trouble meeting Federal requirements. The reasons are many. Sometimes it is a lack of an adequately trained operator for the treatment system, or a lack of skill in capital planning, or an inadequate rate-base to support the costs of compliance. Sometimes the problem is a result of the rapid pace at which new Federal regulations were being promulgated and the difficulties in understanding, financing, and implementing them.

Whatever the reason, the bill includes a new section that asks the States to develop a strategy for helping public water systems meet the demands being made of them, to have the legal authority to prevent new water systems from starting that don't have the financial, technical, and managerial capacity to meet Federal requirements, and to report on those systems that have a significant history of noncompliance. States retain authority over training and certification of public water system operators, but the bill will increase the number of trained and certified operators.

Like source water protection, the capacity development strategy depends largely on nonregulatory, noncommand, and control approaches to addressing a long-term problem. As such, I believe they will break new ground in terms of the Federal-State partnership, and in terms of building local community resources to address drinking water problems.

Mr. President, I urge my colleagues to join Senators CHAFEE, KERREY, BAUCUS, REID, INHOFE, WARNER, FAIRCLOTH, MCCONNELL, SMITH, THOMAS, JEFFORDS, SIMPSON, BURNS, DOMENICI, CRAIG, EXON, and I in sponsoring this bill. It has the strong support of State and local officials and water treatment experts. The National Governors Association, the U.S. Conference of Mayors, the National Conference of State Legislators, the League of Cities, the National Association of Counties, the American Water Works Association, the Association of Metropolitan Water Agencies, the Rural Water Association and the Association of State Drinking Water Administrators have united together to support this bill.

These endorsements are important. Congress ought to listen to those directly responsible for implementing the Drinking Water Act. I have never met a single mayor, Governor, or public water official who would do anything to threaten public health. Not only do their own families drink the water they provide, they know that failure to provide safe water will have repercussions.

In 9 months of discussions with these State and local leaders, two messages emerged. Their first message was that we must recognize the tremendous progress this country has made in providing Americans with safe drinking water. The United States is numbered among those countries of the world that enjoy the safest drinking water. Nowhere else can 243 million people turn on their taps and drink the water with confidence and without fear. We ought to be grateful for that, and proud of America's leadership in assuring that our drinking water is safe and in helping other countries to do the same for their people.

It has not always been that way. There was a time when our grandparents and great grandparents regularly and routinely died of cholera and typhoid contracted through the water they drank. Their journals are filled with the sorrows of untimely deaths that swept through whole communities. In the United States today, that pain and suffering rarely occurs.

But when it does happen, it points out the flaws of the current law, and why it must be reformed. And that leads to the second message from State and local leaders.

State and local governments are overwhelmed by the new and changing administrative requirements imposed by the Federal Government, the rigidity with which they are applied, the lack of financial resources to do the job, and the micromanagement from Federal agencies. While many States, including Idaho, have fought difficult

battles to impose fees to cover drinking water program costs in their States, they see the Federal Government constantly increasing their work load and the administrative requirements. At the same time, the Federal financial commitment to the drinking water program, in relation to other environmental programs, is falling.

The irony is that Federal water policy leaders agree with their State and local partners. President Clinton's former Deputy EPA Administrator Robert Sussman bluntly sums up the issue:

> Safe Drinking Water Act implementation has harmed the agency's credibility by becoming a potent symbol of the rigidity and costliness of federal mandates on local governments and the overprotectiveness of the EPA standard-setting process. Reforms in both laws should strive for maintaining environmental protection while achieving more flexibility in priority setting, lower compliance costs, and greater state and local involvement in decision making.

Congress' own watchdog, the General Accounting Office agrees with Mr. Sussman. To quote from two recent reports:

> States often defer or eliminate important elements of their drinking water programs in order to devote resources to developing and implementing a growing list of regulations. ''For example, 12 drinking water officials from 16 states noted that they were spending more resources on developing new programs and regulations, as required by the 1986 SDWA amendments, than on conducting vital water system inspections (sanitary surveys) or compliance reviews. These managers expressed concern that, as a result, compliance rates as well as water quality could be suffering.
>
> 94% of the state drinking water program officials say that mandatory implementation of new program requirements within federally mandated time frames has caused fiscal stress in their state programs and has caused some state programs to discontinue or reduce activities they consider to be more environmentally significant.

Senators who need further confirmation need only consult water treatment experts in their States. In my own State, McCall, ID, population 2,000, must invest in a new wastewater treatment plant, a new filtration system and make improvements in its infrastructure to deliver drinking water. As one community leader told me the other day, ''We've seen a 500 percent increase in our sewer rates, and we're struggling. If we have to go back and raise rates again, or float a bond, or whatever it takes to finance compliance with Federal requirements, we need to know that what we're being asked to do makes sense in terms of public health protection.''

Or, as another public utility official told me, every week he meets with residents struggling to afford present utility rates. ''When I sit across from a woman with her three small children, trying to find ways to accommodate her limited budget so that she can cover other family necessities, I want to know that when I have to raise rates, I can tell her that it is really necessary to keep her kids from getting sick through the water they drink.''

It is getting harder and harder to convince citizens that Federal drinking water regulations make sense. The current law's inflexibility and needless rigidity emphasizes quantity of regulation over quality of regulation. By law EPA must regulate a specific list of 83 contaminants, plus an additional 25 contaminants every 3 years, regardless of whether those contaminants occur in drinking water or pose a threat to public health. EPA is absolutely precluded from concentrating its resources on those contaminants in drinking water that present the highest health risk. If it wants to do that, EPA has to persuade Federal judges and plaintiffs to let them extend their deadlines on lesser priority contaminants. So long as current law remains in place, it does not matter what we as Members of Congress think. It does not matter what the administrator thinks, nor what the mayor of Milwaukee and his residents think.

Furthermore, under current law, it does not matter whether the Federal standard for a particular contaminant is appropriate. It does not allow EPA the time or the money to write regulations based on good, peer-reviewed science and good risk assessments, and EPA must always write the standard based on what is technologically feasible, without considering the benefits and risks of regulating to that strict level. As a result, EPA's credibility as a protector of public health is tarnished. Where the science and the costs do not justify the standard, EPA is forced either to manipulate the process to get a reasonable result, to avoid regulating until it has better information, or to regulate strictly.

These are the problems the legislation being introduced today wants to solve. As I said earlier, this bill takes the best provisions of the bill the Senate passed last year and builds on them. It is a good bill that will improve public health protection. I ask unanimous consent that a section-by-section explanation of the bill be printed in the RECORD.

In conclusion, recent outbreaks of cryptosporidiosis, the experience of our State and local partners, and the responsibility to provide safe drinking water into the 21st century require us to write a better, safer, smarter Safe Drinking Water Act. I look forward to working with all those who share this goal to achieve this goal.

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

SAFE DRINKING WATER ACT AMENDMENTS OF 1995—SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REFERENCES

The bill is entitled the ''Safe Drinking Water Act Amendments of 1995''.

SECTION 2. FINDINGS

The Congress finds: that a substantial number of public water systems are having difficulty meeting the requirements of the Safe Drinking Water Act because of technical and financial limitations and need greater assistance; that modifications in administration of the program could promote a more productive partnership with the States; that the quality of the science supporting drinking water standards needs improvement; and that risk assessment and benefit-cost analysis are important and useful tools to improve the efficiency and effectiveness of drinking water regulations.

SECTION 3. STATE REVOLVING LOAN FUNDS

The bill establishes a new State Revolving Loan Fund (SRF) program. The Federal Government will provide capitalization grants to State-run SRFs. States will use these funds, along with their own contributions, to make grants and loans to public water systems to facilitate compliance with the Safe Drinking Water Act. The bill includes an authorization of $1 billion per year through 2003 for capitalization grants.

The Administrator may enter into an agreement with a State to provide capitalization grants for a Revolving Loan Fund, if the State establishes a loan fund and agrees to conditions, including providing a 20% State match, use of loans in compliance with an intended use plan, and proper financial management.

All of the States already operate SRFs for wastewater treatment construction under the Clean Water Act. A State may consolidate management of the new drinking water SRF with its existing clean water loan fund, provided that accounting for drinking water loans and repayments remains separate. A Governor of a State may transfer up to 50 percent of the funds provided to the drinking water loan fund each year to the loan fund authorized under the Clean Water Act. An equal amount may be taken from the clean water fund in a State and transferred to the drinking water fund. The authority to establish priorities for loans and grants to public water systems is to remain with the State agency implementing the drinking water program.

In fiscal years 1994 through 1997, funds are allocated among the States based on a grant formula used to allocate funds for Public Water System Supervision (PWSS) grants, a long-standing grant program that provides funds to the States to support administration and enforcement of the existing law. After fiscal year 1998, funds are to be allocated according to a new formula developed by the Administrator based on a survey of drinking water needs in each State. This needs assessment is already underway.

In addition to the allocation for States, 1.5% of the Federal grant funds are reserved for Indian tribes and 0.5% of the funds are reserved for territories. Indian tribes, territories, and the District of Columbia may receive direct grants rather than loans.

Each State is authorized to reserve up to 2 percent of its grant or $300,000, whichever is greater, to provide technical assistance to small water systems. Assistance may include financial management, planning and design, source water protection programs, system restructuring, and other measures for capacity development or water treatment.

Projects eligible to receive loan and grant assistance are capital expenditures for: compliance with national primary drinking water regulations; upgrading of drinking water treatment systems; replacement of private wells where they present a significant health threat; and restructuring of systems and the development of alternative sources of water supply.

Drinking water systems eligible for assistance are community water systems (whether publicly or privately owned) and non-community water systems that are owned by a

government or non-profit organization. States may not provide assistance to systems with a history of noncompliance, unless steps are taken to assure that the system will have the capacity to comply with requirements of the Safe Drinking Water Act over the long term.

States may assist disadvantaged communities through grants and forgiveness of loan principal. Each State is to develop its own affordability criteria to determine which public water systems are eligible for grants, rather than loans. States may assist disadvantaged communities by forgiving a part of a loan or by extending the repayment period for a loan to up to 30 years. The total amount of grants and loan forgiveness provided by a State in any fiscal year may not exceed 30% of the amount of its capitalization grant from EPA.

Each State may reserve up to 4% of the capitalization grant for administration of the SRF fund. In addition, a State may use a portion of the capitalization grant to support its Public Water System Supervision program. The State may use up to 10 percent of its annual grant to support programs for source water protection and capacity development.

SECTION 4. SELECTION OF CONTAMINANTS; SCHEDULE

The Safe Drinking Water Act Amendments of 1986 required EPA to issue standards for 83 specific contaminants by not later than 1989. That work has largely been completed, but EPA has yet to issue new standards for arsenic, sulfate, radon and other radionuclides. The 1986 Amendments also required EPA to establish standards for an additional 25 contaminants every 3 years beginning in 1989. EPA has not issued any standards to comply with this requirement but has proposed regulations for 12 disinfection byproducts and for *Cryptosporidium* in partial fulfillment of this duty. An additional 13 contaminants (Known as the Phase Vib rule) are under study.

The bill repeals the requirement that EPA regulate an additional 25 contaminants every 3 years. EPA is required to complete regulations for 12 disinfectants and disinfection byproducts, the Enhanced Surface Water Treatment Rule and a national primary drinking water regulation for *Cryptosporidium*.

Not later than July 1, 1996, the Administrator is to publish a list of high priority contaminants not currently regulated. EPA is to develop a research plan for each of the listed contaminants to acquire information on health effects and the occurrence of the contaminant sufficient to determine whether the contaminant should be regulated under the Act.

Beginning in the year 2001, EPA is required to make a regulatory decision with respect to at least 5 of the listed contaminants every 5 years. EPA may decide that the contaminant should not be regulated, that there is insufficient information to make a determination, or that a maximum contaminant level or treatment technique for the contaminant should be promulgated under the Safe Drinking Water Act. The Administrator is to establish national primary drinking water regulations for those contaminants that occur at concentration level and at frequencies of public health concern.

SECTION 5. RISK ASSESSMENT, MANAGEMENT AND COMMUNICATION

The bill requires improvements in the scientific foundations for drinking water standards and better public communication of the potential risks of adverse health effects associated with contaminants in drinking water.

The Administrator is to conduct a benefit-cost analysis for each national primary drinking water regulation containing a maximum contaminant level (MCL) or treatment technique before it is proposed. The analysis will also include consideration of alternative MCLs or treatment requirements. The study is to include a determination of the costs and benefits associated with each alternative MCL or treatment technique relative to the other standards under consideration.

The analysis is to incorporate information on risks to subgroups that may be at greater risk than the general population for adverse health effects as the result of exposure to the contaminant. The Administrator is to publish and seek comment on the study and is to use an advance notice of proposed rulemaking to seek comment whenever the costs of the national primary drinking water regulation are expected to exceed $75 million.

SECTION 6. STANDARD-SETTING; REVIEW OF STANDARDS

Standard-setting under the current Safe Drinking Water Act is a two-step process. First, EPA identifies a concentration level for a contaminant below which there will be no adverse effect on human health. This is called the maximum contaminant level goal or MCLG. For cancer-causing substances, the MCLG has always been set at zero.

In a second step, EPA sets the actual enforceable standard, called the maximum contaminant level or MCL, as close to the goal as feasible. Feasible means the level that can be reached using the best available treatment technology that is affordable for large, regional drinking water systems.

This approach to standard-setting is taken because the majority of Americans (80%) receive their drinking water from large systems and economies of scale in treatment technology make safe water very affordable.

On the other hand, this approach to standard setting has caused problems with implementation of the Act. First, standards written under the approach taken by current law can impose very high costs on households served by small systems. Second, for some contaminants that occur at relatively low concentrations and are regulated for their cancer-causing effects with a goal of zero exposure, the current approach has led to high costs per cancer case avoided. And third, treatment techniques employed to reduce the risk from some contaminants may actually increase the health risks posed by other contaminants in drinking water. For instance, chlorination of drinking water to kill pathogenic organisms increases cancer risks from chemicals, called disinfection byproducts, that form in reaction with the chlorine.

To address these problems, the bill provides EPA with discretion to consider the benefits and costs and the potential for offsetting health risks associated with proposed standards. In addition to this standard-setting flexibility, the bill amends the variance provisions of the law to ensure that small systems are not required to employ treatment technologies that are unaffordable for their consumers.

The bill makes the following changes to the standard setting authority of the Safe Drinking Water Act:

1. EPA is authorized to set the maximum contaminant level goal (MCLG) for a contaminant that is a known or probable human carcinogen at a level other than zero, if the Administrator determines that there is a threshold below which there is unlikely to be any increase in cancer risk and the MCLG is set at the threshold level with an adequate margin of safety;

2. At the time that the Administrator promulgates a maximum contaminant level (MCL), the Administrator must also publish a determination as to whether the benefits of the MCL justify the costs;

3. EPA is authorized to set a maximum contaminant level at other than the level that is as close to the goal as feasible, if application of the treatment techniques at the feasible level would increase health risks from other contaminants; this authority may be used to set the MCL or treatment technique for the contaminant and for other contaminants at a level that minimizes the overall health risk;

4. The Administrator is given discretionary authority to establish less stringent standards (than feasible), when the Administrator determines that the benefits of a maximum contaminant level set at the feasible level would not justify the costs to systems that must comply with the standard or the contaminant occurs almost exclusively in small systems; if EPA uses this authority, the standard is to be set at a level that maximizes health risk reduction at a cost that is justified by the benefits;

5. The authority to set less stringent standards based on a benefit-cost determination is not available for the regulation of disinfectants and disinfection byproducts (in Stage I or II) or to address the threat of *Cryptosporidium;* and

6. A determination that the health benefits of a standard do or do not justify the costs can only be set aside by a court, if it finds that the Administrator's determination is arbitrary and capricious.

The requirement in current law that the Administrator periodically review and revise each national primary drinking water regulation is extended from 3 years (in current law) to 6 years. Revision to standards are to maintain or provide for greater protection of human health. Existing standards may only be made less stringent in the future, if new science demonstrates that the current level of health protection can be achieved by a less stringent standard.

SECTION 7. ARSENIC

Arsenic is currently regulated under the Safe Drinking Water Act. The MCL is 50 parts per billion. Although arsenic is known human carcinogen by ingestion, the current standard was not established to address this adverse effect. The 1986 Amendments required the arsenic standard to be revised. EPA has not completed this duty because of substantial scientific uncertainty about the cancer-causing effect of arsenic at very low doses. If the arsenic standard were revised based on current policy, the standard might be set as low as 5 parts per billion. A standard at this level may impose unnecessary compliance costs, if there is a threshold for the cancer-causing effect of arsenic that is substantially above this level.

This bill allows additional time for research to resolve this scientific uncertainty. The deadline for revising the national primary drinking water regulation for arsenic is delayed until January 1, 2001. The Administrator is to adopt a research plan to resolve the outstanding questions with respect to the carcinogenic effects of low levels of exposure to arsenic within 180 days of enactment. Prior to proposing a revised arsenic standard, the Administrator is to conduct a formal review of the research results and consult with the Science Advisory Board.

SECTION 8. RADON

The Safe Drinking Water Act Amendments of 1986 required EPA to promulgate a national primary drinking water regulation for radon by 1989. EPA proposed a standard at 300 picocuries per liter (pC/L) in 1991. Congress suspended action on this regulation pending a review of the costs and benefits of the drinking water standard relative to other risks from radon in the environment.

The bill directs EPA to promulgate a standard for radon not later than 180 days after enactment. The standard is to be established at 3000 pcC/L, a concentration that

will reduce the health risks from radon in drinking water caused by inhalation (breathing radon that evaporates from water) to levels commensurate with risks from radon in outdoor air.

Under the provisions of the bill, EPA may subsequently revise the standard, but only if the Administrator determines, and the National Academy of Sciences and the Science Advisory Board concur, that revision is appropriate to address risks from ingestion (swallowing radon in the drinking water). The revised standard is to be no more stringent than necessary to reduce the combined inhalation and ingestion risk from radon to a level equivalent to the inhalation risk from radon in outdoor air at the national average level.

