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# Senate

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

The PRESIDENT pro tempore. Our Chaplain this morning is Dr. O.S. Hawkins, pastor of the First Baptist Church of Dallas, TX. He is sponsored by Senator HUTCHISON.

PRAYER

The guest Chaplain, Dr. O.S. Hawkins, pastor of the First Baptist Church of Dallas, TX, offered the following prayer:

Dear Lord, thank You for the realization that You are truly alive today. Bring us to a conscious awareness that, as Your Word states, ''The Most High still rules over the affairs of men,'' that ''Your eyes run to and fro over this whole world to show Yourself strong in behalf of those whose hearts are fixed on You.''

Lord, impart a spirit of faith, hope, and love to this body of men and women in these strategic places of leadership. A spirit of faith because You said ''without faith it is impossible to please You.'' A spirit of hope because You are the personification of our hope, our blessed hope. And, a spirit of love because You said that is the single distinguishing characteristic by which we would be known. We ask these things in Jesus' name. Amen.

The PRESIDENT pro tempore, Senator HUTCHISON of Texas.

## ACCOLADES TO GUEST CHAPLAIN, DR. O.S. HAWKINS

Mrs. HUTCHISON. I want to say how pleased I am to have been able to invite Dr. O.S. Hawkins of the First Baptist Church of Dallas, one of the largest Baptist churches in the whole world, to be with us today. He is a very special person in my life, along with his wife, Susie, whose father I served with in the Texas Legislature. Susie Hawkins was just a girl when her father and I served in the legislature. My husband also served with Susie's father in the State legislature in Texas. Our family ties have gone back a long way.

I want to say Dr. Hawkins is one of the great future religious leaders of our country. He already has taken over this great Baptist church of Texas. We are very proud of him. He has been wonderful to my family and to me.

I also want to thank Dr. Ogilvie for helping us bring him in for the great honor of opening the Senate. I think it is a wonderful tradition we have to start every day as we do by just taking a moment to thank God for the blessings that we have in this country. I think Dr. Hawkins did it very well today. I commend him. I am proud to be one of his constituents.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER (Mr. COVERDELL). The Chair recognizes the Senator from Mississippi.

## SCHEDULE

Mr. LOTT. Mr. President, today the Senate will immediately begin consideration of the conference report accompanying H.R. 927, the Cuban sanctions bill. Under the current consent agreement reached last week, there will be 2½ hours of debate on the conference report divided equally between Senators COVERDELL and DODD.

Following debate on the conference report, the conference report will be set aside with a vote to occur on the adoption of that conference report at 2:15 today. At the hour of 12 noon today the Senate will begin 30 minutes of debate on the motion to invoke cloture on the District of Columbia conference report, with the vote to invoke cloture immediately following the 2:15 vote on the Cuban sanctions legislation.

The Senate will recess from the hours of 12:30 to 2:15 today for the weekly party conferences to meet. Senators should therefore be reminded there will be two consecutive rollcall votes beginning at 2:15 this afternoon, the first vote being on the Cuban conference report, followed by a vote on cloture on the D.C. conference report.

## CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY [LIBERTAD] ACT OF 1996—CONFERENCE REPORT

The PRESIDING OFFICER. The Chair lays before the House a conference report on H.R. 927. The report will be stated. The assistant legislative clerk read as follows:

> The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate 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, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of March 1, 1996.)

Mr. LOTT. I believe the managers of the legislation will be ready to go in a few minutes. Until they arrive, 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. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

PRIVILEGE OF THE FLOOR

Mr. COVERDELL. Mr. President, I ask unanimous consent that floor

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



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privileges be granted to the following staff members from the House Committee on International Relations, Mr. Roger Noriega and Mr. Stephen Rademaker, during the pendency of the conference report on H.R. 927 and for the rollcall votes thereon.

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

Mr. COVERDELL. Mr. President, we are beginning deliberation on the Cuban Liberty and Democratic Solidarity Act, H.R. 927. There has been much said about this piece of legislation. It has been controversial from the beginning.

I believe it is important that we put this legislation in context. This legislation, Mr. President, is directed at a dictator and regime that has engaged in the violation of human rights of their own people and others, murder, terrorism, exportation of revolution, and has been an open adversary of the United States of America and her people.

To put it in context, there have been decades of pursuit of the objectives I just referred to. In 1959, Cuba aided armed expeditions against Panama, the Dominican Republic, and Haiti. During the 1960's, Cuba backed attempts to develop guerrilla insurgencies in Guatemala, Colombia, Venezuela, Peru, and Bolivia. In the 1970's and the 1980's, Cuba had 50,000 troops in Angola; in Ethiopia, 24,000; and in Nicaragua 1,500.

By the end of 1960, the Cuban Government, under Fidel Castro, had expropriated all—all—private United States property in Cuba.

We all remember—or should remember—the confrontation between the United States and Cuba and the Soviet Union as they attempted to put hostile missiles on Cuban soil, directed at the United States. In July 1964 the Organization of American States voted to suspend diplomatic and trade relations with Cuba because of Cuban support for subversive activities in Venezuela.

In the 1980's, from April through September of 1980, 125,000 Cubans fled Cuba in the so-called Mariel boatlift. In February 1982 the Secretary of State added Cuba to the list of countries supporting international terrorists for its complicity with the M–19 movement in Colombia.

On April 29, 1994, Cuban border guards rammed and sank a private vessel, the *Olympia*, which had fled Cuba and was 25 nautical miles off its shores; 3 of the 21 Cubans aboard drowned, including two 6-year-old children.

On July 13, 1994, approximately 40 Cubans, many of whom were children, drowned when the tugboat *Trece de Marzo*, stolen by a group of Cubans attempting to flee Cuba, sank after being rammed by Cuban border guard vessels and flooded with fire hoses into the hold, sweeping the innocent citizens off the deck.

On December 22, 1995, the U.N. General Assembly approved a resolution, again calling on Cuba to cooperate fully with the U.N. Special Rapporteur, regretting profoundly the numerous violations of human rights and fundamental freedoms in Cuba.

Beginning on February 15, 1996, the Cuban Government began a crackdown on members of the Concilio Cubano, an umbrella group of more than 100 dissident organizations that had applied for permission to hold a national meeting on February 24, 1996.

And then, Mr. President, on February 24, Cuban MiG–29 fighter jets shot down two United States private airplanes, Cessna 336's, in the Florida straits, flown by members of the Cuban-American group, Brothers to the Rescue.

Mr. President, I might add that both aircraft were destroyed, unarmed, in international waters, 4 and 6 miles beyond Cuban airspace.

This incident has caused considerable outrage and has caused the administration to alter its policy of befriending the Castro government; and they have now come together with the authors of this resolution, Senator HELMS of North Carolina and Representative BURTON of Indiana, in an agreement to finally pass the Libertad Act and direct our hostility toward the Cuban Government.

But the point is that this is not an isolated incident. This is but one of hundreds of incidents and infractions of common and civil and appropriate behavior on the part of the Cuban Government, which it continues to fail to practice.

Let us look at a summary of the Libertad Act. Title I: Strengthening international sanctions against the Castro government.

It urges the President to seek in the U.N. Security Council an international embargo against the Castro dictatorship.

It authorizes the President to furnish assistance to support the democratic opposition and human rights groups in Cuba.

It instructs the United States executive directors to international financial institutions to oppose Cuban membership until the President determines that a democratically elected government is in power in Cuba.

It codifies—this is very important—it codifies the existing embargo on Cuba, making it law unless a transition government is in place.

Title II: Assistance to a free and independent Cuba, instructs the President to develop a plan for providing support to the Cuban people during the transition to a democratically elected government; and it authorizes the President to suspend the embargo, once a transition government is in place, and to terminate the embargo once a democratic government is in power in Cuba.

Title III: Protection of property rights of United States nationals. It establishes, as of August 1, 1996, a private right of action by which U.S. citizens can protect their interest in property confiscated—stolen—by the Castro government. The President has the authority to delay the effective date on a 6-month basis if he determines that such an act of delay is ''necessary to the national interest of the United States and will expedite the transition to a democratic government in Cuba.''

Title IV: Exclusion of certain aliens. It denies visas to aliens who confiscate, convert or traffic or benefit from property confiscated from United States nationals by the Cuban Government.

Mr. President, opponents of this legislation will contend that it will disrupt trade with our European and other allies and claim that the bill violates our international trade agreements. Although a number of our allies have expressed displeasure with this measure, the right-of-action provision will provide a measure of protection for all international investors by making it clear that trafficking in stolen property will not be tolerated.

We will be asked, ''Why limit the property rights debate encompassed in this bill to Cuban-Americans? Why not expand it to Americans from Poland or China or Vietnam or other nations of Eastern Europe?''

In fact, the United States has reached settlements of confiscated American property claims with Albania, Vietnam, the People's Republic of China and most of the States of Central and Eastern Europe, including the former German Democratic Republic —East Germany—Bulgaria, Yugoslavia, Poland, Hungary, Romania, and Czechoslovakia.

Castro, conversely, has shown no serious interest in the settling of property claims—neither of American citizens at the time of the seizures in the early 1960's, nor for the thousands of Cuban citizens who had property stolen by the regime since then. The only remedy the Libertad bill allows is for American citizens who meet the jurisdictional requirements to have their day in court to deter the continuing wrong of Castro's exploitation of property.

Opponents will say that the bill will result in an explosion of claims in the United States court system; but the primary intent of the right of action is as a deterrent to would-be investors in Cuba. Few actions are expected to be brought under this conference report because both parties must be sufficiently present in the United States to sustain jurisdiction in our courts. The Congressional Budget Office, in its estimate of the House bill, stated that they expect that only a few cases would actually go to trial.

Further, in the process of arriving at this conference agreement, there is a cap. The cases must involve property valued at $50,000 or more. We have concluded that there are only about 700 claims, principally commercial interests, that would therefore come under the act.

Mr. President, the Libertad conference report, as I said, provides a way for American citizens whose property was stolen by Fidel Castro to protect

their claim or receive compensation from those who knowingly and intentionally exploit that property and are in the United States under the jurisdiction of U.S. courts.

Castro is running a fire sale in stolen properties. Since his loss of $5 to $6 billion in annual Soviet subsidies, Castro is looking to capitalize on the sale of stolen property. He has gotten into the business of joint ventures with stolen property.

Imagine if you were in an airport in Canada or Europe and picked up a brochure actually advertising these properties to the highest bidder? The Castro regime offers the sale of the Hermanos Diaz Refinery in Santiago, Cuba. Its rightful owner, however, Mr. President, is Texaco.

''Item 119'' for sale is the Manuel M. Prieto sugar mill; its rightful owner is a naturalized U.S. citizen whom Castro has never been forced to compensate for the claim.

This is why title III is needed. It puts would-be investors—those who would be accomplices to a dictator and his property theft—on notice that, if they enrich themselves with stolen property, they will be held liable to the legitimate U.S. owners.

For some reason, the opponents of the pending bill have expressed outrage that American citizens would be given a means of defending their property in the United States. This bill violates no treaty or international convention. It does not violate customary international law, which recognizes that a nation's domestic courts may reach actions abroad when those actions directly affect that nation. There is no doubt that Castro's illegal confiscations and the exploitation of those properties has a direct effect on American citizens.

Mr. President, there is an old cliche that the truth is often stranger than fiction. I think that is the case here.

The United States has more effective mechanisms to protect fish and marine life than it has to protect Americans who have property stolen. We have statutes on the books to protect dolphins from tuna fishermen even when those provisions violate trade agreements. Other nations are required by U.S. law to protect sea turtles in order to continue having access to U.S. markets. Yet opponents of the Libertad bill object to protecting the legitimate interests of U.S. citizens.

Mr. President, property rights are the core of investments and commerce historically and forever.

I was recently in Nicaragua and had discussions with the Chamarro government, which was struggling to deal with property rights following the fall of the Sandinistas. Until they got that straight, there would be no investment.

There will never be a rebuilt Cuba without property adjudication—never.

Mr. President, this legislation moves to the center of the debate the issue of property rights and international treatment of property rights. I believe it is benchmark legislation. I believe it is legislation that can initiate positive new developments; that the scope and the breadth of it, as it moves the issue of property rights forward, will not only serve the citizens of the United States but the international community in general as we globally deal with the issue of property rights and the victims of property thefts. This is a singular case that demands our attention as it relates to Fidel Castro, his dictatorship, and the brutality of his regime.

Mr. President, I yield the floor to my distinguished colleague from Texas for a period of up to 5 minutes.

Mr. GRAMM. Can we make that 10?

Mr. COVERDELL. Can we use 5 minutes and come back?

Mr. GRAMM. All right.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, 50 years ago today Winston Churchill came to America to a tiny college in the middle of the Midwest—to Westminster College—and gave a speech that awakened America and the world to a crisis. We all know that speech. We all remember it from our childhood, or reading about it in history books. He talked about the descending of an iron curtain across the face of Europe. And, while the cold war was already underway, that speech probably more than anything else awakened America and the world to the Soviet threat.

We started to respond with the policy of containment. We responded by building up NATO and SEATO. We responded by fighting in Korea and Vietnam. We responded with the Marshall plan and the Truman plan to expand trade and work toward free trade. Our policies won the cold war, tore down the Berlin Wall, liberated Eastern Europe, and transformed the Soviet Union. We won one of the greatest victories in the history of mankind.

But there still is important unfinished business from the cold war. Communist China is in transition, and so is Vietnam. But there are two Communist regimes on this planet that are totally unchanged, that still believe in Marxism and Leninism, that still are committed to everything that we oppose in the world. One of those regimes is the military dictatorship in North Korea. The other is Fidel Castro's Cuba.

For 3 years, Bill Clinton has coddled both of those regimes. We have a policy in place today to give, through an international consortium, $4 billion to North Korea to build for them two nuclear powerplants even though there is no evidence whatsoever that either of the existing nuclear powerplants in North Korea was ever used to generate a watt of electricity or ever had any purpose other than building nuclear weapons. We are today supplying oil through that consortium to North Korea and propping up a Communist regime.

President Clinton for 3 years has coddled Fidel Castro. He announced a policy last year that enforced the imprisonment of the Cuban people—that actually used the United States Navy to enforce the imprisonment of the Cuban people. The United States Navy was given the assignment by the President of the United States to pick up people who risk their lives to flee Communist oppression from Cuba, put them in American naval vessels, and then turn those people back over to Fidel Castro. The President set out a policy that opened the door for nongovernment organizations to establish a presence in Cuba and in the process started what Fidel Castro believed, and the world believed, was a movement toward normalization. Voices were raised in Congress in opposition to the President's policy. Both the distinguished Senator from Georgia and I spoke out against it, as did many others.

We now see the fruit of that policy, and the fruit of that policy is that Fidel Castro brutally murdered four Americans. We have the tapes of the communications from the MiG's as they talked to their home base, identifying civilian planes with no armament. We have the tapes of those conversations when they then boasted how they were going to destroy these planes. On an order from their home base, they fired the missiles that killed four American citizens.

We are now considering a bill to change our relationship with Castro's Cuba and bring it back to what it has always been; that is, a policy of strong opposition.

The PRESIDING OFFICER. The Senator's 5 minutes has expired.

Mr. COVERDELL. Mr. President, I yield an additional 5 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, our position expressed with this bill goes back to what our position has been with regard to Fidel Castro since the early days of that brutal regime. Our position is founded on the recognition that Fidel Castro is a brutal dictator and murderer and that his regime in Cuba must end.

Our position under Democrat and Republican administrations has always been—until the Clinton administration—a commitment to the isolation of Castro's Cuba, and a commitment to seeing the overthrow of Fidel Castro and his accomplices.

Today with this bill, we restore that policy and we hit Fidel Castro where it hurts the most. We hit him in the pocketbook. We allow Americans to sue those who buy their property stolen by Castro, to sue those who are trafficking in stolen goods. With this bill we allow Americans to sue international interests in American courts to recover damages. The effective result of that will be that private investors will think two and three times before they bring their investment money to Castro's Cuba.

Let me also say, Mr. President, that there is more that we can do. I think the President ought to act unilaterally to deny Americans the ability to send money to Castro's Cuba.

While it is true that allowing people to send money to their relatives provides some temporary assistance to them, some relief to them, those funds, that hard currency also props up Castro's Cuba, allowing Castro to continue his imprisonment of the people. It prolongs their misery, and in my opinion that should be ended.

I believe that we should demand that Cuba turn over the two pilots who fired the missiles, turn over the air traffic controller who gave the order to fire, and turn over anyone in the chain of command who was engaged in giving the orders or carrying those orders that killed four Americans. As we did in Iraq, as we have done in Bosnia, I think we need to declare a no-fly zone over Cuba for military aircraft until those people are turned over, and I think we ought to enforce that no-fly zone.

I believe we need to recommit ourselves to the principle that Fidel Castro and his regime will not survive the end of the 20th century. What a terrible tragedy it would be if this tidal wave of freedom which has covered the planet is allowed to subside before it drowns Fidel Castro. I think we have in these brutal murders a new example to remind us again of who Fidel Castro is and what he stands for, and I believe we should dedicate ourselves to the principle that the 20th century will not end and find the Castro dictatorship intact in Cuba.

This bill is a step forward. I urge the President to take other actions, such as to cut off cash transfers to Cuba by American citizens, to demand that the pilots and the air traffic controllers who were responsible for the death of four Americans be turned over, along with anyone in the chain of command who gave or carried out those orders. I think we ought to enforce that with a no-fly zone.

I congratulate our colleagues from Georgia and North Carolina for their leadership on this bill. This is long overdue. We should have made this bill the law of the land last year. I remind my colleagues and the American people that up until the last few days President Clinton fought this bill and threatened to veto this bill. He thought his policy of coddling Fidel Castro was working. He thought a movement toward normalization of relations with Castro's Cuba could be successful. We now know what the fruits of that policy were: death for four Americans. I say enough is enough. Let us restore freedom and democracy to Cuba. Let us do it in this century. Starting with this bill let us get serious.