SECTION 9. SULFATE

The 1986 Amendments required EPA to establish a standard for sulfate. EPA has not completed this duty for two reasons. First, scientific information is not sufficient to determine the dose-response relationship for sulfate with a high degree of confidence. Second, because persons become quickly acclimated to sulfate in their drinking water, the adverse health effect from sulfate exposure (diarrhea) is experienced primarily by travelers, new residents and infants. In a rule proposed by EPA in December, 1994, the preferred option to protect these special populations relies on bottled water and public education.

The bill authorizes the Administrator to use public education and alternative water supplies (bottled water), rather than centralized treatment, to reduce the costs of a national primary drinking water regulation for sulfate. The Administrator is directed to complete a rulemaking for sulfate not later than 2 years after enactment.

The maximum contaminant level for sulfate promulgated under the Safe Drinking Water Act is not to be used by the Administrator for ground water remediation decisions under CERCLA or RCRA, unless the Administrator engages in a separate rulemaking under the authority of those statutes to establish a remediation standard for sulfate.

SECTION 10. TECHNOLOGY AND TREATMENT TECHNIQUES; TECHNOLOGY CENTERS

At the time that the Administrator promulgates a national primary drinking water regulation, the bill directs EPA to identify the treatment technologies that are feasible for systems of various sizes, including systems serving: between 3,300 and 10,000 persons; between 500 and 3,300 persons; and between 25 and 500 persons. The list of feasible technologies may also include package units for small systems and point of entry treatment equipment.

The Administrator is directed to make grants to institutions of higher education to establish no fewer than 5 centers that will provide training and technical assistance to small public water systems. Appropriations of $10 million per year through the year 2003 are authorized for this purpose.

SECTION 11. FILTRATION AND DISINFECTION

The 1986 Amendments required EPA to issue rules requiring filtration for all systems served by surface water sources and disinfection by all systems. The Surface Water Treatment Rule implemented the filtration and disinfection requirements for systems served by surface water sources and became effective in 1991. The disinfection requirement for systems served by ground water sources has not been promulgated.

The bill postpones promulgation of rules for the disinfection of drinking water from ground water sources until the Stage II rule for disinfectants and disinfection byproducts is issued. This will ensure that potential risks from disinfection byproducts are balanced with the benefits of disinfecting ground water supplies. The Administrator is authorized, in consultation with the States, to develop criteria to be applied by the States to determine which systems relying on ground water sources are to use disinfection.

The Administrator is directed to publish guidance to accompany the proposal of the Enhanced Surface Water Treatment Rule that identifies filtration technologies that are feasible for public water systems relying on surface water serving fewer than 3,300 persons.

SECTION 12. EFFECTIVE DATE FOR REGULATIONS

Section 1412(b)(1)) of current law is amended to require compliance with national primary drinking water regulations no later than 3 years after promulgation (extended from 18 months under current law). The compliance deadline can be extended for up to 2 years in general (by the Administrator) or for a particular public water system (by a State), if it is determined that additional time is needed for the capital improvement projects that will be necessary to meet new treatment requirements.

SECTION 13. VARIANCES AND EXEMPTIONS

Public water systems may get a variance from a national primary drinking water regulation under current law, if the quality of their source water makes it impossible to comply with the MCL even when best available treatment technology is employed. However, under current law the variance may only be granted after the best available treatment system has been installed and has failed to achieve the standard. This approach does not provide certainty for public water systems, because it forces investments in costly treatment plants, before the system can be assured that the investment will allow the system to come into compliance with the Act. The bill modifies the variance authority allowing public water systems to receive a variance on the condition that they install and operate best available treatment technology.

SECTION 14. SMALL SYSTEMS

The bill also modifies the variance provisions of the Act to authorize variances for small systems that cannot afford to comply with national primary drinking water regulations.

This new variance authority is to be exercised by the States. A State may grant the owner or operator of a public drinking water system serving 10,000 or fewer persons a variance from compliance with a maximum contaminant level or treatment technique of a national primary drinking water regulation if a system cannot afford to comply with the regulation and adequate protection of public health is ensured. The variance is to provide for the use of the best available treatment technology that is affordable for small systems.

A system that applies for a variance from a regulation under this subsection is not subject to enforcement for a violation of the regulation, until a variance is either granted or denied. If a variance is granted, the system has up to 3 years to comply with the terms of the variance. The variance is in effect for 5 years and reviewed every 5 years thereafter. A person who is served by the system seeking a variance may petition the Administrator to object to the granting of a variance, if the provisions of the variance are not in compliance with the Act.

A variance is not available for any contaminant regulated before January 1, 1986 or for an MCL or treatment technique intended to reduce the risks from pathogenic organisms in drinking water.

SECTION 15. CAPACITY DEVELOPMENT; FINANCE CENTERS

There are more than 200,000 public water systems in the United States. Some small systems, most often those owned and operated by groups of homeowners or other nongovernmental entities, do not have the technical, financial or managerial capacity to comply with the requirements of the Safe Drinking Water Act. The bill includes several provisions to assist these systems to improve capacity.

Within 4 years of enactment, each State is to develop and implement a capacity development strategy to assist public water systems that do not have the technical, managerial and financial capacity. The drinking water primacy agency in the State is to report to the Governor 2 years after the strategy is adopted and every 3 years thereafter on progress toward improving the technical, financial and managerial capacity of public water systems in the State.

Each State is to obtain the legal authority or other means to prevent the startup of new public water systems that do not have the technical, managerial or financial capacity to comply with the requirements of the Safe Drinking Water Act. States that have not adopted this authority lose 5% of their SRF grant in 1999, 10% in 2000 and 15% each year thereafter.

Within 1 year, each State is to prepare a list of public water systems that are in significant noncompliance with the requirements of the Safe Drinking Water Act. The State is to report on its efforts to bring such systems into compliance, through capacity development or enforcement actions, 5 years after enactment.

Grants to the existing network of Environmental Finance Centers are authorized at $2.5 million per year through the year 2003. The Centers are directed to establish a capacity development clearinghouse for public water systems.

SECTION 16. OPERATOR AND LABORATORY CERTIFICATION

Each community water system or nontransient noncommunity system receiving assistance from a State Revolving Loan Fund is to be operated by a trained and certified operator. The Administrator is to initiate a partnership with the States to develop recommendations regarding operator certification and to publish information for the States to use in designing training programs. The determination as to the level of training necessary to receive certification is to remain with the States.

If a system that has received assistance is operated by a person who is not certified, the Administrator is to withhold funds from the SRF capitalization grant of the State in an amount equal to the assistance that was provided to the system. Systems receiving assistance for the first time are to make a commitment to train operators before new treatment equipment supported by SRF loans or grants goes into operation.

The Administrator's guidance may also cover certification for laboratories that perform testing to meet the monitoring requirements of national primary drinking water regulations.

SECTION 17. SOURCE WATER QUALITY PROTECTION PARTNERSHIPS

As currently written, the Safe Drinking Water Act focuses principally on monitoring and treatment of drinking water to protect public health. Although the 1986 Amendments added pollution prevention provisions for sole source aquifers and the areas around wellfields for public systems, protecting the quality of source water to avoid the expense of treating contaminated water has not been

a major part of the national program. Building on the lessons from the wellhead protection efforts made under the 1986 Amendments, the bill authorizes a new source water quality protection partnership program to encourage the development of locally-driven, voluntary incentive-based efforts by public water systems, local governments and private parties to respond to contamination problems that would otherwise require treatment.

The bill provides for the delineation of source water protection areas for each public water system and, for priority source water areas, vulnerability assessments. The delineations and assessments are to be completed within 60 months, but may be conducted on a priority-based schedule to the extent that Federal funds are insufficient to pay for the delineations and assessments.

States may establish source water quality partnership petition programs. The purpose of a State program is to identify voluntary, incentive-based source protection measures to protect drinking water from contamination and to redirect Federal and State financial and technical assistance to support those measures.

Public water systems and local governments (in partnership with other persons who may be affected by these measures) many submit a petition to the State seeking assistance to carry out the recommendations of the partnership.

Petitions may only address contaminants that are subject to promulgated or proposed regulations and that are detected at levels that are not reliably and consistently below the maximum contaminant level.

State may use up to 10% of their annual SRF grants to provide loans for projects that are recommended by petitions approved under this program.

SECTION 18. STATE PRIMACY; STATE FUNDING

Under the Safe Drinking Water Act, EPA establishes drinking water quality standards that apply to all public water systems. Assuring compliance with these standards is a task achieved almost entirely by the States. Each State that submits a regulation that is no less stringent than the Federal standard is granted primary enforcement responsibility. 49 States have primacy for most regulations that have been issued under the Act.

Under current law, the deadline for submitting State regulations to retain primacy for new or revised drinking water standards is 18 months. That deadline is extended to 24 months. In addition, the bill provides States with ''interim'' primary enforcement authority during the period after the State regulation is submitted until such time as it is approved or disapproved by the Administrator. The State regulation is effective during this interim period.

EPA makes an annual grant to each State to support its enforcement efforts. The bill reauthorizes the grants for the Public Water System Supervision (PWSS) program at $100 million per year through the year 2003. In addition, States are authorized (under part G) to set aside funds from their SRF grants in amounts up to the amount the PWSS grant to use in administration of the PWSS program.

SECTION 19. MONITORING AND INFORMATION GATHERING

Each national primary drinking water regulation includes monitoring requirements to assure continuing compliance with the maximum contaminant level. These monitoring requirements impose substantial costs on pubic water systems. The bill requires the Administrator to review and revise existing monitoring requirements for not fewer than 12 contaminants within 2 years.

The bill authorizes States to develop and implement their own monitoring regime for each containment. The State requirements may be less stringent than Federal requirements but are to assure compliance and enforcement. This authority takes effect after the first cycle of monitoring under Federal regulations. The authority does not apply to contaminants that are pathogenic organisms. The State program must provide for monitoring at a frequency consistent with Federal requirements in systems where a contaminant has been detected, unless monitoring indicates that the level of the contaminant is reliably and consistently below the maximum contaminant level. The Administrator may act to approve or disapprove a State alternative monitoring program within 180 days of submission or may withdraw a State's authority to establish monitoring requirements, if the State program does not assure compliance and enforcement.

The Administrator or a State may suspend quarterly monitoring requirements applicable to small systems for any contaminant (other than a pathogenic organism or a contaminant that causes an acute effect, or a contaminant formed in the treatment or distribution system) that is not detected during the first quarterly sample in a monitoring cycle.

The Administrator is to establish a program of monitoring for the presence of contaminants which may warrant regulation in the future. The Administrator may list up to 20 contaminants. All systems serving more than 10,000 persons would be required to monitor for these contaminants. Each State would establish monitoring requirements for these contaminants for a representative sample of small systems within the State. An annual appropriation of $10 million is authorized to offset the costs of this monitoring. In addition, the Administrator may set aside $2 million per year of any appropriation for the State Revolving Fund to pay for testing costs associated with monitoring at small systems.

The Administrator is to establish a national database containing information on monitoring for regulated and unregulated contaminants.

SECTION 20. PUBLIC NOTIFICATION

Public water systems are required to notify their consumers when the system violates important public health provisions of the Act. The bill revises these requirements for public notification. The new requirements provide for immediate notification when a violation presents a serious threat to public health; written notification not less often than annually of violations of maximum contaminant levels or treatment technique requirements; and publication by the State of an annual report summarizing the status of compliance with the State.

States are authorized to modify the form and content of public notices to reflect the health threat posed by a violation and to ensure that the public understands the threat.

SECTION 21. ENFORCEMENT; JUDICIAL REVIEW

Enforcement actions to correct violations of the Act can be taken both by EPA and by a State with primary enforcement responsibility. Several modifications to the enforcement authorities of the Act are made by the bill.

The Administrator is directed to notify local elected officials before taking enforcement actions against public water systems in non-primacy States.

The Administrator or a State is authorized to suspend enforcement action with respect to a violation for a period of 2 years, if the violation is to be corrected through a consolidation or a restructuring during that period.

States are to adopt administrative penalties (of at least $1000 per violation for large systems) to facilitate enforcement of the Safe Drinking Water Act.

The maximum amount for an administrative penalty imposed by EPA is increased from $5000 to $25,000 per violation. Penalties in this amount may only be imposed after a full on-the-record hearing.

SECTION 22. FEDERAL AGENCIES

The Federal facilities provision of the Act is amended to clearly waive the sovereign immunity of Federal agencies and to allow citizens and States to seek penalties for all violations of the Act at Federal facilities.

SECTION 23. RESEARCH

The general research authorities are clarified and an authorization of $25 million is provided for each fiscal year to 2003. In addition, the Administrator is authorized to set aside $10 million per year from appropriations for the State Revolving Fund for the research on the health effects of drinking water contaminants with priority given to research on *Cryptosporidium*, disinfection byproducts, arsenic and research on subpopulations at greater risk for adverse effects. The bill includes new research programs for interactive risks of pathogenic organisms and the disinfection and disinfectant byproducts that result from efforts to control the pathogens and for risks to subpopulations that may be more sensitive to particular contaminants than the general population.

SECTION 24. DEFINITIONS

The definition of ''public water system'' is modified to include some systems that provide water by means other than a piped system (such as irrigation systems). The modification would exclude from regulation those connections to non-piped systems where alternative water supplies or treatment to levels that are equivalent to national primary drinking water regulations is provided before the water is used for drinking or cooking.

Definitions for 'community water system' and 'noncommunity water system' are added to the law and the definitions of 'State' and 'Indian tribes' are modified.

SECTION 25. GROUND WATER PROTECTION

The Administrator is authorized to make grants to the States to support general ground water protection programs. Federal grants may not be used for more than 50% of the cost of the program. The bill authorizations $20 million per year through 2003 for this grant program.

Grants to support State administration of the Underground Injection Control (UIC) program under part C are reauthorized through the year 2003 at $20.85 million per year.

Grants to support the wellhead protection program established by section 1428 are reauthorized through the year 2003 at $35 million per year.

Grants to support the critical aquifer protection program under section 1427 are reauthorized at $20 million per year through 2003. In addition, section 1427 is amended to reopen the grant application period.

The Administrator is to conduct a study of the extent and seriousness of contamination of private sources of drinking water not regulated under this Act and, within 3 years of the date of enactment, provide a report to the Congress describing the findings of the study and recommendations for needed actions.

SECTION 26. LEAD PLUMBING, PIPES AND PUMPS; RETURN FLOWS

Section 1417 is amended to ban the sale of pipe, plumbing fittings and plumbing fixtures that do not meet voluntary standards for lead leaching rates established by the National Sanitation Foundation within 2 years of enactment. If NSF fails to set lead leaching limits and establish testing protocols for

these items, the Administrator is authorized to set standards.

Section 3013 of P.L. 102–486 encouraging the use of heat pumps that return water to the distribution lines of public water systems is repealed.

SECTION 27. BOTTLED WATER

The Secretary of Health and Human Services is directed to establish regulations for the quality of bottled water for each contaminant for which a national primary drinking water regulation is issued, unless the Secretary determines that the contaminant is unlikely to present a risk to health through bottled water. The regulations are to be issued within 180 days after the tap water standard and are to be no less stringent than the standards that apply to tap water (drinking water supplied by public water systems).

SECTION 28. ASSESSING ENVIRONMENTAL PRIORITIES, COSTS AND BENEFITS

The Administrator is directed to identify and rank sources of pollution with respect to the relative degree of risk to public health and the environment. The Administrator is to evaluate the public costs associated with each source of pollution and the costs of complying with regulations designed to protect against risks caused by the pollution. The Administrator is to periodically report to Congress on the assessments conducted under this section. The Administrator's rankings and assessments of benefits and costs are to be reviewed by the Science Advisory Board.

SECTION 29. OTHER AMENDMENTS

The Chief of the Army Corps of Engineers is authorized to modernize the Washington Aqueduct that provides drinking water to the District of Columbia and several Virginia cities.

A requirement in section 1450 of current law for an annual report to the Congress on the activities of the Administrator is deleted.

Membership on the National Drinking Water Advisory Council is modified to include 2 members representing small, rural water systems.

Mr. CHAFEE. Mr. President, I am pleased to join with my colleagues to introduce this bill to reauthorize the Safe Drinking Water Act. Enacting this legislation is a high priority for the Environment and Public Works Committee. The bipartisan agreement that supports this bill gives us a great chance to achieve that goal.

We all agree that reform of the Safe Drinking Water Act is necessary. Public health protection has been strengthened by the many new standards that have been issued over the past few years. But the pace of standard setting and the costs of new treatment and monitoring requirements have been a strain for water suppliers, especially smaller communities.

This bill includes many provisions to ease the burden. There is the new grant program for drinking water revolving loan funds that President Clinton first recommended. States are authorized to reduce monitoring costs by developing their own testing requirements tailored to conditions in their region. Under this bill, States may also grant variances to the small systems that cannot afford to comply with the national standard.

That's reform, but we're not rolling back health protection which is now provided. No existing standard will be weakened. And the bill includes many new initiatives that will keep the national program moving forward. In addition to the SRF grants, there are new programs to prevent pollution of source waters used for drinking water supply. There is a program to develop technical capacity at small systems. The bill pushes hard for more and better science, including a research program to determine whether some groups like children or pregnant women or people with particular illnesses are more likely to experience adverse effects from drinking water contaminants. EPA will continue to review new contaminants and to make decisions on the need for national standards.

I want to thank each of my colleagues for the hard work they have put in on this bill. The star of this performance has been Senator KEMPTHORNE. He has spent months going over every detail of the legislation. And Senator BAUCUS blazed the trail for us last year with his bill that passed the Senate with almost unanimous support. My thank you also extends to the Water Office at EPA and to the coalition of State and local drinking water organizations that have worked so long and hard on this bill. Their expertise has been available at every step and has been very helpful.