I thank our colleague for yielding to me.

Mr. COVERDELL. Mr. President, I yield the Senator from New Mexico 3 minutes to speak in support of the conference report.

Mr. DOMENICI. Mr. President, I rise to support the conference report of H.R. 927, the Cuban Liberty and Democratic Solidarity Act. I commend Senator HELMS and Congressman BURTON for their foresight and fortitude in tackling the Castro regime.

On Saturday, February 24, two Cuban MiG fighter jets shot down two civilian, unarmed Cessna aircraft off the coast of Cuba. The Cuban pilots gave the Cessnas no warning. These planes were operated by Brothers to the Rescue, a group based in Miami whose mission is to look for Cuban refugees floating toward the United States.

The Havana government has failed to provide proof that the Cessnas were in Cuban airspace, but never mind that. No country has the right to shoot down civilian planes. Cuba even adopted the 1983 international rules stating that there is never a justification for such actions.

These planes posed no threat to Cuba's security. They were unarmed on a nonviolent humanitarian mission, and the Cuban Government knew it. To respond with deadly force is a shamelessly cruel act. This is cold-blooded murder and shows Fidel Castro's total disregard for human life as an alleged attempt to enforce Cuban sovereignty.

My deepest sympathy goes out to the families and friends of the four pilots killed.

Mr. President, some politicians and businessmen were encouraged over this past year, encouraged that Castro and Cuba were reforming and open to a warmer United States relationship. But we should not have been surprised by Cuba's latest crime against the United States. Castro is a ruthless dictator and we must stop underestimating him.

No matter how open the Cuban economy becomes, Castro never will change. A dictator who enforces doctrines through the secret police, firing squads, taking political prisoners, confiscating property, and limiting the basic rights of Cuban citizens. Only a brutal and vicious dictator could justify the murder of these four unarmed pilots all to counter the threat the Brothers to the Rescue makes on his cruel, authoritarian government.

Our best chance to oust Fidel Castro from power is now. The Cuban economy is in a crisis and Castro's totalitarian leadership has been threatened. H.R. 927 is our chance to exert more pressure on Mr. Castro, on the Cuban economy, and on those aiding the Cuban economy by trafficking in confiscated United States property.

Within 2 weeks of taking power in 1959, Castro issued his constitutional amendment authorizing the confiscation of property. In the following 2 years, Castro demolished private property rights by expropriating all businesses in Cuba owned by United States citizens, nationalizing industries owned by United States companies, and confiscating personal property of Cubans who left the country.

No compensation has been made in any U.S. claim in 37 years. Instead Castro has energetically promoted the exploitation of this stolen property by third-country joint ventures and foreign investment in order to sustain its faltering economy. These joint ventures have abounded, but to the benefit of Castro, not to the Cuban people whose labor is exploited. The Cuban Government has used the exploitation of working people and the absence of individual human rights as a lure to attract investors.

Mr. President, I rise in support of H.R. 927 because it would stop such deals and stop the resources Castro needs to restrain his ruthless and repressive regime.

Might I say to my friend from Texas, Senator GRAMM, I listened to part of his remarks, and I commend him for them. I think the Senator would share with me a concern about the very strange situation that in the United States we are bragging about. The world is moving toward democracy and free enterprise and private property rights—we kind of call it Pax Americana. Everybody is moving in that direction, and everybody is saying we are going to have a better life for billions of people than we ever thought we would have had 10 years ago when the potential for Communist dictatorships was very prevalent throughout the world. Is it not strange that right off our coastline sits a Communist dictator who is still in power, still in office while his people suffer, while his economy deteriorates, while people have no chance there of freedom and individual opportunity and individual rights?

I am sorry that it takes this kind of incident for the U.S. Government to become serious about doing everything in its power to erase that dictatorship from the face of the Earth.

This bill will push in that direction, but obviously this country also requires sustained leadership at the top levels of our Government. Leadership that will not bend its ideas to any concept that Castro is going to reform, and that things are going to work out in some normal way. We have to lend ourselves in legitimate ways to getting rid of this dictator and letting those people be free.

Can you imagine what is going to happen to that country when they are free and when enterprise is alive again? Just go to Florida and see what those people who have escaped this yoke are doing. Cubans will do the same in their country once they are free, but for now they cannot.

Today, Cubans are prisoners in their own country.

Again, I compliment the committee for what they have done in this bill and urge that the President sign it. I think that is what the Senator is saying, and perhaps that is not even enough, but let us get started today.

Mr. President, I yield the floor.

Mr. COVERDELL. Mr. President, I yield 5 minutes to the Senator from

Florida to speak in support of the conference report.

(Mr. FRIST assumed the chair.)

Mr. MACK. I thank the Senator from Georgia for yielding me this time.

I rise today in support of the Cuban Liberty and Democratic Solidarity Act, H.R. 927. I am proud that I was an original cosponsor of this bill and to have worked in support of its passage.

I commend my colleagues, particularly Senator HELMS and Congressmen BURTON, DIAZ-BALART, and MENENDEZ, and Congresswoman ROS-LEHTINEN for their efforts.

This bill reflects the heartfelt desire of many Americans to see the end of the tyranny and decades-long repression Castro has inflicted on his people. Make no mistake: The killing of the four Brothers to the Rescue was not out of character for Fidel Castro. The Cuban Government's heinous conduct reminded the world of Fidel Castro's true colors.

I might just say to those who take the opportunity to read about Fidel Castro's history, you will find that those words I just mentioned about not being out of character are quite accurate. The Cuban Government's heinous conduct, as I said a moment ago, reminded the world of his true colors. The brutal murder of unarmed Brothers to the Rescue occurred on a weekend when a prodemocracy and human rights group was to conduct an organizational meeting before Castro stopped it. Scores of Cubans affiliated with the group have been arrested, detained and harassed. In 1994, a tugboat with freedom-seeking Cubans was rammed by Cuban Government ships until it sank. Year after year, Cuba has had one of the world's worst human rights records.

It is time for tough talk to give way to tough actions. Guided by the principle that freedom is the core of all human progress, the bill contains provisions designed to isolate Fidel Castro, squeeze him from power and usher in an era of democracy and freedom.

In the best spirit of the American people, this legislation holds out the prospect of United States aid to transition and democratic governments in Cuba.

America will be there as soon as we can but not a moment before the long nightmare of the Castro regime is ended. So long as Fidel Castro is in power, United States hard currency, financing and other kinds of support will not go to the Cuban regime. We know that Castro uses the hard currency he gets from foreign investment to support the instruments of power and repression, and that must stop.

President Clinton last week finally agreed so support the Cuban Liberty and Democratic Solidarity Act. His support for the bill is welcome, if overdue. I am sorry it took the tragic murder of four pilots to focus the administration's mind on this bill.

Castro's efforts to intimidate the United States through onslaughts of refugees and now through the brutal and calculated shooting down of civilian humanitarian planes have come during Democratic administrations when Cuban policy has been weakened. It was incumbent upon President Clinton to stop delaying the Cuban Liberty and Democratic Solidarity Act. Anything less would have been a travesty and dishonored the lives of the Brothers to the Rescue who lost their lives.

With the President's agreement and with his call to congressional Democrats to support the legislation, America's long history of bipartisan opposition to tyranny in Cuba has been restored.

The bill that passed the House-Senate conference is even stronger than the bill that first passed the House. It contains the extremely important provisions of title III which deny Castro the ability to profit from illegally confiscated properties of Americans.

It also contains title IV's powerful provisions denying U.S. visas to individuals who traffic in confiscated property.

Although the bill gives waiver authority to the President, President Clinton will be hard pressed to find conditions that merit waiving the title III provisions.

It took tremendous pressure from the Congress to make the President accept title III. He will face the same pressure again should he attempt to delay the effect of title III's right to sue.

The bill also provides that all provisions of the United States embargo against Cuba will be codified in law, ensuring that the embargo will be preserved until a democratic transition is underway in Cuba.

All existing Cuban embargo Executive orders and regulations will now be signed into law. This is a major victory for the opponents of the Castro regime. No longer can President Clinton react unilaterally to a supposed reform in Cuba and lift a sanction here or there. No longer can administration wavering on the embargo threaten the historic policy of isolating the repressive Cuban regime.

When President Clinton announced measures in reaction to the shooting down of American citizens, he said they were a first step, and they had better be. While Ambassador Albright's performance at the United Nations was commendable, the administration must do more to convince our allies to impose an international embargo against Cuba and treat Fidel Castro as an outcast. His record deserves nothing less.

The fight must be taken up in every capital around the world. I believe our allies would respond to a sincere and concerted effort to win our cooperation in the embargo. Our Government must make the case that foreign investment perpetuates a dictatorship bent on brutality and repression, and it must stop.

I thank the President's support of the Libertad bill. Now he must take our Cuba policy to another level—to make it a priority with our allies to stop foreign investment in Cuba for the life of the Castro regime. I promise you, without that foreign investment, Castro's regime of repression cannot stand. It will be all that much sooner when the Cuban people can create a new society of freedom, justice, democracy and the protection of basic human rights.

I yield the floor.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I wish to add my voice to those who have expressed their outrage about the Cuban Government's reckless and caloused shooting down of two small, unarmed civilian aircraft flown by the exile humanitarian group, Brothers to the Rescue. These shootings, which took place on the 24th of February, are deplorable, and I endorse the President's efforts to console and aid the families of those who died in this tragedy.

But as heinous as this shooting was, it does not justify the passage of wrongheaded legislation. Everything that was wrong with the Helms-Burton legislation before the incident remains wrong today.

I am reminded of the words of former Chief Justice Oliver Wendell Holmes who, in a dissenting decision, stated as follows:

> Great cases like hard cases make bad law. For great cases are called great, not by reason of their real importance in shaping the law of the future, but because of some accident of immediate overwhelming interest which appeals to the feelings and distorts the judgment. These immediate interests exercise a kind of hydraulic pressure which makes what previously was clear seem doubtful, and before which even well settled principles of law will bend.

Mr. President, the shooting of these planes have created, in Justice Holmes' words ''overwhelming interest which appeals to the feelings and distorts the judgment.'' We in the Senate are feeling that ''hydraulic pressure'' to which Justice Holmes referred. Senator HELMS and others who have stated that the message of this bill is ''Farewell, Fidel,'' are ignoring the utter failure of 35 years of our embargo against Cuba.

Rather, the Helms-Burton legislation is now being adopted and embraced by both parties and, unfortunately, by the President in a bid to curry favor with the Cuban-American community. As I have argued before on this floor, the passage of this bill will harm rather than help American interests in Cuba. It will restrict this President and any future President's hand in conducting foreign policy with an important neighboring nation and in responding to events quickly when the need arises. And it will codify in law an Executive order imposing an economic embargo on Cuba that has clearly failed.

Our Nation's foreign policy is rife with anachronisms, and I cannot support helping to reinforce and entrench in our foreign policy such an outmoded and regressive policy as is reflected in this bill.

In October of last year, the President announced a plan that received much bipartisan praise. The President promised to more vigorously enforce laws against unlicensed travel to Cuba, but to broaden support for cultural, intellectual and educational exchange in a way that the people of Cuba could encounter more frequently and broadly the fruits of democracy at work in the United States.

The President stated that he would license non-Government organizations to operate in Cuba, to provide information and to provide emergency relief when needed, to provide 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 would be permitted to visit Cuba to tend to family crises and that these one-time-per-year licenses to visit would not be stymied by the delays and management problems that frustrate American citizens attempting to get to Cuba when a family emergency hits.

These steps were important ones and they did not strengthen Castro's hand. What these provisions did was to help bond the people of Cuba to the people of the United States. For 35 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 had completely failed. We need a new direction, and it must involve building bridges with the Cuban people.

The Helms-Burton legislation will only injure and alienate ordinary Cubans, weaken Cuba's civil society, and retard Cuba's democratization. And the unprecedented effort to impose United States policies on other countries will make it more difficult for the United States Government to cooperate with its allies in fashioning a joint approach towards Cuba.

The problems with the bill before us are summed up well in an article this week by Walter Russell Mead in the New Yorker. Let me just quote a couple of sentences from that article. He says:

> Now President Clinton has agreed to sign the so-called Helms-Burton bill—a piece of legislation that will cement the embargo into law and deprive the President of the option of modulating it for diplomatic purposes. It will also permit lawsuits in American courts against Canadian, Mexican, European and other foreign companies whose Cuban investments involve the use of expropriated property—a category broad enough to include virtually every activity in Cuba. Moreover, the officers of these companies will be ineligible for American visas . . .
>
> . . . Fidel Castro has survived the enmity of nine American Presidents. In concert with his enemies in South Florida, he retains a hypnotic ability to induce stupidity in Yankee policymakers. That seems unlikely to change until the United States Government gets around to taking control of its Cuba policy away from a small, self-interested lobby group.

Mr. President, this bill is an anachronism that ties America to a past from which it needs to move on. America is the only industrial power in the world maintaining an economic embargo against Cuba. It is time we consider a new course. The shooting down of two civilian aircraft was a great tragedy that we all should mourn, but as Chief Justice Holmes warned, we need to stand strong against the ''hydraulic pressure'' of momentary events that evidently will cause this Congress to enact this very misguided law.

Mr. President, I yield the floor.

Mr. COVERDELL. Mr. President, I yield 3 minutes to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I wish to congratulate the Senator from Georgia and also the Senator from North Carolina for bringing forward the Libertad Act, which is a very appropriate act in light of what has happened recently in Cuba, but it is more appropriate in light of what has happened in the last 37 years.

This is not an event of momentary instance, as was just referred to by the Senator from New Mexico, in my opinion. This is a problem that has existed and confronted this country for 37 years, and we have failed to take the aggressive action we should have to relieve the Cuban people of the dictatorship which has oppressed them in the last 37 years.

The least we can do as a nation is not aid and abet the activities of Fidel Castro and his actions, which have been to oppress his people, by giving him economic assistance and by giving him psychological support. This bill makes it very clear that no longer shall we give Cuba economic assistance in any way, indirectly or directly. We will no longer allow our citizens, American citizens, to have their property expropriated and mismanaged by this illegal and criminal government which now governs Cuba, but rather we will say clearly to the world that you have to choose between a democracy of America and American citizens whose rights are being abused, and in the instances of 2 weeks ago actually being killed, at the hands of this dictatorship, or you can choose the Government of Cuba operated by a dictator.

That is what this bill essentially says. It says to the world it is time to choose up in this confrontation. Unfortunately, this administration has had a schizophrenic, almost bumper-car approach to its foreign policy, but also on its policy to Cuba, it almost looks as if with Cuba they are looking through the eyes of the radical chic, the 1960's view of the world, which still views Castro as some sort of character of sympathy or character of international quality, whereas, in fact, he has proven himself over 37 years to be nothing more than a petty 2-cent dictator who has oppressed his people for his own personal gain.

Yet, this administration is not willing to face up to that, or has not been until American citizens lives were lost. Now we are going to give this administration and this country some teeth to come forward and say to Cuba, ''No longer will we tolerate your form of government and to support the Cuban people and especially Cuban Americans who have lost their property in that nation.''

So I want to commend again this bill, and I want to commend the authors of this bill. I was one of the original coauthors of this bill. I strongly support its initiatives, and I congratulate the Senator from North Carolina and the Senator from Georgia for bringing it forward today. I hope we will pass it overwhelmingly, send it to the White House, and we will finally see a definitive course from the White House by their signing this piece of legislation.

I yield back the remainder of my time.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I believe we all want to promote a peaceful transition to democracy and economic liberalization in Cuba. Where we clearly differ is on how we get there.

Despite the recent tragic loss of life in the shootdown of two unarmed civilian aircraft by the Cuban Air Force, I continue to believe that the Cuba legislation before us takes us further away from achieving the goal of democracy and economic reform on the island of Cuba.

If anything, the conference agreement takes us even further down that wrong road than either the House- or Senate-passed versions of the bill did.

It is naive, in my view, to think that this bill or any sanctions legislation we might pass will succeed in forcing Castro to step aside when all similar actions in the past over many, many years have failed.

All we are likely to ensure is that the living conditions of the Cuban people are made even worse, making a mass exodus from for Miami the only attractive option. Taken to its most extreme, this bill could even provoke serious violence on the island.

In some ways, this legislation is even more problematic than earlier efforts to tighten the screws on Castro. I say this because its implications go well beyond United States and Cuban relations. It now allows that our foreign allies and friends can be sued in American courts for undertaking activities totally lawful in their own countries. It mandates that the Secretary of State deny entry into the United States those foreign businessmen and women and their families. Clearly, these measures can only alienate our allies and undermine American global foreign policy objectives.

Thirty-five years of policies of United States isolation have failed to change Castro, or convince our allies of the wisdom of our policy. Is it not time to try something else? I think of the success we had in Eastern Europe, when

freedom, free thinking and democracy came over those countries as they opened. Is it not time to try a similar approach in Cuba, particularly when we think that it has now been 35 years that we have been trying this approach and we have had absolutely no success?

We are just about where we were—a little worse off with our relationship—35 years ago.

I continue to hold the view that contact and dialog between Havana and Washington is more likely to bring about democracy on the island of Cuba, not isolation and impoverishment. Perhaps if we took that approach, our allies would be more likely to support our policy with respect to Cuba, which virtually none of them do at this time.

The bill before us has gone through a number of changes since it was first introduced. However, no version to date resolves the fundamental problem that I have with the direction it takes U.S. policy. It take us further down the road and leads to no where rather than reversing course, as we should have done years ago and can still do, and open up. When we have a free exchange of ideas in which we have free competition between democratic ideas and Communist ideas, democracy usually, one can say always, wins out.

I yield the floor.

Mr. DODD. Mr. President, I yield 5 minutes to my colleague from Illinois.