I look forward to quick action by the committee and by the Senate on this bipartisan bill.

Mr. REID. Mr. President. For several months now there has been tough bipartisan negotiation to find common ground on the Safe Drinking Water Act. We began with S. 2019 which the Senate passed last Congress. Now, however, we have industry and State and local governments expressing in legislative language their need for more local control drinking water systems. I am cosponsoring this bill for two primary reasons.

First, there has been a great deal of compromise on both sides. Not everyone will be happy with some elements in this bill; both sides spent many hours working out the direction and the particulars of this bill. I am convinced that if this deliberative bipartisan process is going to produce legislation then this is how it will be done—through rational discussion and by taking the time to work out the disagreements. Through this process reasonable legislation will be passed out of the Senate.

And second, I am convinced that if we are going to pass a safe drinking water bill this year, then given the process and the bill before us, we need to proceed further in the bipartisan effort. My principle concern is whether there will be safe drinking water in the taps of homes across the country; whether the contaminants will be monitored sufficiently to warn our communities; and whether there will be accountability in a process so essential to the health and well being of our citizens. As I noted, this bill contains a great deal of compromise, but I believe that what we have all been able to maintain is the integrity of the goals and the mechanics of safe drinking water.

The EPA would still have the vital responsibility of regulating contaminants and setting standards while allowing for increased flexibility in implementing the regulations by the state and local water systems. A State revolving fund will be established to assist the States and rural systems. These and other provisions of the bill underscore the very deliberative compromise that has evolved. Perfect should not be an enemy to the good and looking for a perfect bill will not serve our constituents if we pass up a bill that will serve our communities well.

I commend Senators CHAFEE and KEMPTHORNE for their willingness to work together in this vital purpose. I appreciate Senator BAUCUS' leadership as the ranking member of the full Committee on Environment and Public Works.

Mr. BAUCUS. Mr. President, this is a solid bill. It builds on the work that was done, during the last Congress, to reform the Safe Drinking Water Act. It will reduce regulatory burdens while fully protecting public health. And it reflects a careful, bipartisan approach that puts the public interest ahead of partisan politics.

BACKGROUND

The Safe Drinking Water Act has guided Federal, State, and local efforts to assure that the water Americans drink is clean and pure. In the last several years, however, there has been growing concern that some provisions of the act misdirect Federal resources. There also has been concern that the act imposes regulatory burdens that local water systems simply can't comply with, no matter how hard they try. More specifically, critics of the act point to several flaws:

Unlike the Clean Water Act, the Safe Drinking Water Act does not provide federal financial assistance to help local water systems meet environmental mandates.

Small drinking water systems, including many small systems in my home State of Montana, have faced the greatest challenges in complying with the act's numerous and complex mandates.

The limited economies of scale of small systems have caused household water rates to skyrocket in recent years as communities financed drinking water projects.

Contaminant monitoring requirements have been overly prescriptive, and the requirement to regulate 25 new contaminants every 3 years is unrealistic and unnecessary.

The enforcement and public notification provisions are inadequate.

During the last Congress, the Environment and Public Works Committee unanimously reported legislation to reform the Safe Drinking Water Act, and

the Senate passed the legislation by a vote of 95 to 3. Unfortunately, the bill was not enacted into law.

THE SAFE DRINKING WATER ACT AMENDMENTS OF 1995

The bill that we are introducing today builds on the solid foundation created by last year's bill. The bill addresses each of the concerns with Safe Drinking Water Act. The bill expands funding, reduces regulatory burdens, and provides greater flexibility to those trying to provide safe drinking for all Americans—while not only maintaining but increasing public health protection.

To begin with, the bill provides substantial and sustained funding for drinking water projects. The bill authorizes new drinking water loan funds. Moreover, the bill allows a State to use its existing Clean Water Act loan fund to meet drinking water needs and, if appropriate, to use the drinking water loan funds to meet Clean Water Act needs. And, in some cases, the bill allows States to give a public water system a grant rather than a loan. That way, a State can provide special assistance to small, disadvantaged communities that have a particularly hard time providing safe drinking water at an affordable cost.

The bill reduces regulatory burdens, especially for small communities. It does so in several ways. Most significantly, the bill eliminates the requirement that EPA regulate 25 new contaminants every 3 years, whether or not there is a public health need to do so. Instead, EPA will review the health effects of currently unregulated contaminants in drinking water and determine whether, based on sound science, those contaminants pose public health threats and should be regulated. In other words, the bill reforms the act by allowing EPA to target resources to the greatest threats to drinking water.

The bill increases State flexibility. It authorizes a State to establish its own program for monitoring drinking water quality, and to reduce some monitoring requirements for small drinking water systems that have good compliance records. And it allows a State to take other steps to address the special needs of small communities. In Montana and elsewhere, the operators of small drinking water systems want to comply with the act, but cannot afford the cost of complying with many of the regulations. The bill's variance provision will allow small systems to provide safe, affordable water to their customers.

So the bill reduces regulatory burdens, and increases flexibility, in many ways. But in doing so, it does not relax existing standards or weaken provisions of the Act that are necessary to protect public health. In fact, in addition to allowing EPA, States, and local communities to target resources to the greatest threats, the bill improves the act's enforcement and compliance provisions. And it improves the important provisions that require water system operators to alert people about drinking water problems in their communities, especially problems that create health threats.

Putting all this together, the bill significantly reduces regulatory burdens and otherwise improves the operation of the Safe Drinking Water Act. At the same time, it not only maintains but increases public health protection.

A BIPARTISAN APPROACH

Mr. President, during this Congress, most debates about the environment have deteriorated into partisan battles. As a result, we have missed the opportunity to develop a consensus, a support of reforms that reduce regulatory burdens while improving environmental protection.

This bill that we are introducing today is a refreshing exception. Republicans and Democrats have worked together, cooperatively. There has been compromise, and nobody got everything that they wanted.

This process has not been an easy one. It's taken time, and it's taken painstaking negotiation. But because we have taken a bipartisan, cooperative approach, we have been able to develop a bill that will attract widespread support and can, I believe, quickly be enacted into law.

I very much appreciate the leadership and hard work of the committee chairman, Senator CHAFEE, the subcommittee chairman, Senator KEMPTHORNE, and the subcommittee ranking member, Senator REID. I look forward to working with them as we move forward to reform the Safe Drinking Water Act.

Mr. KERREY. Mr. President, this moment comes only after hours of hard work by Chairman CHAFEE, Senator KEMPTHORNE, Senator BAUCUS, and Senator REID. I want to take this opportunity to thank them for all of their commitment to this much needed reauthorization. Coming to agreement on this bill has not been easy. It is the product of many different points of view and carries important public health protection while providing reasonable regulatory relief for small communities.

Last year I became involved in the safe drinking water discussion because it is critical to the State of Nebraska. Ninety percent of our public water systems serve communities that are 2,500 or less in population. Those communities need and deserve flexibility to achieve the safest water possible for their citizens. This bill strikes an even balance between providing States with flexibility and the ability to affect decisionmaking; and allowing EPA to provide guidance and regulation.

I am an advocate of cost-benefit analysis which this bill contains. It allows public water systems to allocate their limited resources to those contaminants that will cause the greatest threat to public health. I know the concept is a tough one to write into legislation and I expect there will be some, including me, that want to make small changes. Overall, I have to say the language looks fair and I believe this bill achieves a carefully crafted balance.

For the last 2 years I have led the fight to keep EPA from publishing a drinking water standard for radon. The reason I did this is because the known health threat for radon is through inhalation, not ingestion. The greatest public threat from radon in drinking water is when you're in the shower. If left to the current process for setting standards, EPA would set the level for radon well below the level found in the air outside. The result of that standard would cost Nebraska's communities millions. I am quite pleased to see that the bill includes language that provides a permanent fix for the radon in drinking water issue.

The Safe Drinking Water Act exists to protect public health. In reviewing how EPA sets standards I saw a need to involve the Department of Health and Human Services and the Centers for Disease Control. This bill includes an active role for HHS and I strongly support that. In fact, I would like to see a larger role for HHS and I'm willing to work with the chairman on that point.

Again, I would like to thank Chairman CHAFEE, Senators KEMPTHORNE, BAUCUS, and REID and let them know that I am committed to helping them see this bill pass as quickly as possible. It is important to Nebraskans and all Americans.

By Mr. D'AMATO (for himself, Mr. MURKOWSKI, Mr. DODD, Mr. JOHNSTON, Mr. SHELBY, Mr. MACK, Mr. FAIRCLOTH, Mr. DOLE, and Mr. LOTT):

S. 1317. A bill to repeal the Public Utility Holding Company Act of 1935, to enact the Public Utility Holding Company Act of 1995, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1995

Mr. D'AMATO. Mr. President, today I introduce the Public Utility Holding Company Act of 1995. I am pleased to be joined by my colleagues on the Banking Committee, Senators SHELBY, MACK, FAIRCLOTH, and DODD; the chairman and ranking member of the Energy Committee, Senators MURKOWSKI and JOHNSTON respectively; and Senate Majority Leader DOLE and Majority Whip LOTT as sponsors of the bill.

Mr. President, this bill would repeal the Public Utility Holding Company Act of 1935 (''the 1935 Act'') and transfer certain regulatory functions from the Securities and Exchange Commission to the Federal Energy Regulatory Commission and the Public Service Commissions of various States. The bill is supported by the SEC, the energy industry, and Senators on both sides of the aisle.

In June, the SEC published a comprehensive report on the 1935 Act. In that report, ''The Regulation of Public-

Utility Holding Companies,'' the division of investment management stated that:

> The 1935 Act had accomplished its basic purpose and that its remaining provisions . . . either duplicated other State or Federal regulation or otherwise were no longer necessary to prevent recurrence of the abuses that led to its enactment.

The SEC Division of Investment Management reviewed the history of the 1935 act and the energy industry along with other subsequent administrative and legislative changes. The report's recommendation suggests that Congress conditionally repeal the act since the current regulatory system imposes significant costs, in direct administrative charges and foregone economies of scale and scope, that often cannot be justified in terms of benefits to utility investors.

In recommending a conditional repeal, the SEC noted that unconditional repeal of the 1935 act could expose consumers to some of the same abuses that it was enacted to prevent. As SEC Chairman, Arthur Levitt, cautions:

> [A]s long as electric and gas utilities continue to function as monopolies, the need to protect against the cross-subsidization of nonutility operations will continue to exist . . . the best means of guarding against cross-subsidization is likely to be thorough audits of books and records and federal oversight of affiliate transactions.

Mr. President, the legislation I introduce today, the Public Utility Company Act of 1995, would maintain the provisions of the 1935 act essential to consumer protection.

This bill would eliminate many of these burdensome and duplicative regulations while maintaining protection for energy consumers and ratepayers. For example, this legislation would allow holding companies to diversify into new business ventures. Diversification into utility or non utility business will increase competition and increase the flow of capital as non utility companies are able to enter into joint ventures with holding companies. Also, the integration requirements of the 1935 act, which prohibit any registered holding company from owning utility companies in more than one State, would be eliminated. Permitting ownership of utility companies in more than one state would allow holding companies to achieve greater efficiencies and lower administrative costs. The resulting savings can be passed on to consumers in lower energy rates.

The Public Utility Holding Company Act of 1995 provides State and Federal regulators with the necessary authority to examine books and records and conduct audits of public utility companies. It is important that the States be given the authority to examine the books and records of public utilities and be given the authority to examine the books and records of public utilities and their affiliates, to make sure that retail electricity rates are set fairly and that the cost of other ventures are not passed on to the captive utility rate payer. To be certain that this burden does not fall on the States alone, the FERC will share this function.

Transferring ratemaking functions to the States and the FERC also eliminates the regulatory gap created by the Supreme Court's Ohio Power decision, which effectively stripped the FERC of its authority to regulate holding company wholesale rate increases.

Mr. President, this bill puts in place the proper consumer safeguards to protect electric and gas utility ratepayers and stockholders from bearing the costs of diversification by registered holding companies.

Mr. President, the Public Utility Holding Company Act of 1935 has achieved the original congressional purpose—it broke up the mammoth holding company structures that existed more than half a century ago. The registration and disclosure requirements of the Securities Act of 1933 and the Securities Exchange Act of 1934 have become effective tools for the SEC to protect investors and ensure the integrity of the market for public utility holding company securities. Further, State Public Service Commissions have become effective retail energy regulators, who can protect their ratepayers.

Presently, only 11 electric utility companies and 9 gas companies are subject to the 1935 act; approximately 100 companies are exempt. The 20 registered utility companies are also regulated by States and the FERC. The same provisions that were originally enacted to protect consumers and investors have become unnecessary impediments to business. For example, to ensure that holding companies do not further abuse power, the 1935 act requires that the SEC give prior approval to all utility acquisitions. However, these acquisitions are subject to FERC and State approval, as well as that of the SEC, and are reviewed to comply with antitrust laws. This duplicative approval system often delays the acquisition of a new company for months or years, while providing no added protection to consumers.

Mr. President, the Banking Committee has consulted the Energy Committee, the SEC and the FERC as well as industry and consumer representatives in crafting this legislation to make sure appropriate regulatory authority is maintained in a new legal framework that allows holding companies to participate in new ventures and diversify without negative consequences to utility customers.

The Banking Committee intends to hold hearings on this legislation in the near future. Although some would like to tie Public Utility Holding Company Act reform to other more controversial energy-related issues, the time for this legislation is now. The repeal of the 1935 act will increase competition in the public utility industry without compromising investor and consumer protection. I urge my colleagues' support.

Mr. MURKOWSKI. Mr. President, I rise to cosponsor Senator D'AMATO's legislation to reform the Public Utility Holding Company Act of 1935.

Mr. President, this legislation is long overdue. The Public Utility Holding Company Act was enacted 60 years ago to curb serious abuses by public utilities that harmed consumers. PUHCA was needed in the 1930's, but now we live in a different world. By limiting activities and restricting corporate structure, PUHCA denies the companies that generate and sell electricity the flexibility necessary to respond to changing consumer needs and market circumstances. This legislation will eliminate unnecessary and costly regulation, retaining only that which is still needed to protect consumers.

Over the past 60 years a comprehensive State-Federal regulatory system has been developed to protect consumers. In a nutshell, State public utility commissions regulate transactions that are intrastate in nature, and the Federal Energy Regulatory Commission regulates those that are interstate in nature.

State public utility commissions perform their regulatory activities pursuant to State law, and the FERC performs its pursuant to the Federal Power Act. With the maturity of both State and Federal utility regulation—along with mature securities regulation by the Securities and Exchange Commission—PUHCA is now redundant at best.

In this connection, it should be noted that in some instances PUHCA is counterproductive, actually interfering with effective utility rate regulation by the FERC. For example, in Ohio Power a Federal court held that the SEC's utility decisions under PUHCA preempt the FERC's authority over utility rates under the Federal Power Act. This legislation addresses that issue by giving the FERC clear and exclusive authority to address matters within its statutory jurisdiction. In short, the streamlining of the regulatory system proposed by this legislation will not diminish needed consumer protection. It will enhance it instead. If the regulatory system created by PUHCA benefitted consumers, then the regulatory burdens it imposes might be justified. But as everyone now acknowledges, PUHCA is no longer needed to protect consumers. There is adequate and comprehensive regulatory authority in other laws. As a result, regulatory costs caused by PUHCA are simply passed on to consumers as higher rates without any offsetting consumer benefits.

Congress and the executive branch have long recognized that PUHCA creates serious regulatory problems, but up to now these problems have been addressed piecemeal. In 1978, the Public Utility Regulatory Policies Act provided an exemption from PUHCA for

certain types of electric power generators. In 1992, the Energy Policy Act gave additional exemptions to certain other types of electric power generators. The SEC is loosening its restrictions on non-utility activities as much as it can within the bounds of PUHCA. And the Congress is currently considering PUHCA exemptions to allow registered electric utilities to enter the telecommunications business, just the same as non-registered utilities.

These are all Band-Aid fixes to PUHCA; they help, but they do not address the fundamental problem. The need to legislatively reform PUHCA was recognized by the SEC's July 1995 report ''The Regulation of Public-Utility Holding Companies.'' This legislation is based on its recommendations to Congress.

Complete reform of PUHCA is needed, and it is justified. It is time to streamline and modernize the act. It is for these reasons that I am cosponsoring Senator D'AMATO's legislation.

Mr. President, there may be some who will try to use this legislation as a vehicle to restructure the electric utility industry, possibly to impose retail wheeling or to federally preempt State public utility commissions. I will strenuously resist any such effort. I have received assurances that Senator D'AMATO is of like mind.

This is not the time nor the place to make these kinds of changes. Retail wheeling and other competitive issues are not directly related to PUHCA reform. Moreover, retail wheeling and other Federal Power Act matters are entirely within the jurisdiction of the Committee on Energy and Natural Resources, not the Committee on Banking, Housing and Urban Affairs, to which this legislation will be referred. Electric utility issues are very complex, and they are very significant not only to consumers but also to this Nation's competitiveness and economic well being. These kinds of changes cannot, and will not be made without careful and complete consideration by the Committee on Energy and Natural Resources of all aspects of the issues and questions they raise.

Mr. JOHNSTON. Mr. President, I am pleased today to join my colleagues in introducing the Public Utility Holding Company Act of 1995. This is the first step in changing a law of which I have urged reform for many years. The purpose of this bill is to bring into the 1990's a 60-year-old, now-antiquated law: the Public Utility Holding Company Act of 1935 [PUHCA]. Our goal is to do away with burdensome and duplicative regulation, which stifles our Nation's economic well-being, and yet still provide adequate protection for electricity consumers. In this regard, this bill effectively implements the recommendations of Securities and Exchange Commission Chairman Arthur Levitt.

At the time of its enactment in 1935, PUHCA was clearly necessary. The aim of this New Deal era law was to eradicate the abuses of large, monopolistic public utility holding companies. The holding company structure permitted such companies to deceive investors and obstruct State utility regulation. Importantly, in 1935, Federal regulation of holding companies was nonexistent.