Mr. SIMON. Mr. President, I recognize this bill is going to pass, and I recognize the President is going to sign it. It is bad legislation. It is an emotional reaction to a situation that, obviously, all Americans are unhappy about. The action of Castro in shooting down those planes is indefensible. I have to add, our policy toward Cuba has been the basic cause of the friction. If that policy had changed a long time ago, those planes would not have been shot down.

I will take two examples—Cuba and China. Will anyone here suggest—and I do not for a moment defend the human rights policies of Fidel Castro—but does anyone here suggest that Cuba's human rights policy is worse than China's? Yet, what do we do? We say to China, ''We are going to give you the MFN status, the favorable treatment on trade.'' When China growls, as the Presiding Officer knows, we quake.

I think it is a bad policy to have one policy like this on China and another totally different policy on Castro, who is not a threat to anybody. How many nations in the world follow the policy that we do on Cuba? None. Not even our good friend, Israel, who frequently, probably sometimes in embarrassment, votes with the United States. No nation follows our policy on Cuba. It just does not make sense.

Stephen Chapman had an op-ed piece in the Chicago Tribune—he is a regular columnist there—in which he quotes Senator DOLE as saying:

> ''Firmness and pressure'' is what we have to use against Cuba. He says, ''Firmness and pressure are what the United States has used against Castro since he came to power in 1959, and if they had succeeded, we wouldn't be dealing with him today. The Cuban dictator has outlasted eight American presidents, and the odds are good that Bill Clinton will also leave office long before Castro does. By any conceivable standard, our efforts to bring down his regime or force him into democratic reforms have been a monumental failure.''

No question about it. If in the old days of the Soviet Union, the Soviets and Castro had gotten together and said, ''How can we design American policy so Fidel Castro can stay in power,'' they could not have designed a better policy than the United States followed. It is absolutely self-defeating.

It is interesting how we treat two different incidents. Belorussia shot down two American balloonists—innocent balloonists. We protested. Belorussia apologized. The incident has been forgotten. Now, there are differences. One is that Cuba has not apologized, which they should. But the other difference is, those balloonists were completely innocent. They were not trying to overthrow the Government of Belorussia.

It is a different situation, but the response is obviously an emotional response on our part. Foreign policy ought to represent national interests and not national passion. What our policy toward Cuba represents is national passion, rather than national interests and a desire to get those electoral votes in Florida.

Now, both parties are guilty. I recognize that. That is not the way you ought to make foreign policy.

Mr. DODD. I yield 2 additional minutes to the Senator from Illinois.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Illinois.

Mr. SIMON. It does not make sense.

The bill that is before the Senate, among other things, codifies existing sanctions. That means, and I say to my colleague from Georgia and I say to my colleague from Wyoming, if BOB DOLE is elected President of the United States and wants some flexibility in dealing with Cuba, we have taken that away. I think we ought to leave flexibility in the hands of the President of the United States.

Canada's Trade Minister, quoting in the Washington Post:

> ''If the United States wants to get at Cuba, that's one thing. But what they are doing here is contrary to the relationship we have had with them and it is a violation of NAFTA.'' That is the Trade Minister of Canada.

I read, and I regret I did not cut out an article by a woman professor who is a Cuban exile who said we are just playing into Castro's hands. What he wants is for the United States to beat up on Castro so he can say, ''I am standing up to this big bully.''

In the Washington Post, March 3, Louis F. Desloge had an article in which he says, talking about this bill, ''They may very well achieve just the opposite of what they seek by buttressing, not undermining, Castro's support at home and weakening, not strengthening, the embargo's prohibition on trade with Cuba.''

This is a Cuban-American exile. This whole thing just does not make sense. The only thing that makes sense is yielding to the national passion and yielding to electoral politics. It is not good foreign policy. I will vote against it.

Mr. DODD. Mr. President, I yield myself such time as I may consume. Let me thank my colleagues, Senator PELL of Rhode Island, Senator BINGAMAN of New Mexico, and my colleague from Illinois, Senator SIMON, for their statements here this morning.

Mr. President, I rise to express my strong opposition to this legislation. This piece of legislation before us is truly just a bad proposal, Mr. President. The unfortunate part of it is that it comes in the wake of a tragedy of significant proportions in the Straits of Florida. That is what makes it so difficult to act sensibly.

Obviously, the authors of the legislation had a difficult time, over a year or so, moving this bill forward for the obvious reasons that the bill is so flawed substantively that many Members were reluctant to sign on to it. However, in the wake of what I call a terrorist act in the straits of Florida by a rogue government attacking innocent pilots and unarmed planes, it is virtually impossible at this point to have an intelligent discussion about the specifics of this bill.

I suspect that today this measure will pass overwhelmingly, and I feel that is a great tragedy. I think it will come back to haunt us terribly. With the provisions of this bill—we are carving out exceptions that will create a nightmare for us in our Federal courts, in our consular offices, in our relations with our friends and allies—I will go through the reasons why here this morning.

I certainly want to begin my remarks, Mr. President, by saying to my colleagues and others, and particularly to the families of these young men who lost their lives at the hands of an armed MiG attacking single-engine planes, Piper-Cubs how much I regret that violent act. To me it does not matter whether they were flying over Havana. It is inexcusable for a heavily armed plane to attack unarmed commercial private planes under any circumstances.

The debate ought not be about whether or not we are all horrified and angry over what happened a week ago Saturday in the straits of Florida. That is not the debate. I think people agree with the President's actions—he spoke out clearly on this issue immediately. I want to applaud Madeleine Albright, our Ambassador at the United Nations, who did a remarkable job. Getting the People's Republic of China to agree to a statement of condemnation was no small feat considering the relationship that exists between Cuba and the PRC. The fact she was able to

do that speaks volumes about her ability as our Ambassador.

I regret we did not build on that particular momentum and seek to expand the support within the United Nations for other joint initiatives which might have had even a greater effect on Cuban behavior. As we all know, every time there has been an issue in the United Nations on the Cuban embargo, we get two or three votes in support of our policy and that is it. We get clobbered on this issue. I suspect as a result of the legislation we are about to adopt here today that will be the case once again. Instead of building on Ambassador Albright's efforts, the Security Council will now squander that particular achievement.

Mr. President, again, I do not take a back seat to anybody when it comes to condemnation of this act. I do not take a back seat to anyone in my desire to see change in Cuba. It is a dictatorship. No other way to describe it. That is what it is. Our hope is that democracy will come to this island as the last nation in this hemisphere to be denied the opportunity of its own people to choose its own leadership.

In the strongest of possible terms, Mr. President, I would say to my colleagues that I carry no brief for the Cuban Government—none whatsoever. Nor do any of my colleagues who join me in opposition to this bill. Our opposition to this legislation is rooted in something that each and every one of us ought to ask ourselves when we consider any bill that comes before the Congress, particularly one involving international relations: Is it good for my country first and foremost? It is not about Cuba, not about Castro, not about others. It is strictly is it good for us? What does it do to my country? I am a U.S. Senator; I am not a Senator for any particular group. I am not a Senator for any particular nation except my own.

So the first, threshold question is: What does this bill do to my people, to my country, to my interests?

I will make the case here this morning that this bill is devastating to my people and to my country. It is foolish. Despite the obvious emotion surrounding what happened last week, we ought to be looking carefully at the contents of this measure. There is a reason why the Senate is a deliberate body—why we follow a process here.

The consideration of this bill has been anything but deliberative. We had no markup of this bill in the Senate Foreign Relations Committee, not a markup of this bill. We held a hearing on a very early version of the bill and no followup hearings once the legislation had been significantly altered. The bill itself came directly to the Senate floor without any vote to report it from the committee of jurisdiction.

Normally, on a bill of this significance, this magnitude, considering what an exception we are creating in law, you would have thought we would have had extensive hearings and a markup in the Senate Foreign Relations Committee. That was not the case. The conference was similarly conducted with the proponents of the bill working behind closed doors to produce yet another version of the bill.

By the way, the bill has been changed at least four times on the Senate side alone. Similarly the final conference agreement is decidedly different than either the House or Senate passed bills I am sure my colleagues have not read all the details of it. I do not expect them to; they are busy. Nonetheless, we are about to vote on something here that is just bad law.

There is a reason why we take our time in the U.S. Senate. It is because we do not want to react to the emotion of the moment. We have seen too many occasions, historically, when this body, because of the emotions of the moment, has passed legislation and looked back only weeks later and wondered what it was doing at the time. If this is a good bill, it will be a good bill a week from now, a month from now, 6 months from now. If it is a bad piece of legislation, it does not change. Taking a few days, which we are not going to have, to analyze the implications of enacting this measure into law, how it will affect our country, is the least we ought to be able to do.

I will make a case here—by the way, for the many people who showed up in the Orange Bowl the other day who may have claims, against the Cuban Government who think that they are going to be able to seek compensation once this bill becomes law. They may not know it, but many of them are excluded from exercising the right of private action included in this bill.

Pay attention, Cuban-Americans, pay attention. The majority of you are probably not going to be benefit from this legislation. It is the fat cats who are going to get the money, not you. Pay attention to this bill and pay attention to those who would seek to have this legislation passed and what their interests are.