Times have clearly changed. State regulators have the authority to protect retail ratepayers from monopolistic prices, and the Federal Energy Regulatory Commission [FERC] has similar authority with respect to wholesale ratepayers. This proposed bill does away with unnecessary regulation of public utility holding companies by the Securities and Exchange Commission, but augments the authorities of State and Federal utility regulators to do their jobs better.

Times have clearly changed. State regulators have the authority to protect retail ratepayers from monopolistic prices, and the Federal Energy Regulatory Commission [FERC] has similar authority with respect to wholesale ratepayers. This proposed bill does away with unnecessary regulation of public utility holding companies by the Securities and Exchange Commission, but augments the authorities of State and Federal utility regulators to do their jobs better. Specifically, the bill gives FERC and the States augmented authority to review the books, records, and accounts of companies within holding company systems. The bill also gives FERC and State public utility commissions the ability to examine so-called affiliated transactions, that is, the authority to determine whether a public utility company may recover in rates any costs of an activity performed by an associate company, or any costs of goods or services acquired by public utilities from their associate companies.

Although I support the goals of this bill, I wish to make one point clear. I understand that, in a letter to Senator D'AMATO, the Federal Energy Regulatory Commission has raised several concerns regarding the specific provisions of any proposed bill which would reform PUHCA. I am in receipt of FERC's letter to Senator D'AMATO, and am committed to working with the Banking Committee to achieve a resolution of any outstanding issues. Although I believe the bill introduced today goes a long way toward achieving reform of PUHCA, I believe a number of issues must be resolved, particularly, the way in which FERC will carry out its new authorities under the bill as proposed with respect to holding companies which were formerly exempt from PUHCA.

ADDITIONAL COSPONSORS

S. 358

At the request of Mr. HEFLIN, the names of the Senator from North Dakota [Mr. DORGAN], the Senator from Arkansas [Mr. PRYOR], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 358, a bill to amend the Internal Revenue Code of 1986 to provide for an excise tax exemption for certain emergency medical transportation by air ambulance.

S. 490

At the request of Mr. GRASSLEY, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 490, a bill to amend the Clean Air Act to exempt agriculture-related facilities from certain permitting requirements, and for other purposes.

S. 607

At the request of Mr. WARNER, the name of the Senator from Wisconsin [Mr. FEINGOLD] was added as a cosponsor of S. 607, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify the liability of certain recycling transactions, and for other purposes.

S. 881

At the request of Mr. PRYOR, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 881, a bill to amend the Internal Revenue Code of 1986 to clarify provisions relating to church pension benefit plans, to modify certain provisions relating to participants in such plans, to reduce the complexity of and to bring workable consistency to the applicable rules, to promote retirement savings and benefits, and for other purposes.

S. 1086

At the request of Mr. DOLE, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of S. 1086, a bill to amend the Internal Revenue Code of 1986 to allow a family owned business exclusion from the gross estate subject to estate tax, and for other purposes.

S. 1108

At the request of Mr. SMITH, the names of the Senator from Colorado [Mr. BROWN] and the Senator from Arizona [Mr. KYL] were added as cosponsors of S. 1108, a bill to amend the Internal Revenue Code of 1986 to allow individuals to designate that up to 10 percent of their income tax liability be used to reduce the national debt, and to require spending reductions equal to the amounts so designated.

S. 1170

At the request of Mr. PRESSLER, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of S. 1170, a bill to limit the applicability of the generation-skipping transfer tax.

S. 1178

At the request of Mr. CHAFEE, the name of the Senator from Tennessee [Mr. FRIST] was added as a cosponsor of S. 1178, a bill to amend title XVIII of the Social Security Act to provide for coverage of colorectal screening under part B of the medicare program.

S. 1271

At the request of Mr. CRAIG, the name of the Senator from Missouri

[Mr. BOND] was added as a cosponsor of S. 1271, a bill to amend the Nuclear Waste Policy Act of 1982.

S. 1274

At the request of Mr. LOTT, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1274, a bill to amend the Solid Waste Disposal Act to improve management of remediation waste, and for other purposes.

S. 1276

At the request of Mr. GRASSLEY, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 1276, a bill to permit agricultural producers to enter into market transition contracts and receive loans, to require a pilot revenue insurance program, and for other purposes.

SENATE RESOLUTION 146

At the request of Mr. JOHNSTON, the names of the Senator from Maine [Ms. SNOWE] and the Senator from Missouri [Mr. BOND] were added as cosponsors of Senate Resolution 146, a resolution designating the week beginning November 19, 1995, and the week beginning on November 24, 1996, as ''National Family Week,'' and for other purposes.

AMENDMENT NO. 2815

At the request of Mr. BIDEN the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of amendment No. 2815 proposed to H.R. 2076, a bill making appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes.

AMENDMENT NO. 2818

At the request of Mr. BIDEN the name of the Senator from Nevada [Mr. BRYAN] was withdrawn as a cosponsor of amendment No. 2818 proposed to H.R. 2076, a bill making appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes.

SENATE CONCURRENT RESOLUTION 30—RELATIVE TO MEXICO

Text—Continued S 15130

Mr. HELMS (for himself, Mrs. FEINSTEIN, Mr. GRASSLEY, and Ms. SNOWE) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 30

Whereas the United States and Mexico share a 2,000-mile border and economic relations between the two nations are increasing;

Whereas Mexican President Ernesto Zedillo has stated his commitment to ''create a nation of law,'' combat drug trafficking, investigate political assassinations, and punish official malfeasance;

Whereas President Zedillo's appointed an opposition party member, Antonio Lozano, as Attorney General, the first opposition member in the Cabinet;

Whereas the Government of Mexico has taken steps to end impunity by arresting Raul Salinas, the brother of former President Carlos Salinas, for his involvement in the murder of Jose Francisco Ruiz Massieu, and by requesting the extradition of Mario Ruiz Massieu, former Deputy Attorney General, for his alleged tampering with evidence in the investigation into the murder of his brother and for accepting money from drug traffickers;

Whereas the investigations of the assassinations of the Cardinal Posadas, PRI presidential candidate Luis Donaldo Colosio, and PRI General Secretary Jose Francisco Ruiz Massieu remain unresolved;

Whereas elements of Mexico's bureaucracy are engaged in drug-related and other corruption, including collaborating with drug traffickers who pay for protection, allowing the drug trade to proliferate and threatening United States and Mexican security;

Whereas Mexico is both a major transit point for drugs produced in South America and elsewhere, and a production source of much of the marijuana and heroin shipped into the United States;

Whereas increased drug enforcement efforts in the southeastern United States have achieved some positive results;

Whereas drug smuggling activity has increased along the U.S.-Mexican border;

Whereas, despite President Zedillo's initial efforts, actions by the Government of Mexico have not pursued aggressively President Zedillo's public commitments to eliminate impunity for former and current government officials: Now, therefore be it *Resolved by the Senate (the House of Representatives concurring*), That

(a) the Congress recognizes the initial steps taken by the Mexican Government of President Ernesto Zedillo to investigate drug-related and other corruption in Mexico.

(b) It is the sense of the Congress that—

(1) the President of the United States should encourage and support President Zedillo's efforts to create an independent Mexican judicial body to evaluate the financial holdings of former and present Mexican officials;

(2) the President of the United States should encourage and support President Zedillo's efforts to investigate to the fullest extent possible corruption and economic malfeasance in an effort to bring about a true democracy in Mexico;

(3) the United States Congress should pursue efforts to strengthen relations with the Mexican Congress;

(4) the Attorney General of the United States should pursue greater cooperation with the Mexican Government to investigate cross-border corruption and to provide protection for those willing to come forward publicly;

(5) the President of the United States and senior United States officials should encourage and support efforts by President Zedillo to investigate vigorously the killings of Cardinal Juan Posadas in May 1993, PRI presidential candidate Luis Donaldo Colosio in March 1994, and PRI Secretary General Jose Francisco Ruiz Massieu in September 1994;

(6) the Government of Mexico should replace and prosecute corrupt regional police commanders;

(7) the Mexican people have the support of the United States in efforts to eliminate illegal drug trafficking on both sides of the United States-Mexico border; and

(8) the interdiction of illegal narcotics should be a top priority for the United States in its management of the U.S.-Mexican border.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President.

Mr. HELMS. Mr. President, the American people have an enormous stake in Mexico—a neighboring country with which the United States shares a 2000-mile border and which is a significant trading partner. Many of Mexico's problems have become our problems, especially drug trafficking fueled by incredible corruption which touches every community in America.

On August 8, the Senate Foreign Relations Committee conducted a hearing on the magnitude of the illegal Mexican drug trade and its affect on United States-Mexican relations. It was startling to hear both United States officials and Mexican experts describe the spreading tentacles of drug trafficking and drug-related corruption threatening to engulf the 10-month presidency of Ernesto Zedillo. The hearing, however, was not limited to the bad news; the witnesses offered several initiatives that could be helpful to President Zedillo and the Mexican people in confronting the drug lords.

This hearing prompted Senator FEINSTEIN and me, working with Senator GRASSLEY as chairman of the Senate Drug Enforcement Caucus, to prepare a resolution I now send to the desk for first reading and appropriate referral.

The enormity of the problem confronting Mexico is such that the Mexican Government's own National Institute for Combating Drugs concluded recently that the increasing power of the drug kingpins could ultimately make Mexico ''ungovernable.''

All too often, Mr. President, these evil traffickers are aided and abetted by unscrupulous Mexican Government and law enforcement officials. For example, it has been reported that the leader of the so-called gulf cartel, Juan Garcia Abrego—who also has become a fixture on the FBI's most wanted list—bribes senior Mexican Government officials to the tune of $50 million a month in running his operations.

While United States officials were heaping praise upon former Mexican president Salinas' commitment to fighting drugs, Mr. Salinas' senior drug enforcement officials were on the traffickers' payroll. Two of his three drug enforcement directors have been charged with accepting bribes from drug traffickers. Salinas' Deputy Attorney General, Mario Ruiz Massieu, kept millions of dollars in U.S. bank accounts which the U.S. district attorney for southern Texas alleges are payoffs from drug traffickers.

And in another disturbing revelation, in May, Mexican newspapers published transcripts of phone conversations involving Marcella Bodenstadt, identified as a Garcia Abrego associate and the wife of a cartel money-launderer, and Salinas' Minister of the Presidency, with whom she was having an affair. The Minister of the Presidency, who managed the national security and intelligence apparatus for the Salinas government, claims he knew nothing about Ms. Bodenstadt's drug connections.

This concurrent resolution recognizes that President Zedillo inherited the governmental structure influenced

by the drug lords. It acknowledges his initial efforts at reform. And it urges President Clinton to encourage and support President Zedillo's initiatives to create a nation of law, combat drug trafficking, investigate political killings—many of which also are related to the drug trade—and to punish official malfeasance.

It is in Mexico's interest to pursue vigorously the investigations of three high-profile murders linked to drug trafficking. The May 1993 murder of Cardinal Juan Posadas, allegedly by drug traffickers led by the kingpins of the so-called Tijuana cartel, Benjamin and Ramon Arellano Felix, shocked the world. However, 2½ years later, the Arellano Felix brothers are still free, even though they reportedly are seen around town.

Then there was the killing of PRI Presidential candidate Luis Donaldo Colosio in Tijuana in March 1994. Drug traffickers and corrupt police officials have been implicated in the killing and in subsequent efforts to obstruct investigations. Two weeks after Colosio's murder, the local police chief was gunned-down while conducting his own investigation into the assassination. In May 1995, the Governor of Baja California confirmed that the Tijuana police chief had been murdered by a Federal Judicial Police officer.

Mr. President, corruption within the police remains a serious problem. In March 1995, 14 officers of the same Federal Judicial Police—a group known for torture, rape, and drug corruption—were accused of stealing and selling cocaine base. Earlier this year, NBC Nightly News aired film footage of Mexican police helping traffickers unload cocaine. And when President Zedillo's appointed chief of police, Juan Pablo de Tavira, decided to purge the force of corrupt officers, he was mysteriously poisoned hours before a meeting with the Attorney General to implement the cleansing of the police force.

In the case of Mexico, President Zedillo must guarantee that his nation will be governed by law—which has not been the case during the PRI's 66-year one-party rule of Mexico. It is not sufficient to arrest an occasional drug lord who has not paid for protection. A consistently applied standard of punishment against all drug traffickers and corrupt government and law enforcement officials, regardless of position or wealth, is crucial.

U.S. programs to combat drug trafficking are a waste if senior foreign government officials assist drug gangs and policemen are in cahoots with traffickers. The U.S. Government must send the message that we support tough antidrug and anticorruption initiatives. While a few dedicated United States officials daily combat drug trafficking, in diplomatic exchanges with Mexico, drug trafficking and corruption are rarely ever mentioned. It seems that U.S. officials fear that the mere mention of drugs will offend their counterparts and perhaps ruffle cozy diplomatic relationships. This is absurd.

The insidious influence of drug trafficking and political corruption are the greatest threat to both nations' national security. All of us are affected by drugs and crime—much of which is committed by persons under the influence of drugs. We have a responsibility to fight drugs crossing our borders. The lives and well-being of our families, children, and grandchildren are at stake. It is the intent of this resolution to signal our resolve in fighting the scourge of illegal drugs.

SENATE RESOLUTION 181—RELATIVE TO THE SENATE LEGAL COUNSEL

Mr. DOLE (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 181

Resolved, That the appointment of Thomas B. Griffith to be Senate Legal Counsel, made by the President pro tempore this day, shall become effective as of October 24, 1995, and the term of service of the appointee shall expire at the end of the One Hundred Fifth Congress.

SENATE RESOLUTION 182—RELATIVE TO THE DEPUTY SENATE LEGAL COUNSEL

Mr. DOLE (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 182

Resolved, That the appointment of Morgan J. Frankel to be Deputy Senate Legal Counsel, made by the President pro tempore this day, shall become effective as of October 24, 1995, and the term of service of the appointee shall expire at the end of the One Hundred Fifth Congress.

SENATE RESOLUTION 183—MAKING MAJORITY PARTY APPOINTMENTS TO CERTAIN SENATE COMMITTEES FOR THE 104TH CONGRESS

Mr. KEMPTHORNE (for Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 183

Resolved, That the following shall constitute the majority party's membership on the following standing committees for the 104th Congress, or until their successors are chosen:

Appropriations: Mr. Hatfield, Mr. Stevens, Mr. Cochran, Mr. Specter, Mr. Domenici, Mr. Bond, Mr. Gorton, Mr. McConnell, Mr. Mack, Mr. Burns, Mr. Shelby, Mr. Jeffords, Mr. Gregg, Mr. Bennett, and Mr. Campbell.

Finance: Mr. Roth, Mr. Dole, Mr. Chafee, Mr. Grassley, Mr. Hatch, Mr. Simpson, Mr. Pressler, Mr. D'Amato, Mr. Murkowski, Mr. Nickles, and Mr. Gramm.

SENATE RESOLUTION 184—MAKING MAJORITY PARTY APPOINTMENTS TO CERTAIN SENATE COMMITTEES FOR THE 104TH CONGRESS

Mr. KEMPTHORNE (for Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 184

Resolved, That the following shall constitute the majority party's membership on the following standing committees for the 104th Congress, or until their successors are chosen:

Agriculture: Mr. Lugar, Mr. Dole, Mr. Helms, Mr. Cochran, Mr. McConnell, Mr. Craig, Mr. Coverdell, Mr. Santorum, Mr. Warner, and Mr. Grassley.

Banking, Housing, and Urban Affairs: Mr. D'Amato, Mr. Gramm, Mr. Shelby, Mr. Bond, Mr. Mack, Mr. Faircloth, Mr. Bennett, Mr. Grams, and Mr. Domenici.

Commerce, Science, and Transportation: Mr. Pressler, Mr. Stevens, Mr. McCain, Mr. Burns, Mr. Gorton, Mr. Lott, Mrs. Hutchison, Ms. Snowe, Mr. Ashcroft, and Mr. Frist.

Governmental Affairs: Mr. Stevens, Mr. Roth, Mr. Cohen, Mr. Thompson, Mr. Cochran, Mr. McCain, Mr. Smith, and Mr. Brown.

AMENDMENTS SUBMITTED

THE CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY [LIBERTAD] ACT OF 1995

SIMON AMENDMENTS NOS. 2899–2900

(Ordered to lie on the table.)

Mr. SIMON submitted two amendments intended to be proposed by him to the amendment No. 2898 proposed by Mr. DOLE to the bill (H.R. 927) to seek international sanctions against the Castro government in Cuba, to plan for support of a transition government leading to a democratically elected government in Cuba, and for other purposes; as follows:

AMENDMENT NO. 2899

At the appropriate place in the bill, insert the following:

TITLE __—FREEDOM TO TRAVEL

SEC. __01. SHORT TITLE.

This title may be cited as the ''Freedom to Travel Act of 1995''.

SEC. __2. TRAVEL TO FOREIGN COUNTRIES.

(a) FREEDOM OF TRAVEL FOR UNITED STATES CITIZENS AND LEGAL RESIDENTS.—The President shall not restrict travel abroad by United States citizens or legal residents, except to countries with which the United States is at war, where armed hostilities are in progress, or where there is imminent danger to the public health or the physical safety of United States travelers.

(b) INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.—Section 203(b) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)) is amended—

(1) by striking ''or'' at the end of paragraphs (2) and (3); and

(2) by amending paragraph (4) to read as follows:

''(4) any of the following transactions incident to travel by individuals who are citizens or residents of the United States:

''(A) any transactions ordinarily incident to travel to or from any country, including the importation into a country or the United

States of accompanied baggage for personal use only;

''(B) any transactions ordinarily incident to travel or maintenance within any country, including the payment of living expenses and the acquisition of goods or services for personal use;

''(C) any transactions ordinarily incident to the arrangement, promotion, or facilitation of travel to, from, or within a country;

''(D) any transactions incident to nonscheduled air, sea, or land voyages, except that this subparagraph does not authorize the carriage of articles into a country except accompanied baggage; and

''(E) normal banking transactions incident to the activities described in the preceding provisions of this paragraph, including the issuance, clearing, processing, or payment of checks, drafts, travelers checks, credit or debit card instruments, or similar instruments;

except that this paragraph does not authorize the importation into the United States of any goods for personal consumption acquired in another country other than those items described in paragraphs (1) and (3); or''.