So, again, I regret we are moving as quickly here as we are, carving out unique and special pieces of legislation that I think will come back to haunt us very, very quickly.

Mr. President, let me take some time here, if I can, just to go over some of the provisions contained in the conference agreement. I probably have had more time than some of my colleagues to follow the changes that have been made in this legislation. In my view, the fundamental premises of this legislation remain fatally flawed; namely, that it will strangle Fidel Castro, causing him to scream ''uncle'' and step down; that our allies will be bludgeoned—we are going to beat up our allies—into going along with this approach; and that there will be no negative consequences to the United States, to the American people, or to the myriad other outstanding foreign policy concerns that we have in common with our allies around the globe.

It may seem trite to say this, Mr. President, but I believe, as I said a moment ago, that our legislative process as it has evolved with experience exists to protect citizens from bad laws. There is a reason that we normally hold hearings on legislative proposals and conduct markups to examine highly complex issues. There is a reason we seek to take testimony from recognized experts on the implications of a measure, intended or unintended. There is a reason that our Founding Fathers provided for the possibility of extended debate in the U.S. Senate. We all know why. It is to try to at least protect against the passage of bad laws.

In the case of this legislation, we have short-circuited that process, particularly in the U.S. Senate. Most Members of this body, let alone the general public, do not have the vaguest idea what is in this legislation before us. The conference report was only available yesterday—and on a very limited basis, I might point out.

Suffice it to say, the final version of the Helms–Burton bill is worse than the previous versions that passed either body of this Congress last year. I fear many of us are going to be in for a surprise once legal experts and others have an opportunity to review this bill. Unfortunately, that will not happen until it has already become law.

As I said on numerous occasions, the stated purposes of the legislation are laudable. I do not have any debate with what the purposes are: to assist the Cuban people in regaining their freedom and prosperity, to encourage the holding of free and fair elections, and to protect American nationals' property against confiscatory takings by the Castro regime. We all agree on that. That is not what is at issue. Unfortunately, the conferees on this measure adopted legislation that will not make any of this achievable.

We only have a couple of hours to make the case against this bill. I will attempt to do that this morning. I would say that I believe we would all have been better served had outside analysts had an opportunity to review and comment on this measure before we vote. That isn't going to be possible.

Let me begin by highlighting some of the more problematic provisions in the final conference agreement that were in neither the House bill nor the Senate-passed bill as it came out of conference.

First among these is codification in law of all current embargo regulations. Let me point out here, this is unique, what we are about to do here and pass here. To the best of my knowledge we have never codified in law outstanding regulations and executive orders targeted at Libya, Iran, Iraq, China, Vietnam, North Korea—none of these countries. We are now going to say, with regard to Cuba, that all of the sanctions and regulations are now going to be codified into law. Senator SIMON of Illinois was making this point. Any effort

on the part of this President or future Presidents to in any way modify what are normally executive branch decisions when it comes to economic sanctions can occur only once we enact a law to change them until democracy has come to Cuba. We have never taken such a draconian action anyplace else in the world. This is really going far beyond anything we have ever done. As angry as we were about what happened to our hostages in Iran, as angry as we were about what happened in Iraq, as angry as we are about what could happen in North Korea, or as we watch the human rights abuses in China, yet Presidents have had the flexibility to deal with those situations through executive orders and the promulgation of regulations.

In the case of Cuba that isn't tough enough. Read the bill; we codify these sanctions. That is unwise foreign policy. It is unwise. Yet the emotions of the moment are carrying us along here. We are going to be looking back in a matter of days and saying, ''My Lord, what did we do here by doing that?''

So that is my first concern. I urge my colleagues to look at section 102(h) of the conference agreement. We have never, in my view, done that before. We have imposed a lot of sanctions and done a lot of things, but codifying them all into law is, I think, very dangerous. With the codification of the embargo regulations we have tied the hands of this and future Presidents, as I said a moment ago, in their efforts to respond flexibly to changes that we hope will occur in Havana. None of us knows for sure if they will. They may not. But if they do, Presidents ought to have the ability to respond to that. Make no mistake about what this codification does. It sidelines, our Government as a participant in facilitating positive change in Cuba for the foreseeable future.

Let me turn to what I believe is the most troublesome provision in this conference report, and that is title III. This title, which was deleted from the Senate-passed version, grants a private right of action to some individuals who have had property expropriated by Fidel Castro. While the sponsors have tinkered with this title continuously in response to criticisms leveled against it, the essence of this title remains fundamentally the same and, therefore, continues to be objectionable.

Instead of the United States utilizing the Foreign Claims Settlement Commission to validate the claims of American citizens and the U.S. Government to then espouse those claims with the foreign government that has taken U.S. citizens' property to obtain compensation—which, by the way, has been the practice for more than 40 years,—our Federal court system, the Federal court system, now will be given the role of effecting compensation for expropriated property claims.

By the way, the historic treatment by the United States of expropriated property claims is not unique to our country. It has been international law for 46 years. So, all of a sudden, 46 years of law and practice world wide are going to be overturned for one particular country in one part of the world.

Moreover, this legislation will broaden the universe of those eligible to be compensated to include individuals who were not U.S. citizens at the time their property was taken. For those who follow this expropriation of property without compensation, a fundamental principle for 46 years internationally has been that you must have been a citizen of the country that seeks to espouse your claim at the time the property was taken. That is, you must have been a United States citizen, in this case, at the time your property was expropriated in Cuba. That is the rule internationally.

We are now saying, ''No, in this case you do not have to be a U.S. citizen at the time of the expropriation, and you go to the Federal courts.'' I urge my colleagues, no matter how angry you are about what happened a week ago, consider what we are doing here. We have already rejected over the years similar attempts to change the eligibility requirements for property compensation cases.

So my colleagues on the Foreign Relations Committee will recall it was a difficult case—expropriation of property. They came and said, ''Won't you allow Hungarians who were not citizens at the time to be able to be covered in the compensation program?'' We said as a body here, ''We are deeply sorry. We understand your point. You have a vehicle available to you through your courts. If we carve out an exception for you, then what are we going to say to Polish-Americans, Chinese-Americans, Vietnamese-Americans, and Arab-Americans?'' Up until now, we have said ''no'' to them. Now we are saying ''yes'' here. Now we are going to have to back other countries, I presume, who are likely to seek similar treatment.

No matter how angry we are, to carve out an exception to one country here and deny others the opportunity is a bad, bad practice.

The principle of international law and practice in the area of expropriation is very well established. Let me quote from the legal brief prepared by Mr. Robert Muse which summarizes very clearly the international law of claims:

> If international law is to apply to a governmental taking of property, a party claiming the loss must occupy at the time of loss the status of an alien with respect to the Government that took the property. The injured person must be a foreign national.

The U.S. courts have stated on numerous occasions that confiscations by a State of the property of its own nationals, no matter how flagrant and regardless of whether other compensation has been provided, do not constitute violations of international law.

This is not the first time, as I said a moment ago, an effort has been made to mandate legislatively that the United States depart from the nationality principle of international claims laws. Fortunately, on those occasions Congress wisely rejected such efforts.

During the 84th Congress the Senate Foreign Relations Committee expressed very clearly why that should not be done in its report dealing with claims programs related to property losses in Hungary, Romania, and Bulgaria.

The committee said:

> The committee has carefully considered the arguments advanced in support of the proposed extension of eligibility which, if adopted, would mark the first time in claims history of the United States that a declaration of intention was equated with citizenship. While sympathetic to the plight of those unfortunate individuals who are not American citizens when they sustained war losses, the committee has to keep utmost in view the interests of those individuals who did possess American nationality at the time of the loss.

That is why I said our first responsibility is to our own citizenry—to American citizens. We are placing them in second-class status. That is why in the 84th Congress we rejected, no matter how laudable, no matter how sympathetic we are to the claims of Hungarians, Rumanians, and Bulgarians, we said, ''No. We are sorry. We cannot do that.'' Today we are about to reverse that. Forget the other countries where individuals may have similar cases to make. They, of course, will not be handled accordingly, although they may come forward and seek similar treatment, I presume, once this legislation has been adopted.

The committee went on to say, ''Further, these persons who have a paramount claim [speaking about American citizens] to any funds which may be available to include the not-national-in-origin group will only dilute the funds still further and increase the injustice to American owners.''

So here you are going to take an action that is likely to increase the injustice against those American citizens whose property was taken by Castro—1,911 of them. I say that because their chances of being fully compensated for their losses once this bill passes will be worse than beforehand because of the vastly expanded pool of claimants produced by this bill. In essence we are taking funds that might otherwise be available to them and diluting them by carving out this one exception to our global property claims programs.

So, if you run to pass this bill and sign up for it, remember what you are doing. You are taking American citizens and putting them in second place. U.S. citizens at the time of the expropriation get second-class status when this bill passes because we are caught up in the emotion and the horror of what happened a week ago. Why not slow down and take a few days and think about what we are doing here instead of jamming this through on the emotion of the moment?