(c) AMENDMENTS TO TRADING WITH THE ENEMY ACT.—Section 5(b) of the Trading With the Enemy Act (50 U.S.C. App. 5(b)) is amended by adding at the end the following new paragraph:

''(5) The authority granted by the President in this section does not include the authority to regulate or prohibit, directly or indirectly, any of the following transactions incident to travel by individuals who are citizens or residents of the United States:

''(A) Any transactions ordinarily incident to travel to or from any country, including importation into a country or the United States of accompanied baggage for personal use only.

''(B) Any transactions ordinarily incident to travel or maintenance within any country, including the payment of living expenses and the acquisition of goods or services for personal use.

''(C) Any transactions ordinarily incident to the arrangement, promotion, or facilitation of travel to, from, or within a country.

''(D) Any transactions incident to nonscheduled air, sea, or land voyages, except that this subparagraph does not authorize the carriage of articles into a country except accompanied baggage.

''(E) Normal banking transactions incident to the activities described in the preceding provisions of this paragraph, including the issuance, clearing, processing, or payment of checks, drafts, travelers checks, credit or debit card instruments, negotiable instruments, or similar instruments.

This paragraph does not authorize the importation into the United States of any goods for personal consumption acquired in another country other than those items described in paragraph (4).''.

SEC. __3. EDUCATIONAL, CULTURAL, AND SCIENTIFIC ACTIVITIES AND EXCHANGES.

(a) INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.—Section 203(b) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)) is amended by adding after paragraph (4) the following new paragraph:

''(5) financial or other transactions, or travel, incident to—

''(A) activities of scholars;

''(B) other educational or academic activities;

''(C) exchanges in furtherance of any such activities;

''(D) cultural activities and exchanges; or

''(E) public exhibitions or performances by the nationals of one country in another country,

to the extent that any such activities, exchanges, exhibitions, or performances are not otherwise controlled for export under section 5 of the Export Administration Act of 1979 and to the extent that, with respect to such activities, exchanges, exhibitions, or performances, no acts are prohibited by chapter 37 of title 18, United States Code.''.

(b) TRADING WITH THE ENEMY ACT.—Section 5(b) of the Trading With the Enemy Act (50 U.S.C. App. 5(b)) is amended by adding at the end the following new paragraph:

''(6) The authority granted to the President in this subsection does not include the authority to regulate or prohibit, directly or indirectly, financial or other transactions, or travel, incident to—

''(A) activities of scholars;

''(B) other educational or academic activities;

''(C) exchanges in furtherance of any such activities;

''(D) cultural activities and exchanges; or

''(E) public exhibitions or performances by the nationals of one country in another country,

to the extent that any such activities, exchanges, exhibitions, or performances are not otherwise controlled for export under section 5 of the Export Administration Act of 1979 and to the extent that, with respect to such activities, exchanges, exhibitions, or performances, no acts are prohibited by chapter 37 of title 18, United States Code.''.

SEC. __4. FOREIGN ASSISTANCE ACT OF 1961.

Section 620(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a)) is amended by adding at the end thereof the following:

''(3) Notwithstanding paragraph (1), the authority granted to the President in such paragraph does not include the authority to regulate or prohibit, directly or indirectly, any activities or transactions which may not be regulated or prohibited under paragraph (5) or (6) of section 5(b) of the Trading With the Enemy Act.''.

SEC. __5. APPLICABILITY.

(a) INTERNATIONAL ECONOMIC EMERGENCY POWERS ACT.—The amendments made by sections __2(a) and __3(a) apply to actions taken by the President under section 203 of the International Emergency Economic Powers Act before the date of the enactment of this Act which are in effect on such date of enactment, and to actions taken under such section on or after such date.

(b) TRADING WITH THE ENEMY ACT.—The authorities conferred upon the President by section 5(b) of the Trading With the Enemy Act, which were being exercised with respect to a country on July 1, 1977, as a result of a national emergency declared by the President before such date, and are being exercised on the date of the enactment of this Act, do not include the authority to regulate or prohibit, directly or indirectly, any activity which under section 5(b)(5) or (6) of the Trading With the Enemy Act (as added by this title) may not be regulated or prohibited.

AMENDMENT NO. 2900

Insert after section 103, the following new section:

SEC. 103A. EXCEPTION TO THE ECONOMIC EMBARGO OF CUBA.

(a) AMENDMENT TO EMBARGO AUTHORITY IN THE FOREIGN ASSISTANCE ACT OF 1961.—Section 620(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a)(1)) is amended by inserting before the period at the end of the second sentence the following: '', except that any such embargo shall not apply with respect to the export of any food, medicines, or medical supplies, instruments, or equipment.''

(b) LIMITAION ON EXISTING RESTRICTIONS ON TRADE WITH CUBA.—Upon the enactment of this Act, any regulation, proclamation, or provision of law, including Presidential Proclamation 3447 of February 3, 1962, the Export Administration Regulations (15 CFR 368–399), and the Cuban Assets Control Regulations (31 CFR 515), that prohibits exports to Cuba or transactions involving exports to Cuba and that is in effect on the date of the enactment of this Act, shall not apply with respect to the export to Cuba of food, medicines or medical supplies, instruments, or equipment.

(c) LIMITATION ON THE FUTURE EXERCISE OF AUTHORITY.—

(1) EXPORT ADMINISTRATION ACT OF 1979.—After the enactment of this Act, the President may not exercise the authorities contained in the Export Administration Act of 1979 to restrict the exportation to Cuba of food, medicines or medical supplies, instruments, or equipment, except to the extent such restrictions would be permitted under section 5 of that Act for goods containing parts or components subject to export controls under such section.

(2) INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.—After the enactment of this Act, the President may not exercise the authorities contained in section 203 of the International Emergency Economic Powers Act to restrict the export to Cuba of food, medicines or medical supplies, instruments, or equipment, to the extent such authorities are exercised to deal with a threat to the national security of the United States.

(d) CONFORMING AMENDMENTS.—Section 1705 of Cuban Democracy Act of 1992 (22 U.S.C. 6004) is amended—

(1) by amending subsection (c)(1) to read as follows:

''(1) except to the extent such restrictions—

''(A) would be permitted under section 5 of the Export Administration Act of 1979 for goods containing parts or components subject to export controls under such section; or

''(B) are imposed under section 203 of the International Emergency Economic Powers Act to deal with a threat to the national security of the United States;''; and

(2) by striking subsection (d) and redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively.

BROWN AMENDMENT NO. 2901

(Ordered to lie on the table.)

Mr. BROWN submitted an amendment intended to be proposed by him to amendment No. 2898 proposed by Mr. DOLE to the bill H.R. 927, supra, as follows:

In the appropriate place, insert a new section as follows:

SEC. . SENSE OF THE CONGRESS.

(a) FINDINGS.—The Congress finds that—

(1) The purpose of the General Agreement on Tariffs and Trade (hereafter in this amendment referred to as the ''GATT'') and the World Trade Organization (hereafter in this amendment referred to as the ''WTO'') is to enable member countries to conduct trade based upon free market principles, by limiting government intervention in the form of state subsidies, by limiting nontariff barriers, and by encouraging reciprocal reductions in tariffs among members;

(2) The GATT/WTO is based on the assumption that the import and export of goods are conducted by independent enterprises responding to profit incentives and market forces;

(3) The GATT/WTO requires that nonmarket economies implement significant reforms to change centralized and planned economic systems before becoming a full GATT/WTO member and the existence of a

decentralized and a free market economy is considered a precondition to fair trade among GATT/WTO members;

(4) The People's Republic of China (hereinafter referred to as ''China'') and the Republic of China on Taiwan (hereafter referred to as ''Taiwan'') applied for membership in the GATT in 1986 and 1991, respectively, and Working Parties have been established by the GATT to review their applications;

(5) China insists that Taiwan's membership in the GATT/WTO be granted only after China becomes a full member of the GATT/WTO;

(6) Taiwan has a free market economy that has existed for over three decades, and is currently the fourteenth largest trading nation in the world;

(7) Taiwan has a gross national product that is the world's twentieth largest, its foreign exchange reserves are among the largest in the world and it has become the world's seventh largest outbound investor;

(8) Taiwan has made substantive progress in agreeing to reduce upon GATT/WTO accession the tariff level of many products, and non-tariff barriers;

(9) Taiwan has also made significant progress in other aspects of international trade, such as in intellectual property protection and opening its financial services market;

(10) Despite some progress in reforming its economic system, China still retains legal and institutional practices that restrict free market competition and are incompatible with GATT/WTO principles;

(11) China still uses an intricate system of tariff and non-tariff administrative controls to implement its industrial and trade policies, and China's tariffs on foreign goods, such as automobiles, can be as high as 150 percent, even though China has made commitments in the market access Memorandum of Understanding to reform significant parts of its import regime;

(12) China continues to use direct and indirect subsidies to promote exports;

(13) China often manipulates its exchange rate to impede balance of payments adjustments and gain unfair competitive advantages in trade;

(14) Taiwan's and China's accession to the GATT/WTO have important implications for the United States and the world trading system.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the United States should separate Taiwan's application for membership in the GATT/WTO from China's application for membership in those organizations;

(2) the United States should support Taiwan's earliest membership in the GATT/WTO;

(3) the United States should support the membership of China in the GATT/WTO only if a sound bilateral commercial agreement is reached between the United States and China, and that China makes significant progress in making its economic system compatible with GATT/WTO principles.

(4) China's application for membership in the GATT/WTO should be reviewed strictly in accordance with the rules, guidelines, principles, precedents, and practices of the GATT.

BUMPERS (AND OTHERS) AMENDMENT NO. 2902

(Ordered to lie on the table.)

Mr. BUMPERS (for himself, Mr. BROWN, and Mr. DORGAN) submitted an amendment intended to be proposed by them to amendment No. 2898 proposed by Mr. DOLE to the bill H.R. 927, supra, as follows:

At the end of the substitute, insert the following new title:

TITLE V—NATIONAL ENDOWMENT FOR DEMOCRACY

(a) Notwithstanding any other provision of law, there are authorized to be appropriated to the Director of the USIA $30 million for fiscal year 1996, $24 million for the fiscal year 1997, $18 million for the fiscal year 1998, $12 million for the fiscal year 1999 and $6 million for the fiscal year 2000 to carry out the National Endowment for Democracy Act (Title V of Public Law 98–164).

(b) Of the funds authorized to be appropriated for the fiscal year 1996, not more than 55%, excluding administrative costs, shall be available only for the following organizations, in equal allotments:

(1) The International Republican Institute.

(2) The National Democratic Institute.

(3) The Free Trade Union Institute.

(4) The Center for International Private Enterprise.

In fiscal years 1997, 1998, 1999 and 2000 all grants awarded by the National Endowment for Democracy to carry out programs in furtherance of the National Endowment for Democracy Act shall be made on a competitive basis.

(c) It is the sense of the Senate that the National Endowment for Democracy should fulfill its original mission by completing the transition from federal funding to private funding by the end of the fiscal year 2000.

DODD AMENDMENTS NOS. 2903–2912

(Ordered to lie on the table.)

Mr. DODD submitted 10 amendments intended to be proposed by him to amendment No. 2898 proposed by Mr. DOLE to the bill H.R. 927, supra; as follows:

AMENDMENT NO. 2903

On page 13 of the pending amendment beginning with line 34, strike all through line 40 on page 14.

AMENDMENT NO. 2904

On page 15 of the pending amendment beginning with line 2, strike all through line 14 on page 16.

AMENDMENT NO. 2905

On page 18 of the pending amendment beginning with line 2, strike all through line 8 on page 21.

AMENDMENT NO. 2906

On page 23 of the pending amendment beginning with line 18, strike all through line 21 on page 24.

AMENDMENT NO. 2907

On page 27 of the pending amendment beginning with line 37, strike all through line 41 on page 28.

AMENDMENT NO. 2908

On page 28 of the pending amendment beginning with line 42, strike all through line 32 on page 32.

AMENDMENT NO. 2909

On page 32 of the pending amendment beginning with line 33, strike all through line 29 on page 40.

AMENDMENT NO. 2910

Strike all after the first word of the pending amendment and insert in lieu thereof the following:

SEC. 1. SHORT TITLE; TABLE OF CONTENTS

(a) Short Title.—This Act may be cited as ''Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995''.

(b) Table of Contents.—The table of contents of this Act is as follows:

Sec. 1. Short Title; table of contents.
Sec. 2. Findings.
Sec. 3. Purposes.
Sec. 4. Definitions.
TITLE I—STRENGTHENING INTERNATIONAL SANCTIONS AGAINST THE CASTRO GOVERNMENT
Sec. 102. Authorization of support for democratic and human rights groups and international observers.
Sec. 103. Enforcement of the economic embargo of Cuba.
Sec. 104. Prohibition against indirect financing of Cuba.
Sec. 105. United States opposition to Cuban membership in international financial institutions.
Sec. 106. United States opposition to the termination of the suspension of the Government of Cuba from participation in the Organization of American States.
Sec. 107. Assistance by the independent states of the former Soviet Union for the Government of Cuba.
Sec. 108. Television broadcasting to Cuba.
Sec. 109. Reports on commerce with, and assistance to, Cuba from other foreign countries.
Sec. 110. Importation safeguard against certain Cuban products.
Sec. 111. Reinstitution of family remittances and travel to Cuba.
Sec. 112. News bureaus in Cuba.
Sec. 113. Impact on lawful U.S. government activities.
TITLE II—SUPPORT FOR A FREE AND INDEPENDENT CUBA
Sec. 201. Policy toward a transition government and a democratically elected government in Cuba.
Sec. 202. Assistance for the Cuban people.
Sec. 203. Implementation; reports to Congress.
Sec. 204. Termination of the economic embargo of Cuba.
Sec. 205. Requirements for a transition government.
Sec. 206. Factors for determining a democratically elected government.
Sec. 207. Settlement of outstanding U.S. claims to confiscated property in Cuba.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The economy of Cuba has experienced a decline of approximately 60 percent in the last 5 years as a result of—

(A) the reduction in subsidies from the former Soviet Union;

(B) 36 years of Communist tyranny and economic mismanagement by the Castro government;

(C) the precipitous decline in trade between Cuba and the countries of the former Soviet bloc; and

(D) the policy of the Russian Government and the countries of the former Soviet bloc to conduct economic relations with Cuba predominantly on commercial terms.

(2) At the same time, the welfare and health of the Cuban people have substantially deteriorated as a result of Cuba's economic decline and the refusal of the Castro regime of Cuba's economic decline and the refusal of the Castro regime to permit free and fair democratic elections in Cuba or to adopt any economic or political reforms that would lead to democracy, a market economy, or an economic recovery.

(3) The repression of the Cuban people, including a ban on free and fair democratic elections and the continuing violation of

fundamental human rights, as isolated the Cuban regime as the only nondemocratic government in the Western Hemisphere.

(4) As long as no such economic or political reforms are adopted by the Cuban government, the economic condition of the country and the welfare of the Cuban people will not improve in any significant way.

(5) Fidel Castro has defined democratic pluralism as ''pluralistic garbage'' and has made clear that he has no intention otherwise tolerating the democratization of Cuban society.

(6) The Castro government, in an attempt to retain absolute political power, continues to utilize, as it has from its inception, torture in various forms (including psychiatric abuse), execution, exile, confiscation, political imprisonment, and other forms of terror and repression as most recently demonstrated by the massacre of more than 40 Cuban men, women, and children attempting to flee Cuba.

(7) The Castro government holds hostage in Cuba innocent Cubans whose relatives have escaped the country.

(9) Over the past 36 years, the Cuban government has posed a national security threat to the United States.

(10) The completion and any operation of a nuclear-powered facility in Cuba, for energy generation or other wise, poses an unacceptable threat to the national security of the United States.

(11) The unleashing on United States shores of thousands of Cuban refugees fleeing Cuban oppression will be considered an act of aggression.

(12) The Government of Cuba engages in illegal international narcotics trade and harbors fugitives from justice in the United States.

(13) The totalitarian nature of the Castro regime has deprived the Cuban people of any peaceful means to improve their condition and has led thousands of Cuban citizens to risk or lose their lives in dangerous attempts to escape from Cuba to freedom.

(14) Attempts to escape from Cuba and courageous acts of defiance of the Castro regime by Cuban pro-democracy and human rights groups have ensured the international community's continued awareness of, and concern for, the plight of Cuba.

(15) The Cuban people deserve to be assisted in a decisive manner in order to end the tyranny that has oppressed them for 36 years.

(16) Radio Marti and Television Marti have been effective vehicles for providing the people of Cuba with news and information and have helped to bolster the morale of the Cubans living under tyranny.

(17) The consistent policy of the United States towards Cuba since the beginning of the Castro regime, carried out by both Democratic and Republican administrations, has sought to keep faith with the people of Cuba, and has been effective in isolating the totalitarian Castro regime.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to assist the Cuban people in regaining their freedom and prosperity, as well as in joining the community of democratic countries that are flourishing in the Western Hemisphere;

(2) to strengthen international sanctions against the Castro government;

(3) to provide for the continued national security of the United States in the face of continuing threats from the Castro government of terrorism, theft of property from United States nationals, and the political manipulation of the desire of Cubans to escape that results in mass migration to the United States;

(4) to encourage the holding of free and fair democratic elections in Cuba, conducted under the supervision of internationally recognized observers;

(5) to provide a policy framework for United States support to the Cuban people in response to the formation of a transition government or a democratically elected government in Cuba; and

(6) to protect American nationals against confiscatory takings and the wrongful trafficking in property confiscated by the Castro regime.