Proponents of the Helms–Burton legislation appear to be indifferent, I must

say, to the injustice that this legislation will entail to certified American claimants, although these claimants are terribly mindful of it and for that reason continue to oppose title III in this bill.

I ask unanimous consent to have printed in the RECORD a February 29 letter that we received from one of the largest U.S. claimants, Mr. David Wallace, chairman of Lone Star Industries, who states quite clearly his opposition to this change in law and practice.

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

JOINT CORPORATE COMMITTEE ON CUBAN CLAIMS,
*Stamford, CT, February 29, 1996.*

Hon. CHRISTOPHER J. DODD,
*Ranking Member, Foreign Relations Subcommittee on Western Hemisphere and Peace Corps Affairs, Dirksen Senate Office Building, Washington, DC.*

DEAR SENATOR DODD: As Chairman of Lonestar Industries and on behalf of the Joint Corporate Committee on Cuban Claims, I want to express my deep appreciation for your unwavering leadership in standing up for the rights of U.S. certified claimants.

The Joint Corporate Committee deplores the recent actions of the Cuban Government in the strongest possible terms, but as egregious as those actions are, we should not let the passions of the day lead us to uncritically enact legislation that is harmful to the rights of U.S. certified claimants, contrary to international law, and constitutionally suspect.

As I've indicated in my previous communications to you, Title III of the Helms-Burton bill will lead to a flood of litigation in our federal courts. As you know, the Title is so broadly drafted that not only third country foreign investors would be subject to suit in U.S. courts for ''trafficking'' in confiscated properties, but agencies and instrumentalities of the Government of Cuba also would be subject to suit. As a consequence, we can reasonably expect that tens if not hundreds of thousands of Cuban-Americans will file Title III lawsuits for the property losses they suffered over thirty years ago as Cuban nationals.

Apart from the burden these lawsuits will place on our already clogged federal court system, serious constitutional questions arise that may result in substantial liability to our government. The harm U.S. certified claimants will suffer as a result of the enactment of Title III is indisputable. The U.S. State Department has estimated the total value of Cuban-American claims at $94 billion. U.S. certified claims, by contrast, total $6 billion. Faced with the prospect of tens of billions of dollars in federal court judgments, the Cuban Government will have neither the means nor the incentive to negotiate a settlement of the U.S. certified claims. This effective nullification of the property interests of the U.S. certified claimants is not without consequence. Under the takings clause of the Fifth Amendment, if the U.S. Government elects to advance a foreign policy objective at the expense of the certified claims lawfully held by its citizens, it will be required to pay just compensation to that group of citizens. In other words, by enacting Title III, we may be putting the U.S. taxpayer in the shoes of the Government of Cuba—ironically, the very Government this legislation seeks to punish—to pay the debt these claimants are owed under international law.

Finally, the creation of a lawsuit right that benefits one national origin group, Cuban-Americans, at the exclusion of all others, will not be tolerated under our Constitution. The equal protection clause of the Constitution will require the extension of this lawsuit right to other national origin groups. Consequently, Vietnamese-Americans, for example, will be able to sue U.S. companies that today or in the future are ''trafficking'' in the properties they once owned as nationals of Vietnam. The same right will be extended to all naturalized citizens who have lost properties in their native countries as a result of governmental actions.

I regret that in its haste to demonstrate our abhorrence of the Castro regime's actions, Congress is prepared to enact ill-conceived legislation that, apart from strengthening sanctions against the Cuban Government, will penalize U.S. certified claimants and create a myriad of undesirable domestic consequences. Your principled opposition to Title III and your resolute support of the claimants is all the more appreciated under these difficult circumstances.

Sincerely,

DAVID W. WALLACE.

Mr. DODD. Mr. President, ironically title III, which has been so fiercely defended by its sponsors, is not going to do much to harm Fidel Castro either. He is not likely to make himself available, as I point out, as a defendant in our courts coming down the road.

Mr. President, this legislation will have serious implications on our Federal court system, on the value of claims of certified U.S. claimants and on our relations with our close trading partners who will feel much of the brunt of these lawsuits. If this new approach to resolving expropriated claims is so good, why do a number of the largest U.S. certified claimants continue to oppose the legislation?

I believe that many of my colleagues in the Senate had come to share my view that title III was not in the interest of the United States and, for that reason, they joined in opposing its inclusion in the Senate-passed version of the bill.

While the events of a week ago Saturday were tragic and senseless, Mr. President, they do not in any way change the fact that title III is contrary to the interests of our country, of the United States, and inconsistent, as I have tried to point out, with international law.

To disregard, without even a markup in our committee, 46 years of international law and practice in the handling of expropriation issues, as this title does clearly, is foolhardy, in my view.

There is also a question of whether title III is constitutional because of the equal protection provisions of law.

But even if on narrow legal grounds this bill stands the constitutional test, on political grounds it is indefensible, Mr. President. As I said earlier, why should not Polish-Americans, Vietnamese-Americans, Arab-Americans—the list of 38 countries where we have claims outstanding—be granted similar access to our United States courts? Will they not come forward tomorrow, or the next day, and demand equal treatment as we are giving in this particular case? Why not? Is this somehow different than the horrors that went on in Poland, or Vietnam, or China? Is anyone going to stand up on this floor and suggest to me that they are somehow different, were not quite as bad as what goes on in Cuba when we lose four citizens in a tragic act of shooting these people down, as horrible as it is?

What about the young people on the Pan Am flight that we now know Libya was involved with? What about claims there? They have a case to make? I do not see them included in this bill.

What happened under the Communist regimes before? Where are they here? They had their property expropriated and taken from them. Why are they not included in this bill? If I were they, I would be angry. This is special-interest legislation carving out extraordinary treatment for a special group.

By the way, in order to exercise the provisions of title III with respect to the right of private action you will have to have a claim worth more than $50,000—I will get to that in a minute—so your average poor Cuban is not included in this. Out of 5,911 U.S. certified claims, only slightly more than 800 will benefit from title III. The rest of them are excluded. Pay attention, Cuban-Americans. Pay attention to what this bill does or doesn't do for most of you. You are not going to get any benefit. It is the fat cats who are going to benefit. The tobacco and the rum interests are going to be the beneficiaries of this. Read carefully how the law is written here.

So, Mr. President, to all of those who say they support title III of this bill, I would say that I hope they have had an opportunity to study the final version and understand the implications. I suspect, for example, that when the more than 85 percent of the 5,911 U.S. certified claimants discover that they are precluded by provisions in this title from availing themselves of this new private right of action, they are going to be doubly opposed to this bill. Unfortunately, they will not find out until it is passed.

In the final conference report, the sponsors sought to address a significant criticism leveled against this title—that it would cause an avalanche of lawsuits in our courts. They have responded to that by putting a floor on the value of the claims that will be admissible in U.S. court in adjudication. Putting aside my underlying objection to that, the floor in the bill is $50,000. The problem with their efforts to limit lawsuits is that only suits that are really excluded by this floor are those by U.S. certified claimants whose property has already been valued at $50,000 or less.

Can you imagine, in 1959, $50,000 of value of United States citizen property in Cuba? It has to be valued at the time of the taking, by the way. As a result of that, you are seeing here a situation where 85 percent of the 5,911 certified

claimants get excluded. They cannot go to court here—just the 800 or so people that have claims in excess of that can. I presume that Cuban/Americans who were ineligible to submit their claims to the Foreign Claims Settlement Commission and who therefore have no particular value associated with their claim will start alleging claims in excess of $50,000 so that they can get access to the courts.

On the other hand, of course, the $50,000 floor is not likely, as I said, to limit filing of lawsuits by Cuban-American claimants. They are obviously going to allege more than $50,000. You can argue $50,001 and you get into court. That is available to them. But our people, U.S. citizens, who have already been certified by the commission as having a property value of $50,000 or less can't try the same thing. These U.S. citizens are out of luck.

Again, let us remind ourselves why we are here, who we represent, to whom is our first obligation. Last time I looked it was to U.S. citizens—U.S. citizens. That is my first obligation, U.S. citizens. They get taken to the cleaners on this; 85 percent of them do not get any advantage under this. And for the bulk of people who have claims of less than $50,000 who were not United States citizens when their property was taken, they will allege more and they get to access to our courts. So U.S. citizens lose. U.S. citizens lose. Clearly, these small claimants would be foolish, as I said earlier, not to avail themselves of this relief by alleging a claim in excess of $50,000.

They can claim that their property falls above the threshold value, file suit and attempt to convince the courts that they qualify for a positive judgment. At the very least, this will put them in a position to perhaps negotiate a side deal with the alleged offending party, clearly permissible under this law, negotiation of a deal.

I predict that even in this latest version there will be a flood of lawsuits in our courts. What is most troubling about putting our courts at the centerpiece of this legislation is that it transforms our judicial system, the principal duty of which is to adjudicate legal disputes, into an instrument of U.S. foreign policy, something we have always tried to avoid in this body, always tried to avoid. Do not turn your courts into an instrument of foreign policy. And yet this provision of this bill not only vaguely requires that; it insists upon it.