SEC. 4. DEFINITIONS.

As used in this Act, the following terms have the following meanings:

(1) AGENCY OR INSTRUMENTALITY OF A FOREIGN STATE.—The term ''agency or instrumentality of a foreign state'' has the meaning given that term in section 1603(b) of title 28, United States Code, except as otherwise provided for in this Act under paragraph 4(5).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(3) COMMERCIAL ACTIVITY.—The term ''commercial activity'' has the meaning given that term in section 1603(d) of title 28, United States Code.

(5) CUBAN GOVERNMENT.—(A) The terms ''Cuban government'' and ''Government of Cuba'' include the government of any political subdivision of Cuba, and any agency or instrumentality of the Government of Cuba.

(B) For purposes of subparagraph (A), the term ''agency or instrumentality'' is used within the meaning of section 1603(b) of title 28, United States Code.

(6) DEMOCRATICALLY ELECTED GOVERNMENT IN CUBA.—The term ''democratically elected government in Cuba'' means a government that the President has determined as being democratically elected.

(7) ECONOMIC EMBARGO OF CUBA.—The term ''economic embargo of Cuba'' refers to the economic embargo imposed against Cuba pursuant to section 620(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a)), section 5(b) of the Trading With the Enemy Act (50 U.S.C. App. 5(b)), the International Emergency Economic Powers Act (50 U.S.C. 1701 and following), the Export Administration Act of 1979 (50 U.S.C. App. 2401 and following), as modified by the Cuban Democracy Act of 1992 (22 U.S.C. 6001 and following).

(13) TRANSITION GOVERNMENT IN CUBA.—The term ''transition government in Cuba'' means a government that the President determines as being a transition government.

TITLE I—STRENGTHENING INTERNATIONAL SANCTIONS AGAINST THE CASTRO GOVERNMENT

SEC. 102. AUTHORIZATION OF SUPPORT FOR DEMOCRATIC AND HUMAN RIGHTS GROUPS AND INTERNATIONAL OBSERVERS.

(a) AUTHORIZATION.—The President is authorized to furnish assistance to and make available other support for individuals and nongovernmental organizations to support democracy-building efforts in Cuba, including the following:

(1) Published and informational matter, such as books, videos, and cassettes, on transitions to democracy, human rights, and market economies to be made available to independent democratic groups in Cuba.

(2) Humanitarian assistance to victims of political repression and their families.

(3) Support for democratic and human rights groups in Cuba.

(4) Support for visits and permanent deployment of independent international human rights monitors in Cuba.

(b) DENIAL OF FUNDS TO THE GOVERNMENT OF CUBA.—In implementing this section, the President shall take all necessary steps to ensure that no funds or other assistance are provided to the Government of Cuba or any of its agencies, entities, or instrumentalities.

(c) SUPERSEDING OTHER LAWS.—Assistance may be provided under this section notwithstanding any other provision of law, except for section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394) and comparable notification requirements contained in sections of the annual foreign operations, export financing, and related programs appropriations Act.

SEC. 103. ENFORCEMENT OF THE ECONOMIC EMBARGO OF CUBA.

(a) POLICY.—(1) The Congress hereby reaffirms section 1704(a) of the Cuban Democracy Act of 1992, which states the President should encourage foreign countries to restrict trade and credit relations with Cuba in a manner consistent with the purposes of that Act.

(2) The Congress further urges the President to take immediate steps to apply the sanctions described in section 1704(b)(1) of such Act against countries assisting Cuba.

(b) DIPLOMATIC EFFORTS.—The Secretary of State should ensure that United States diplomatic personnel abroad understand and, in their contacts with foreign officials are communicating the reasons for the United States economic embargo of Cuba, and are urging foreign governments to cooperate more effectively with the embargo.

(c) EXISTING REGULATIONS.—The President shall instruct the Secretary of the Treasury and the Attorney General to enforce fully the Cuban Assets Control Regulations in part 515 of title 31, Code of Federal Regulations.

(d) TRADING WITH THE ENEMY ACT.—(1) Subsection (b) of section 16 of the Trading With the Enemy Act (50 U.S.C. App. 16(b)), as added by Public Law 102–484, is amended to read as follows:

''(b)(1) A civil penalty of not to exceed $50,000 may be imposed by the Secretary of the Treasury on any person who violates any license, order, rule, or regulation issued in compliance with the provisions of this Act.

''(2) Any property, funds, securities, papers, or other articles or documents, or any vessel, together with its tackle, apparel, furniture, and equipment, that is the subject of a violation under paragraph (1) shall, at the direction of the Secretary of the Treasury, be forfeited to the United States Government.

''(3) The penalties provided under this subsection may be imposed only on the record after opportunity for an agency hearing in accordance with sections 554 through 557 of title 5, United States Code, with the right to prehearing discovery.

''(4) Judicial review of any penalty imposed under this subsection may be had to the extent provided in section 702 of title 5, United States Code''.

SEC. 105. UNITED STATES OPPOSITION TO CUBAN MEMBERSHIP IN INTERNATIONAL FINANCIAL INSTITUTIONS.

(a) CONTINUED OPPOSITION TO CUBAN MEMBERSHIP IN INTERNATIONAL FINANCIAL INSTITUTIONS.—

(1) Except as provided in paragraph (2), the Secretary of the Treasury shall instruct the United States executive director of each international financial institution to use the voice and vote of the United States to oppose the admission of Cuba as a member of such institution until the President submits a determination pursuant to section 203(c).

(2) Once the President submits a determination under section 203(a) that a transition government in Cuba is in power—

(A) the President is encouraged to take steps to support the processing of Cuba's application for membership in any international financial institution, subject to the membership taking effect after a democratically elected government in Cuba is in power, and

(B) the Secretary of the Treasury is authorized to instruct the United States executive director of each international financial institution to support loans or other assistance to Cuba only to the extent that such loans or assistance contribute to a stable foundation for a democratically elected government in Cuba.

(c) DEFINITION.—For purposes of this section, the term ''international financial institution'' means that International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the Inter-American Development Bank.

SEC. 106. UNITED STATES OPPOSITION TO TERMINATION OF THE SUSPENSION OF THE GOVERNMENT OF CUBA FROM PARTICIPATION IN THE ORGANIZATION OF AMERICAN STATES.

The President should instruct the United States Permanent Representative to the Organization of American States to oppose and vote against any termination of the suspension of the Cuban government from participation in the Organization until the President determines that a democratically elected government in Cuba is in power.

(d) FACILITIES AT LOURDES, CUBA.—(1) The Congress expresses its strong disapproval of the extension by Russia of credits equivalent to $200,000,000 in support of the intelligence facility at Lourdes, Cuba, announced in November 1944.

SEC. 108. TELEVISION BROADCASTING TO CUBA.

(a) CONVERSION TO UHF.—The Director of the United States Information Agency shall implement a conversion of television broadcasting to Cuba under the Television Marti Service to ultra high frequency (UHF) broadcasting.

(b) PERIODIC REPORTS.—Not later than 45 days after the date of enactment of this Act, and every three months thereafter until the conversion described in subsection (a) is fully implemented, the Director shall submit a report to the appropriate congressional committees on the progress made in carrying out subsection (a).

(c) TERMINATION OF BROADCASTING AUTHORITIES.—Upon transmittal of a determination under section 203(c), the Television Broadcasting to Cuba Act (22 U.S.C. 1465aa et seq.) and the Radio Broadcasting to Cuba Act (22 U.S.C. 1465 et seq.) are repealed.

SEC. 109. REPORTS ON COMMERCE WITH, AND ASSISTANCE TO, CUBA FROM OTHER FOREIGN COUNTRIES.

(a) REPORTS REQUIRED.—Not later than 90 days after the date of enactment of this Act, and by January 1, each year thereafter, the President shall submit a report to the appropriate congressional committees on commerce with, and assistance to, Cuba from other foreign countries during the preceding 12-month period.

(b) CONTENTS OF REPORTS.—Each report required by subsection (a) shall, for the period covered by the report, contain the following, to the extent such information is available—

(1) a description of all bilateral assistance provided to Cuba by other foreign countries, including humanitarian assistance;

(2) a description of Cuba's commerce with foreign countries, including an identification of Cuba's trading partners and the extent of such trade;

(3) a description of the joint ventures completed, or under consideration, by foreign nationals and business firms involving facilities in Cuba, including an identification of the location of the facilities involved and a description of the terms of agreement of the joint ventures and the names of the parties that are involved;

(4) a determination as to whether or not any of the facilities described in paragraph (3) is the subject of a claim against Cuba by a United States national;

(5) a determination of the amount of Cuban debt owed to each foreign country, including—

(A) the amount of debt exchanged, forgiven, or reduced under the terms of each investment or operation in Cuba involving foreign nationals or businesses; and

(B) the amount of debt owed the foreign country that has been exchanged, reduced, or forgiven in return for a grant by the Cuban government of an equity interest in a property, investment, or operation of the Government of Cuba or of a Cuban national;

(6) a description of the steps taken to assure that raw materials and semifinished or finished goods produced by facilities in Cuba involving foreign nationals or businesses do not enter the United States market, either directly or through third countries or parties; and

(7) an identification of countries that purchase, or have purchased, arms or military supplies from Cuba or that otherwise have entered into agreements with Cuba that have a military application, including—

(A) a description of the military supplies, equipment, or other material sold, bartered, or exchanged between Cuba and such countries,

(B) a listing of the goods, services, credits, or other consideration received by Cuba in exchange for military supplies, equipment, or material, and

(C) the terms or conditions of any such agreement.

SEC. 112. NEWS BUREAUS IN CUBA.

(a) ESTABLISHMENT OF NEWS BUREAU.—It is the sense of Congress that the President should establish and implement an exchange of news bureaus between the United States and Cuba, if—

(1) the exchange is fully-reciprocal;

(2) the Cuban Government allows free, unrestricted, and uninhibited movement in Cuba of journalists of any United States-based news organizations;

(3) the Cuban Government agrees not to interfere with the news-gathering activities of individuals assigned to work as journalists in the news bureaus in Cuba of United States-based news organizations;

(4) the United States Government is able to ensure that only accredited journalists regularly employed with a news gathering organization avail themselves of the general license to travel to Cuba; and

(5) the Cuban Government agrees not to interfere with the transmission of telecommunications signals of news bureaus or with the distribution within Cuba of any United States-based news organization that has a news bureau in Cuba.

(b) ASSURANCE AGAINST ESPIONAGE.—In implementing this section, the President shall take all necessary steps to assure the safety and security of the United States against espionage by Cuban journalists it believes to be working for the intelligence agencies of the Cuban Government.

SEC. 113. IMPACT ON LAWFUL U.S. GOVERNMENT ACTIVITIES.

Nothing in this Act shall prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency or of an intelligence agency of the United States.

TITLE II—SUPPORT FOR A FREE AND INDEPENDENT CUBA

SEC. 201. POLICY TOWARD A TRANSITION GOVERNMENT AND A DEMOCRATICALLY ELECTED GOVERNMENT IN CUBA.

It is the policy of the United States—

(1) to support the self-determination of the Cuban people;

(2) to facilitate a peaceful transition to representative democracy and a free market economy in Cuba;

(3) to be impartial toward any individual or entity in the selection by the Cuban people of their future government;

(4) to enter into negotiations with a democratically elected government in Cuba regarding the status of the United States Naval Base at Guantanamo Bay;

(5) to consider the restoration of diplomatic relations with Cuba and support the reintegration of the Cuban government into of the Inter-American System after a transition government in Cuba comes to power and at such a time as will facilitate the rapid transition to a democratic government;

(6) to remove the economic embargo of Cuba when the President determines that there exists a democratically elected government in Cuba; and

(7) to pursue a mutually beneficial trading relationship with a democratic Cuba.

SEC. 202. ASSISTANCE FOR THE CUBAN PEOPLE.

(a) AUTHORIZATION.—

(1) IN GENERAL.—The President may provide assistance under this section for the Cuban people after a transition government, or a democratically elected government, is in power in Cuba.

(2) EFFECT ON OTHER LAWS.—Subject to section 203, the President is authorized to provide such forms of assistance to Cuba as are provided for in subsection (b), notwithstanding any other provision of law, except for—

(A) this Act;

(B) section 620(a)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a)(2)); and

(C) section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394) and comparable notification requirements contained in sections of the annual foreign operations, export financing, and related programs appropriations Act.

(b) RESPONSE PLAN.—

(1) DEVELOPMENT OF PLAN.—The President shall develop a plan detailing, to the extent possible, the manner in which the United States would provide and implement support for the Cuban people in response to the formation of—

(A) a transition government in Cuba; and

(B) a democratically elected government in Cuba.

(c) INTERNATIONAL EFFORTS.—The President is encouraged to take the necessary steps—

(1) to seek to obtain the agreement of other countries and multinational organizations to provide assistance to a transition government in Cuba and to a democratically elected government in Cuba; and

(2) to work with such countries, institutions, and organizations to coordinate all such assistance programs.

(d) REPORT ON TRADE AND INVESTMENT RELATIONS.—

(1) REPORT TO CONGRESS.—The President, following the transmittal to the Congress of a determination under section 203(c) that a democratically elected government in Cuba is in power, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate and other appropriate congressional committees a report that describes—

(A) acts, policies, and practices which constitute significant barriers to, or distortions of, United States trade in goods or services

or foreign direct investment with respect to Cuba;

(B) policy objectives of the United States regarding trade relations with a democratically elected government in Cuba, and the reasons therefor, including possible—

(i) reciprocal extension of nondiscriminatory trade treatment (most-favored-nation treatment);

(ii) designation of Cuba as a beneficiary developing country under title V of the Trade Act of 1974 (relating to the Generalized System of Preferences) or as a beneficiary country under the Caribbean Basin Economic Recovery Act, and the implications of such designation with respect to trade and any other country that is such a beneficiary developing country or beneficiary country or is a party to the North American Free Trade Agreement; and

(iii) negotiations regarding free trade, including the accession of Cuba to the North American Free Trade Agreement;

(C) specific trade negotiating objectives of the United States with respect to Cuba, including the objectives described in section 108(b)(5) of the North American Free Trade Agreement Implementation Act; and

(D) actions proposed or anticipated to be undertaken, and any proposed legislation necessary or appropriate, to achieve any of such policy and negotiating objectives.

(2) CONSULTATION.—The President shall consult with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate and other appropriate congressional committees and shall seek advice from the appropriate advisory committees established under section 135 of the Trade Act of 1974 regarding the policy and negotiating objectives and the legislative proposals described in paragraph (1).

(e) COMMUNICATION WITH THE CUBAN PEOPLE.—The President is encouraged to take the necessary steps to communicate to the Cuban people the plan developed under this section.

(f) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report describing in detail the plan developed under this section.

SEC. 203. IMPLEMENTATION; REPORTS TO CONGRESS.

(a) IMPLEMENTATION WITH RESPECT TO TRANSITION GOVERNMENT.—Upon making a determination that a transition government in Cuba is in power, the President shall transmit that determination to the appropriate congressional committees and should, subject to the authorization of appropriations and the availability of appropriations.

(b) REPORTS TO CONGRESS.—(1) The President shall transmit to the appropriate congressional committees a report setting forth the strategy for providing assistance authorized under section 202 to the transition government in Cuba, the types of such assistance, and the extent to which such assistance has been distributed.

(2) The President shall transmit the report not later than 90 days after making the determination referred to in paragraph (1), except that the President shall consult regularly with the appropriate congressional committees regarding the development of the plan.

(c) IMPLEMENTATION WITH RESPECT TO DEMOCRATICALLY ELECTED GOVERNMENT.—Upon making a determination, that a democratically elected government in Cuba is in power, the President shall transmit that determination to the appropriate congressional committees and should, subject to the authorization of appropriations and the availability of appropriations, commence to provide such forms of assistance.

(d) ANNUAL REPORTS TO CONGRESS.—Once the President has transmitted a determination referred to in either subsection (a) or (c), the President shall, not later than 60 days after the end of each fiscal year, transmit to the appropriate congressional committees a report on the assistance to Cuba authorized under section 202, including a description of each type of assistance, the amounts expended for such assistance, and a description of the assistance to be provided under the plan in the current fiscal year.

SEC. 204. TERMINATION OF THE ECONOMIC EMBARGO OF CUBA.

(a) PRESIDENTIAL ACTIONS.—Upon submitting a determination to the appropriate congressional committees under section 203(a) that a transition government in Cuba is in power, the President, after consulting with the Congress, is authorized to take steps to suspend the economic embargo on Cuba.

(b) SUSPENSION OF CERTAIN PROVISIONS OF LAW.—In carrying out subsection (a), the President may suspend the enforcement of—

(1) section 620(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a));

(2) section 620(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(f)) with regard to the ''republic of Cuba'';

(3) sections 1704, 1705(d), and 1706 of the Cuban Democracy Act (22 U.S.C. 6003, 6004(d), 6005);

(4) section 902(c) of the Food Security Act of 1985; and

(5) the prohibitions on transactions described in part 515 of the title 31, Code of Federal Regulations.

(c) ADDITIONAL PRESIDENTIAL ACTIONS.—Upon submitting a determination to the appropriate congressional committees that a democratically elected government in Cuba is in power, the President shall take steps to terminate the economic embargo of Cuba.

(d) CONFORMING AMENDMENTS.—On the date on which the President submits a determination under section 203(c)—

(1) section 620(a) of the Foreign Assistance Act of 1961 (222 U.S.C. 2370(a)) is repealed;

(2) section 620(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(f)) is amended by striking ''Republic of Cuba'';

(3) sections 1704, 1705(d), and 1706 of the Cuban Democracy Act (22 U.S.C. 6003, 6004(d), 6005) are repealed; and

(4) section 902(c) of the Food Security Act of 1985 is repealed.

SEC. 301. It is that sense of Congress that—

(1) The wrongful confiscation or taking of property belonging to United States nationals by the Cuban government, and the subsequent exploitation of this property at the expense of the rightful owner, undermines the comity of nations, the free flow of commerce, and economic development.

(2) It is in the interest of the Cuban people that the government of Cuba respect equally the property rights of Cuban and foreign nationals.

(3) The Cuban government is offering foreign investors the opportunity to purchase an equity interest in, manage, or enter into joint ventures with property and assets some of which were confiscated from United States nationals.

(4) The U.S. State Department has notified other governments that the transfer of properties confiscated by the Cuban government to third parties ''would complicate any attempt to return them to their original owners''.

AMENDMENT NO. 2911

On page 27 of the pending amendment on line 3 strike all after the word ''Cuba'' up to the period on line 7.

AMENDMENT NO. 2912

On page 21 of the pending amendment beginning with line 10 strike all through line 34 and insert in lieu thereof the following.

(a) ESTABLISHMENT OF NEWS BUREAUS.—The President should establish and implement an exchange of news bureaus between the United States and Cuba, if—

(1) the exchange is fully-reciprocal;

(2) the Cuban Government allows free, unrestricted, and uninhibited movement in Cuba of journalists of any United States-based news organizations;

(3) the Cuban Government agrees not to interfere with the news-gathering activities of individuals assigned to work as journalists in the news bureaus in Cuba of United States-based news organizations;

(4) the United States Government is able to ensure that only accredited journalists regularly employed with a news gathering organization avail themselves of the general license to travel to Cuba; and

(5) the Cuban Government agrees not to interfere with the transmission of telecommunications signals of news bureaus or with the distribution within Cuba of any United States-based news organization that has a news bureau in Cuba.

(b) ASSURANCE AGAINST ESPIONAGE.—the President should take all necessary steps to assure the safety and security of the United States against espionage by Cuban journalists it believes to be working for the intelligence agencies of the Cuban Government.

MACK (AND OTHERS) AMENDMENT NO. 2913

(Ordered to lie on the table.)

Mr. MACK (for himself, Mr. GRAMM, Mr. LIEBERMAN, Mr. HELMS, Mr. DOLE, Mr. D'AMATO, and Mr. SPECTER) submitted an amendment intended to be proposed by them to amendment No. 2898 proposed by Mr. DOLE to the bill H.R. 927, supra; as follows:

At the appropriate place in the substitute amendment, insert the following new section:

SEC. . CONGRESSIONAL NOTIFICATION OF CONTACTS WITH CUBAN GOVERNMENT OFFICIALS.

(a) ADVANCED NOTIFICATION REQUIRED.—No funds made available under any provision of law may be used for the costs and expenses of negotiations, meetings, discussions, or contacts between United States Government officials or representatives and officials or representatives of the Cuban government relating to normalization of relations between the United States and Cuba unless 15 days in advance the President has notified the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate in accordance with procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

(b) REPORTS.—Within 15 days of any negotiations, meetings, discussions, or contacts between individuals described in subsection (a), with respect to any matter, the President shall submit a report to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate detailing the individuals involved, the matters discussed, and any agreements made, including agreements to conduct future negotiations, meetings, discussions, or contacts.

BRADLEY AMENDMENT NO. 2914

(Ordered to lie on the table.)

Mr. BRADLEY submitted an amendment intended to be proposed by him

to amendment No. 2898 proposed by Mr. DOLE to the bill H.R. 927, supra; as follows:

At the appropriate place in title I of the amendment, insert the following new section:

SEC. . EXCEPTION TO RESTRICTION ON ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.

Chapter 11 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq.) is amended by adding at the end the following new section:

''SEC. 498D. EXCEPTION TO RESTRICTION ON ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.

''Notwithstanding any other provision of this chapter, assistance under the secondary school exchange program administered by the United States Information Agency is authorized to be provided to the independent states of the former Soviet Union.''.

ASHCROFT AMENDMENT NO. 2915

Mr. ASHCROFT proposed an amendment to amendment No. 2898 proposed by Mr. DOLE to the bill H.R. 927, supra; as follows:

At the appropriate place, add the following:

SEC. . SENSE OF THE SENATE REGARDING CONSIDERATION OF A CONSTITUTIONAL AMENDMENT TO LIMIT CONGRESSIONAL TERMS.

It is the sense of the Senate that the United States Senate should pass, prior to the end of 1995, a constitutional amendment limiting the number of terms Members of Congress can serve.

ASHCROFT AMENDMENT NO. 2916

Mr. ASHCROFT proposed an amendment to amendment No. 2915 proposed by him to amendment No. 2898 proposed by Mr. DOLE to the bill H.R. 927, supra; as follows:

Strike all after the word ''SEC. .'' and insert the following:

SENSE OF THE SENATE REGARDING CONSIDERATION OF A CONSTITUTIONAL AMENDMENT TO LIMIT CONGRESSIONAL TERMS.

Is is the sense of the Senate that the United States Senate should pass, prior to the end of the First Session of the 104th Congress, a constitutional amendment limiting the number of terms Members of Congress can serve.

GRAMM AMENDMENT NO. 2917

(Ordered to lie on the table.)

Mr. GRAMM submitted an amendment intended to be proposed by him to the amendment No. 2913 proposed by Mr. MACK to amendment No. 2898 proposed by Mr. DOLE to the bill (H.R. 927) supra; as follows:

On page 2 of amendment number 2913, strike the 10 and insert in lieu thereof, ''of 1961, and, in any event, no funds made available under any provision of law may be used for the costs and expenses of negotiations with officials or representatives of the Cuban government by an official or representative of the United States Government assigned to the United States Interests Section in Cuba.''.

BROWN AMENDMENT NO. 2918

(Ordered to lie on the table.)

Mr. BROWN submitted an amendment intended to be proposed by him to amendment No. 2898 proposed by Mr. DOLE to the bill (H.R. 927) supra; as follows:

In lieu of the pending amendment, insert the following:

SEC. . SENSE OF THE CONGRESS.

(a) FINDINGS.—The Congress finds that—

(1) The purpose of the General Agreement on Tariffs and Trade (hereafter in this amendment referred to as the ''GATT'') and the World Trade Organization (hereafter in this amendment referred to as the ''WTO'') is to enable member countries to conduct trade based upon free market principles, by limiting government intervention in the form of state subsidies, by limiting nontariff barriers, and by encouraging reciprocal reductions in tariffs among members;

(2) The GATT/WTO is based on the assumption that the import and export of goods are conducted by independent enterprises responding to profit incentives and market forces;

(3) The GATT/WTO requires that nonmarket economies implement significant reforms to change centralized and planned economic systems before becoming a full GATT/WTO member and the existence of a decentralized and a free market economy is considered a precondition to fair trade among GATT/WTO members;

(4) The People's Republic of China (hereinafter referred to as ''China'') and the Republic of China on Taiwan (hereinafter referred to as ''Taiwan'') applied for membership in the GATT in 1986 and 1991, respectively, and Working Parties have been established by the GATT to review their applications;

(5) China insists that Taiwan's membership in the GATT/WTO be granted only after China becomes a full member of the GATT/WTO;

(6) Taiwan has a free market economy that has existed for over three decades, and is currently the fourteenth largest trading nation in the world;

(7) Taiwan has a gross national product that is the world's twentieth largest, its foreign exchange reserves are among the largest in the world and it has become that world's seventh largest outbound investor;

(8) Taiwan has made substantive progress in agreeing to reduce upon GATT/WTO accession the tariff level of many products, and non-tariff barriers;

(9) Taiwan has also made significant progress in other aspects of international trade, such as in intellectual property protection and opening its financial services market;

(10) Despite some progress in reforming its economic system, China still retains legal and institutional practices that restrict free market competition and are incompatible with GATT/WTO principles;

(11) China still uses an intricate system of tariff and non-tariff administrative controls to implement its industrial and trade policies, and China's tariffs on foreign goods, such as automobiles, can be as high as 150 percent, even though China has made commitments in the market access Memorandum of Understanding to reform significant parts of its import regime;

(12) China continues to use direct and indirect subsidies to promote exports;

(13) China often manipulates its exchange rate to impede balance of payments adjustments and gain unfair competitive advantages in trade;

(14) Taiwan's and China's accession to the GATT/WTO have important implications for the United States and the world trading system.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the United States should separate Taiwan's application for membership in the GATT/WTO from China's application for membership in those organizations;

(2) the United States should support Taiwan's earliest membership in the GATT/WTO;

(3) the United States should support the membership of China in the GATT/WTO only if a sound bilateral commercial agreement is reached between the United States and China, and that China makes significant progress in making its economic system compatible with GATT/WTO principles;

(4) China's application for membership in the GATT/WTO should be reviewed strictly in accordance with the rules, guidelines, principles, precedents, and practices of the GATT; and

(5) Both Taiwan's and China's accession to the GATT/WTO have important implications for the United States and for the world trading system.

HELMS AMENDMENT NO. 2919

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the amendment No. 2900 proposed by Mr. SIMON to the amendment No. 2898 proposed by Mr. DOLE to the bill (H.R. 927) supra; as follows:

Strike all after the word ''SEC.'' and insert the following:

103A. EXCEPTION TO THE ECONOMIC EMBARGO OF CUBA.

(a) AMENDMENT TO EMBARGO AUTHORITY IN THE FOREIGN ASSISTANCE ACT OF 1961.—Section 620(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a)(1)) is amended by inserting before the period at the end of the second sentence the following: '', except that any such embargo shall not apply with respect to the export of any food, medicines, or medical supplies, instruments, or equipment, if such export would be provided directly to, and would directly benefit, the Cuban people.''

(b) LIMITATION ON EXISTING RESTRICTIONS ON TRADE WITH CUBA.—Upon the enactment of this Act, any regulation, proclamation, or provision of law, including Presidential Proclamation 3447 of February 3, 1962, the Export Administration Regulations (15 CFR 368–399), and the Cuban Assets Control Regulations (31 CFR 515), that prohibits exports to Cuba or transactions involving exports to Cuba and that is in effect on the date of the enactment of this Act, shall not apply with respect to the export to Cuba to food, medicines or medical supplies, instruments, or equipment, if such effort would be provided directly to, and would directly benefit, the Cuban people.

(c) LIMITATION ON THE FUTURE EXERCISE OF AUTHORITY.—

(1) EXPORT ADMINISTRATION ACT OF 1979.—After the enactment of this Act, the President may not exercise the authorities contained in the Export Administration Act of 1979 to restrict the exportation to Cuba of food, medicines or medical supplies, instruments, or equipment, except to the extent such restrictions would be permitted under section 5 of that Act for goods containing parts or components subject to export controls under such section.

(2) INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.—After the enactment of this Act, the President may not exercise the authorities contained in section 203 of the International Emergency Economic Powers Act to restrict the export to Cuba of food, medicines or medical supplies, instruments, or equipment, to the extent such authorities are exercised to deal with a threat to the national security of the United States.

(2), the exportation of food, medicines, or medical supplies, instruments, or equipment may only be made under such paragraph if the export would be provided directly to, and would directly benefit, the Cuban people.

(d) CONFORMING AMENDMENTS.—Section 1705 of the Cuban Democracy Act of 1992 (22 U.S.C. 6004) is amended—

(1) by amending subsection (c)(1) to read as follows:

''(1) except to the extent such restrictions—

''(A) would be permitted under section 5 of the Export Administration Act of 1979 for goods containing parts or components subject to export controls under such section; or

''(B) are imposed under section 203 of the International Emergency Economic Powers Act to deal with a threat to the national security of the United States;''; and

(2) by striking subsection (d) and redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively.

NOTICE OF HEARING

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that the October 13, 1995 oversight hearing which had been scheduled before the Subcommittee on Oversight and Investigations, Energy and Natural Resources Committee to examine the role of the Council on Environmental Quality in the decisionmaking and management processes of agencies under the Committee's jurisdiction—Department of the Interior, Department of Energy, and the U.S. Forest Service—has been postponed.

The hearing now will take place Thursday, October 19, 1995 at 9:30 a.m. in Room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Those wishing to testify or who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Kelly Johnson or Jo Meuse at (202) 224–6730.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Thursday, October 12, 1995, session of the Senate for the purpose of conducting a hearing on S. 1239, the Air Traffic Management System Performance Improvement Act of 1995.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, October 12, 1995, at 10:00 a.m.

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

COMMITTEE ON THE JUDICIARY

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Thursday, October 12, 1995.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for an Executive Session, during the session of the Senate on Thursday, October 12, 1995, at 9:30 a.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. DOLE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, October 12, 1995 at 3:00 p.m. to hold a closed conference with the House Permanent Select Committee on Intelligence on the fiscal year 1996 Intelligence authorization bill (H.R. 1655).

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

SPECIAL COMMITTEE ON AGING

Mr. DOLE. Mr. President, I wish to announce that the Special Committee on Aging will hold a hearing on Thursday, October 12, 1995, at 9:30 a.m., in room 628 of the Dirksen Senate Office Building. The hearing will discuss health care fraud.

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

SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

Mr. DOLE. Mr. President, I ask unanimous consent that the Subcommittee on East Asian and Pacific Affairs on the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, October 12, 1995, at 2 p.m.

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

SUBCOMMITTEE ON INTERNATIONAL FINANCE

Mr. DOLE. Mr. President, I ask unanimous consent that the Subcommittee on International Finance of the Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, October 12, 1995 to conduct a hearing on the semiannual report from the Trade Promotion Coordinating Committee.

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

ADDITIONAL STATEMENTS

PUBLIC UTILITY HOLDING COMPANY ACT OF 1995

● Mr. SHELBY. Mr. President, I am very pleased to see that a bill has been introduced to repeal the Public Utility Holding Company Act of 1935 [PUHCA]. PUHCA has long since outlived its usefulness. It has become duplicative with other regulation, both at the Federal and State levels. The utility industry, both gas and electric, has changed dramatically since PUHCA was first enacted, and particularly the new competitive pressures and State regulation that now exists, makes PUHCA unnecessary. I thank Chairman D'AMATO and my colleagues on the Banking Committee, and the Securities and Exchanges Commission [SEC], which has recommended repeal, for their diligence in bringing this legislation before us.

While the utility industry is changing, there are some who argue that any action on the repeal of PUHCA must be tied to broader changes in the structure of the electric utility industry. I do not accept or support that position, but rather believe that PUHCA can and should be repealed while the debate on the other broader issues matures. The SEC first recommended repeal of PUHCA in 1982, and have more recently, in June, called again for the antiquated law's repeal. We should act accordingly.●

IN PRAISE OF THE HAVERSTRAW ALL-STARS

● Mr. MOYNIHAN. Mr. President, I rise today to wish great congratulations to the Haverstraw Little League Senior League All-Stars.

This outstanding group of 14- and 15-year-olds from Rockland County played some of the best baseball of their young lives this summer. They were winners of the New York State and Eastern Regional Championships, and represented New York in the Little League Senior League World Series in Kissimmee, FL. Indeed, these young men have much to be proud of, as do their families, coaches, and community.

Most fittingly, on October 22, 1995, the team will be honored at a dinner held by the Knights of Columbus in Haverstraw, NY. In recognition of the team's successful season, I ask that the names of the players and coaches of the Haverstraw Little League Senior League All-Stars be printed in the RECORD.

The names follow:

Players: Craig Barton, Andrew Breuninger, Richard Chase, David Delarosa, John Grosso, Junior Lopez, Jorge Maldonado, Mike Persico, Jose Vasquez, Rapheal Cespedes, Chris Granata, R.J. Mackenzie, Joe Sansonetti, and Walter Vega. Manager: Gene Barnum. Coach: Howard Johnson. Coach: Bob Michelitch.●

TRIBUTE TO ROGER CROZIER

● Mr. ROTH. Mr. President, on September 29, 1995, at the Dupont Country Club in Wilmington, DE, the 5th annual Roger Crozier Invitational Golf for Adoption was held. This event benefits the Gladney Center, which places children for adoption throughout the United States, and the National Council for Adoption. It was created by an accomplished athlete, a successful

businessman, and a strong advocate for the cause of adoption, Mr. Roger Crozier. During the evening of the event, a special ceremony was held honoring Mr. Crozier for his achievements and efforts on behalf of adoption. The well-known sports writer, Tony Kornheiser, wrote a befitting tribute for the evening and I ask that the tribute by Mr. Kornheiser be printed in the RECORD.

The tribute follows:

REMARKS BY TONY KORNHEISER

Many of you in the audience may be young enough that you are not familiar with the great career Roger had in hockey. So let me fill you in a bit:

He played 14 years in the National Hockey League as a goalie. Of all the sports that I've covered, I think hockey is the toughest to play. You're hardly in motion at all in baseball. You're in motion all the time in basketball—but when you touch somebody in basketball you're called for a foul. In hockey, there is continuous motion and frequent violent hitting. True, the hitting is harder in football, but there is more rest between plays. So I think hockey stands alone in what it asks of you physically.

And of all the sports I've covered, I think playing goalie is the toughest position. The puck is flying at you, frequently at speeds exceeding 100 miles an hour. And often there are people between you and the puck, screening off your vision, so you don't even get a good look at the puck as it hurtles towards you. Sometimes, just before it gets there, just as you have your glove out to snatch it, somebody will nudge it with a stick or a skate, and you have to readjust instantaneously. As a goalie you are asked to be a wizard with your stick and glove, and an acrobat on your skates. And don't you ever forget that every eye in the place is on you. And should that puck trickle through your legs, or skip over your stock, or rip into the net behind you . . . you will hear boos that will make your ears burn. No matter how many pads a goalie wears, he's always naked out there. Sometimes I think goalies wear those masks less for protection from the puck than to hide their faces, so the booing fans won't know who to chase after the game.

Roger Crozier did this for 14 years at the highest level of hockey in the world. Can you imagine the skill and courage and reflexes it took to do it for that long.

You can't be ordinary and last 14 years. They'd have shipped you out long before that.

Roger was very good from the start. He was named Rookie of The Year in his first season in the league; his name is on the Calder Trophy along with people like Bobby Orr, Mario Lemieux and Denis Potvin—giants of the game. In Roger's rookie season a Canadian hockey writer said of Roger, ''Few goaltenders have descended on the National Hockey League in the past 10 years with the impact of the acrobatic Crozier. This sprawling, weaving, twisting hockey octopus is a fan's delight.''

Later in his career Roger played for Buffalo and Washington, expansion teams where there were so many holes in the defense that a goalie feels he's skating through swiss cheese. When a goaltender gets hot people say, appreciatively, ''He stood on his head tonight.'' Well, with an expansion team even standing on your head can't help. But in those early days with the Detroit Red Wings, Roger played on a team that gave him a chance to strut his stuff. Canadian columnist Red Burnett talked about Roger's goaltending style then, saying. ''He usually makes a last second lurch with the speed of a striking rattler to block or glove the puck. Some say he has the fastest catching hand in the business.'' Roger was in fact so fast and so good that in 1966, even though Detroit loss the Stanley Cup final to Montreal, Roger was named the Most Valuable Player in the playoffs. His name is engraved on the Conn Smythe trophy with Wayne Gretzky, Jean Beliveau and Guy Lafleur. That's very elite company.

Every generation throws another hero up the charts. People my age look back with awe and reverence at athletes like Jerry West, Oscar Robertson, Willie Mays and Mickey Mantle. But my children don't even recognize those names. For them it's Shaquille O'Neal and Ken Griffey Jr. When I go back even further and mention Bob Cousy or Ted Williams they look at me like I must have fought in the Civil War.

So it is that Roger Crozier's deeds on the ice grow a little dimmer with each passing year and each successive crop of wizard goaltenders. But as a sportswriter, and particularly as a grateful adoptive parent, I thought you'd like to know what this fine man did before you knew him.●

BUDGET SCOREKEEPING REPORT

● Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through October 10, 1995. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the 1996 concurrent resolution on the budget (H. Con. Res. 67), show that current level spending is below the budget resolution by $4.3 billion in budget authority and above the budget resolution by $2.9 billion in outlays. Current level is $44 million below the revenue floor in 1996 and below by $0.7 billion over the 5 years 1996–2000. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $248.5 billion, $2.9 billion above the maximum deficit amount for 1996 of $245.6 billion.

Since my last report, dated September 12 1995, Congress cleared for the President's signature the Alaska Native Claims Settlement Act (H.R. 402). The Congress also cleared and the President signed the Military Construction Appropriations Act (Public Law 104–32), and the 1996 Continuing Appropriations Act (Public Law 104–31). These actions changed the current level of budget authority and outlays.

The material follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 11, 1995.

Hon. PETE DOMENICI,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report for fiscal year 1996 shows the effects of Congressional action on the 1996 budget and is current through October 10, 1995. The estimates of budget authority, outlays and revenues are consistent with the technical and economic assumptions of the 1996 Concurrent Resolution on the Budget (H. Con. Res. 67). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended.

Since my last report, dated September 11, 1995, Congress cleared for the President's signature the Alaska Native Claims Settlement Act (H.R. 402). The Congress also cleared and the President signed the Military Construction Appropriations Act (P.L. 104–32), and the 1996 Continuing Appropriations Act (P.L. 104–31). These actions changed the current level of budget authority and outlays.

Sincerely,

JAMES L. BLUM
(For June E. O'Neill, Director).

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1996 104TH CONGRESS, 1ST SESSION, AS OF CLOSE OF BUSINESS OCTOBER 10, 1995

[In billions of dollars]

	Budget resolution (H. Con. Res. 67)	Current level [1]	Current level over/under resolution
ON-BUDGET			
Budget Authority	1,281.2	1,281.2	−4.3
Outlays	1,288.1	1,291.0	2.9
Revenues:			
1996	1,042.5	1,042.5	[2] −0.
1996–2000	5,691.5	5,690.8	−0.7
Deficit	245.6	248.5	2.9
Debt Subject to Limit	5,210.7	4,885.6	−325.1
OFF-BUDGET			
Social Security outlays:			
1996	299.4	299.4	0.0
1996–2000	1,626.5	1,626.5	0.0
Social Security revenues:			
1996	374.7	374.7	0.0
1996–2000	2,061.0	2,061.0	0.0

[1] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] Less than $50 million.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 104TH CONGRESS, 1ST SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1996, AS OF CLOSE OF BUSINESS

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues	.....	.....	1,042,557
Permanents and other spending legislation	830,272	798,924	.....
Appropriation legislation	0	242,052	.....
Offsetting receipts	−200,017	−200,017	.....
Total previously enacted	630,254	840,958	1,042,557
ENACTED THIS SESSION			
Appropriation bills:			
1995 Rescissions and Department of Defense Emergency Supplements Act (P.L. 104–6)	−100	−885	.....
1995 Rescissions and Emergency Supplementals for Disaster Assistance Act (P.L. 104–19)	22	−3,149	.....
Military construction (P.L. 104–32)	11,177	3,110	.....
Authorization bills: Self-Employed Health Insurance Act (P.L. 104–7)	−18	−18	−101
Total enacted this session	11,081	−942	−101
PENDING SIGNATURE			
Alsaka Native Claims Settlement Act (H.R. 402)			
CONTINUING RESOLUTION AUTHORITY			
Continuing appropriations, fiscal year 1996 (P.L. 104–31) [1]	454,979	282,907	.....

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 104TH CONGRESS, 1ST SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1996, AS OF CLOSE OF BUSINESS—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENTITLEMENT AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements other mandatory programs not yet enacted	184,908	168,049	.....
Total current level 2	1,281,223	1,290,973	1,042,456
Total budget resolution	1,285,500	1,288,100	1,042,500
Amount remaining:			
Under budget resolution	−4,277	.....	44
Over budget resolution	.....	2,873	.....

[1] This is an estimate of discretionary funding based on a full year calculation of the continuing resolution that expires November 13, 1995. It includes all appropriation bills except Military Construction, which was signed into law October 3, 1995.

[2] In accordance with the Budget Enforcement Act, the total does not include $3,275 million in budget authority and $1,504 million in outlays for funding of emergencies that have been designated as such by the President and the Congress.

Note.—Detail may not add due to rounding.●

CUTS TO CRIME PREVENTION EFFORTS

● Mr. HARKIN. Mr. President, on September 13, 1994, after 6 years of gridlock, President Clinton signed the toughest, smartest crime bill in American history. Rejecting the stale political debates that doomed earlier efforts, the Violent Crime Control Act [VCCA] offers a balanced approach to fighting crime—one that combines policing, prevention, and punishment.

In 1 year, the VCCA has made a difference. More police are on the beat. ''Three strikes and you're out'' is the law of the land. Interstate domestic violence, stalking and harassing are Federal offenses. Assault weapons can no longer be manufactured. States and cities have more resources to build boot camps. Law enforcement agencies across America have greater tools to implement drug courts, upgrade criminal record histories, and incarcerate violent offenders and keep them off the streets.

If we keep the promises we made to the American people 1 year ago when the Crime Act was passed, we will continue to have more police on the streets, more prisons to lock up violent offenders, and fewer neighborhoods where the streets remain empty and doors stay shut.

But just as new evidence indicates that violent crime among teenagers and young adults is skyrocketing, this Congress seems ready to break those promises. Unless we act now to stop young people from choosing a life of crime, the beginning of the 21st century could bring levels of violent crime to our communities that far exceed what we now experience. The programs created by the 1994 Crime Act are a critically important component in halting the advance of violence and crime. We need to ask at this critical junction: Will we build on the progress in the fight against crime, or will we let the ground we have gained slip away?

The crime control priorities funded in the fiscal year 1996 Commerce, State, Justice appropriations bill offer the Nation a very mixed message in answer to this question. Token programs are saved, but the majority of proven and effective crime prevention efforts are slashed or eliminated then tossed into a block grant with vague promises of being able to achieve similar levels of crime prevention.

This structure of priorities seems almost hypocritical for a Congress that is bent on reducing spending by eliminating waste in inefficiency. I share that goal, which is why I believe that crime prevention pays. Crime control costs the American people approximately $90 billion a year. Only a small amount of funding on crime prevention goes a long way in reducing incidences of crime and the costs of crime on our society.

On a positive note, the Edward Byrne Memorial State and Local Law Enforcement Assistance Program thankfully survived the slash-and-block attacks on crime control. Law enforcement officials have told me of the success they have had as a result of these funds. Drug enforcement task forces, improved law enforcement technology, the DARE Program, domestic violence intervention and countless other valuable antidrug and anticrime efforts have been possible, in part, through funding available under the Byrne Program. I quote from an officer on the front line in my home State of Iowa, ''The assistance we have received by way of the Edward Byrne grants has been the key to our approach in fighting drug violators.''

On the other hand, the Office of Community Oriented Policing Services [COPS], the cornerstone of the first year of crime fighting efforts, was eliminated by the committee. Under this funding bill that came to the floor, services provided by the COPS Program would have been forced to compete for scare resources with other crime prevention programs such as programs for delinquent and at-risk youth, gang resistance programs and many other community and school-based initiatives to keep kids from turning to a life of crime. The end result of course, would be less money for all crime prevention efforts.

Perhaps the most tragic aspect of the proposal to eliminate the COPS Program is the loss of local control. Proponents traditionally argue that block grants increase local control. The crime prevention block grant proposed in the Commerce, State, Justice funding bill does no such thing. This initiative replaces a highly successful program that responds to public desire for an increased police presence with a program that merely gives money to State governments that may keep up to 15 percent before distributing the remainder to local governments. Allowed uses for the funding are expanded to include not just additional funding for more cops on the beat, but also for procurement of equipment and prosecution. This is a significant departure from the COPS Program which funneled the funding directly to the local law enforcement agencies.

The COPS Program was created as a Federal-local law enforcement partnership, providing grants to local law enforcement agencies to hire 100,000 new officers. With community policing as its base, the program encourages the development of police-citizen cooperation to control crime, maintain order and improve the quality of life in America.

In less than 12 months, this program is ahead of schedule and on target in funding one quarter of the 100,000 cops promised to the American people. As a block grant under the Commerce, State, Justice bill there would be no requirement that even one officer is hired.

The block grant approach to crime prevention invites the abuse of funds the COPS Program was created to eliminate, as well as doing away with effective crime prevention programs that worked hand in hand with community policing initiatives set up under the COPS Program. The priorities delineated in the committee bill were misplaced, creating an ineffective response to our Nation's war against crime and a sad departure from the successful efforts started under the 1994 Violent Crime Control Act. I am happy that the COPS Program was restored during floor consideration and would urge my colleagues to continue their support for crime prevention efforts throughout the budget process.●

NATIONAL FIRE PREVENTION WEEK

● Mr. HATFIELD. Mr. President, October 8 through 14 marks the observance of National Fire Prevention Week. During this week, the Nation focuses its attention on fire safety awareness and education. These preventive efforts play an important part in the protection of our citizens from the devastation of accidental fire. While education is vital to fire prevention, the indispensable crux of our country's fire prevention efforts is the men and women who risk their lives daily to protect their community from harmful fires. These hard working individuals diligently serve the public despite the risks inherent in their profession.

Sadly, these risks sometimes overtake these public servants. Some may remember the terrible tragedy that occurred near Glenwood Springs, CO last year. On Wednesday, July 6, 1994, 14 elite firefighters died when a wildfire exploded up a mountainside. The Nation grieved that loss and we continued to extend our sympathies to the families and individuals affected.

I am especially saddened for the nine young men and women from Oregon who perished in the fire—Bonnie Holtby, Jon Kelso, Tami Bickett, Scott Blecha, Levi Brinkley, Kathi Beck, Rob

Johnson, Terri Hagen, and Doug Dunbar. These fine young men and women represented nearly half of a 20-person crew based in the Central Oregon town of Prineville. But they were not alone; individuals from Idaho, Montana, Georgia, and Colorado also met a tragic fate in the line of duty.

Calling themselves the Hot Shots, these elite firefighters were a special breed. The nine from Prineville came from a region especially susceptible to forest fires. But these Hot Shots were committed to fighting fires all over the country and served in States all over the west, where summer fires can be so dangerous. These young men and women came to Colorado directly from fires in California and Oregon. I know they took pride in being part of a national team and a national effort to protect our homes and communities from the terror of forest fires.

We have lost tremendous potential, hope, and energy with these young firefighters. Nothing can replace the loss of a loved one, but each year in October the Nation pauses to recognize the volunteer and career firefighters who have died in the line of duty. The National Fallen Firefighters Memorial in Emmitsburg, MD serves as a monument to the courage and dedication of these heroic men and women. This weekend families and friends gather together to mourn the loss of these courageous individuals and to commemorate the valiant service of firefighters across the Nation.

As these families collectively grieve, the Nation should share in their grief remembering the sacrifices of firefighters who have lost their lives in the line of duty. As we observe National Fire Prevention week and commemorate the actions of those no longer with us, we should also recognize the courage of our active firefighters who selflessly protect their communities day in and day out. These individuals deserve our recognition, our gratitude, and our highest admiration.●

MAKING MAJORITY COMMITTEE APPOINTMENTS

Mr. KEMPTHORNE. Mr. President, I send two resolutions to the desk making majority committee appointments and ask they be considered en bloc.

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

The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 183) making majority party appointments to certain Senate committees for the 104th Congress.

A resolution (S. Res. 184) making majority party appointments to certain Senate committees for the 104th Congress.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent the resolutions be considered and agreed to en bloc, and the motions to reconsider be laid upon the table.

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

The resolutions considered and agreed to en bloc are as follows:

S. RES. 183

Resolved, That the following shall constitute the majority party's membership on the following standing committees for the 104th Congress, or until their successors are chosen:

Appropriations: Mr. Hatfield, Mr. Stevens, Mr. Cochran, Mr. Specter, Mr. Domenici, Mr. Bond, Mr. Gorton, Mr. McConnell, Mr. Mack, Mr. Burns, Mr. Shelby, Mr. Jeffords, Mr. Gregg, Mr. Bennett, and Mr. Campbell.

Finance: Mr. Roth, Mr. Dole, Mr. Chafee, Mr. Grassley, Mr. Hatch, Mr. Simpson, Mr. Pressler, Mr. D'Amato, Mr. Murkowski, Mr. Nickles, and Mr. Gramm.

S. RES. 184

Resolved, That the following shall constitute the majority party's membership on the following standing committees for the 104th Congress, or until their successors are chosen:

Agriculture: Mr. Lugar, Mr. Dole, Mr. Helms, Mr. Cochran, Mr. McConnell, Mr. Craig, Mr. Coverdell, Mr. Santorum, Mr. Warner, and Mr. Grassley.

Banking, Housing and Urban Affairs: Mr. D'Amato, Mr. Gramm, Mr. Shelby, Mr. Bond, Mr. Mack, Mr. Faircloth, Mr. Bennett, Mr. Grams, and Mr. Domenici.

Commerce, Science and Transportation: Mr. Pressler, Mr. Stevens, Mr. McCain, Mr. Burns, Mr. Gorton, Mr. Lott, Mrs. Hutchison, Ms. Snowe, Mr. Ashcroft, and Mr. Frist.

Governmental Affairs: Mr. Stevens, Mr. Roth, Mr. Cohen, Mr. Thompson, Mr. Cochran, Mr. McCain, Mr. Smith, and Mr. Brown.

SUBSTITUTION OF CONFEREES

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent the following changes be made to majority appropriation conferees: H.R. 1868, foreign operations, Senator BENNETT in lieu of Senator GRAMM; H.R. 2002, Transportation, Senator SHELBY in lieu of Senator GRAMM; H.R. 2020, Treasury, Postal Service, Senator CAMPBELL in lieu of Senator GREGG; and H.R. 2099, VA–HUD, Senator CAMPBELL in lieu of Senator GRAMM.

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

APPOINTMENT OF SENATE LEGAL COUNSEL

Mr. KEMPTHORNE. I ask unanimous consent the Senate proceed to the immediate consideration of Senate Resolution 181, submitted earlier today by Senators DOLE and DASCHLE.

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

The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 181) relating to the appointment of Senate Legal Counsel.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at the appropriate place in the RECORD.

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

The resolution (S. Res. 181) was agreed to, as follows:

S. RES. 181

Resolved, That the appointment of Thomas B. Griffith to be Senate Legal Counsel, made by the President pro tempore this day, shall become effective as of October 24, 1995, and the term of service of the appointee shall expire at the end of the One Hundred Fifth Congress.

APPOINTMENT OF DEPUTY SENATE LEGAL COUNSEL

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Senate Resolution 182 submitted earlier today by Senators DOLE and DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 182) relating to the appointment of Deputy Senate Legal Counsel.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at the appropriate place in the RECORD.

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

The resolution (S. Res. 182) was agreed to, as follows:

S. RES. 182

Resolved, That the appointment of Morgan J. Frankel to be Deputy Senate Legal Counsel, made by the President pro tempore this day, shall become effective as of October 24, 1995, and the term of service of the appointee shall expire at the end of the One Hundred Fifth Congress.

ORDERS FOR FRIDAY, OCTOBER 13, 1995

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9:45 a.m., on Friday, October 13, 1995, that following the prayer, the Journal of proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day, that there then be a period for morning business until the hour of 10 a.m., with Senators permitted to speak for up to 5 minutes each, with the exception of the following: Senator GRASSLEY for 10 minutes.

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

PROGRAM

Mr. KEMPTHORNE. Mr. President, for the information of all Senators, it

is hoped that the Senate will be able to appoint conferees to the telecommunications bill as well as the welfare bill during Friday's session. My understanding is that there may be a request on the other side of the aisle for a motion on the telecommunications bill. Therefore, it may be necessary for a rollcall vote if that motion is made.

RECESS UNTIL 9:45 A.M. TOMORROW

Mr. KEMPTHORNE. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 9:12 p.m., recessed until Friday, October 13, 1995, at 9:45 a.m.