So all of a sudden we say to the Federal courts now, with all the complaints we get from our States about the overload of work, here comes another load of work in your lap. When people start complaining about handling criminal cases in the United States and drug cases, consider the fact you are going to be inundated now with a bunch of claims matters, that we have all of a sudden involved you in a foreign policy matter with Cuba.

The inclusion of periodic Presidential waiver authority in this title, in my view, does not change that conclusion at all—this is bad law.

There are also serious problems with other parts of the legislation, Mr. President, provisions that restrict our ability to provide assistance to Russian and other New Independent States countries. As angry as we are at Cuba and what the Cuban authorities have done, why are we going to jeopardize our relationship with Russia and the New Independent States. That is what the bill does. Read it.

I understand the anger. I understand the frustration. But why would we jeopardize the delicate relationship we are trying to build in Russia and the New Independent States and have those relationships hang on legislation here dealing with Cuba? That is not smart. That is dangerous, in my view.

Provisions in this bill also impact on our adherence to provisions of GATT and NAFTA, provisions that seek to micromanage our relationships with future Cuban Governments—post-Castro governments.

Let me predict right now our allies' response to title IV of the bill. Let me spend a minute or so talking about this part of the bill. And people ought to pay attention to this so-called exclusion of certain aliens title of the bill. It is going to make foreign commerce and travel a nightmare, in my view, for our business community.

Title IV calls upon the Secretary of State—listen to this—calls upon the Secretary of State to deny entry into the United States to any alien whose been involved in the confiscation or trafficked in Cuban property formerly owned by a United States national. The actions called for by title IV, require that the Secretary of State and the Attorney General deny entry into the United States by any foreign business person, foreign official and their family members for an activity which is lawful in the country where that person is a citizen and consistent with international law. This action flies in the face of international commitments we have made. We talking about potentially a great many countries being effected here.

I ask unanimous consent that this list be printed in the RECORD.

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

U.S.-CUBA TRADE AND ECONOMIC COUNCIL, INC.

NON-UNITED STATES COMPANIES AND THE REPUBLIC OF CUBA

Corporations and companies cited in the international media as having commercial activities with the Republic of Cuba.

Australia: Western Mining Corp.

Austria: Rogner Group (tourism)

Brazil: Andrade Gutierrez Perforacao (oil), Coco Heavy Equipement Factory (sugar), Petrobras S.A. (oil).

Canada: Advanced Laboratories (manufacturing), Anglers Petroleum International, Bow Valley Industries Ltd. (oil), Canada Northwest Energy Ltd. (oil), Caribgold Resources Inc. (mining), Commonwealth Hospitality Ltd. (tourism), Delta Hotels (tourism), Extel Financial Ltd., Fermount Resources Inc. (oil), Fortuna Petroleum, Fracmaster (oil), Globafon, Havana House Cigar and Tobacco Ltd., Heath and Sherwood (oil), Hola Cuba, Holmer Goldmines, Joutel Resources (mining), LaBatt International Breweries, Marine Atlantic Consultant (shipping), MacDonalds Mines Exploration, Metal Mining, Mill City Gold Mining Corp, Miramar Mining Corp. (Minera Mantua), Pizza Nova (tourism), Realstar Group (tourism), Republic Goldfields, Scintres-Caribe (mining), Sherrit Inc. (mining), Talisman Energy Inc., Teck (mining), Toronto Communications, Val d'Or (mining), Wings of the World (tourism).

Chile: Dolphin Shoes (clothing), Ingelco S.A. (citrus), Latinexim (food/tourism), New World Fruit, Pole S.A. (citrus), Santa Ana (food/tourism), Santa Cruz Real Estate (tourism).

Colombia: SAM (an Avianca Co.) (tourism), Intercontinental Airlines, Representaciones Agudelo (sporting goods).

Ecuador: Caney Corp. (rum).

China: Neuke (manufacturing), Union de Companentes Industriales Cuba-China.

Dominican Republic: Import-Export SA (manufacturing), Meridiano (tourism).

France: Accord (tourism), Alcatel (telecommunications), Babcock (machinery), Bourgoin (oil), Compagnie Europeene des Petroles (oil), Devexport (machinery), Fives Lille (machinery), Geopetrol, Geoservice, Jetalson (construction), Maxims (cigars-owned by Pierre Cardin), OFD (oil), OM (tourism), Pernod Ricard Group (beverages/tourism), Pierre Cardin, Pompes Guinard (machinery), Societe Nationale des Tabacs (Seita) (tobacco), Sucres et Donrees (sugar), Thompson (air transport), Total (oil), Tour Mont Royal (tourism).

Germany: Condor Airlines (charters for Lufthansa), LTU (LTI in Cuba) (tourism).

Greece: Lola Fruits (citrus).

Holland: Curacao Drydock Company (Shipping), Golden Tulips (tourism), ING (banking), Niref (minerals).

Honduras: Facuss Foods.

Hong Kong: Pacific Cigar.

Israel: GBM (citrus), Tropical (manufacturing), World Textile Corp. S.A.

Italy: Benetton (textiles), Fratelli Cosulich (gambling), Going (tourism), Italcable (telecommunications), Italturis (tourism), Viaggo di Ventaglio (tourism).

Jamaica: Caricom Investments Ltd. (construction), Caricom Traders (Int'l mrktg of Cuban products), Intercarib (tourism), Superclubs (tourism).

Japan: Mitsubishi (auto'/tourism), Nissan Motor Corp. (auto), Nissho Iwai Corp. (sugar), Toyota, Sumitomo Trading Corp. (auto), Suzuki Motor Corp. (auto).

Mexico: Aero-Caribe (subsid. of Mexicana de Aviacion), Bufete Industrial, Cemex (construction), Cubacel Enterprises (telecommunications), Del Valle (manufacturing), Domeq (export-rum), DSC Consortium (tourism), Grupo Domos (telecommunications), Grupo Industrial Danta (textiles), Grupo Infra de Gases, Incorporacion International Comercial (beer), Industrias Unidas de Telephonia de Larga, Distancia, La Magdalena Cardboard Co., Mexpetrol (oil), Pemex, Bancomex, Mexican Petroleum Institute, Protexa, Bufete Industrial, Inggineiros Civiles Asociados, Equipos Petroleos Nacionales, Telecomunica- cionales de Mexico, Vitro SA (manufacturing).

Panama: Bambi Trading

South Africa: Anglo-American Corp. (mining), Amsa (mining), De Beers Centenary (mining), Minorco (mining), Sanachan (fertilizers).

Spain: Caball de Basto (S.L., Camacho (manufacturing), Consorcio de Fabricantes Expanoles, Cofesa, Corporacion Interinsular Hispana S.A. (tourism), Esfera 2000 (tourism), Gal (manufacturing), Guitart Hotels

S.A., Grupo Hotelero Sol, Hialsa Casamadrid Group, Iberia Travel, Iberostar S.A. (tourism), Kawama Caribbean Hotels, K.P. Winter Espanola (tourism), Miesa SA (energy), National Engineering and Technology Inc., Nueva Compania de Indias S.A., P&I Hotels, Raytur Hoteles, Sol Melia (tourism), Tabacalera S.A. (tobbaco), Tintas Gyr SA (ink manufacturer), Tryp (tourism), Tubos Reunidos Bilbao (manufacturing), Vegas de la Reina (wine imports).

Sweden: Foress (paper), Taurus Petroleum.

United Kingdom: Amersham (pharmaceuticals), BETA Funds International, Body Shop International (toiletries), British Borneo PLC (oil), Cable & wireless comm., Castrol (oil), ED&F Man (sugar), Fisions (pharmaceuticals), Glaxo (pharmaceuticals), Goldcorp Premier Ltd., (manufacturing), ICI Export (chemicals), Ninecastle Overseas Ltd., Premier Consolidated Oilfields, Rothschild (investment bank), Simon Petroleum Technology, Tate & Lyle (sugar), Tour World (tourism), Unilever (soap/detergent), Welcomme (pharmaceuticals).

Venezuela: Cervecera Nacional, Covencaucho, Fiveca (paper), Fotosilvestrie, Gibralter Trading (steel), Grupo Corimon, Grupo Quimico, Ibrabal Trading, Interlin, Intesica, Mamploca, Mamusa, Metalnez, MM Internacional, Pequiven, Plimero del Lago, Proagro, Sidor, Venepal, Venoco.

Mr. DODD. On this list are roughly 26 countries and nearly 200 foreign companies doing business in Cuba today. And so under this provision of title IV of the bill, as you go through the list now, we are going to have to go and I guess do a fact finding of some kind or another and determine whether or not—I presume that a lot of this may in some way touch on confiscated property in Cuba. Obviously, we have seen that happen—they were involved in confiscation. All these companies are going to have to go through it. And then, of course, we will have to let our consular service know because any one of the people involved in these companies or family members who seek to come to the United States can be stopped from coming. It is going to put us in a difficult situation in Australia, Austria, Brazil, Canada, Chile, and so on.

Read the language. If you do not think we are going to get reprisals from this nightmare, this quagmire, let us see what happens when an Israeli is denied a visa because some of their people are doing business in Cuba or what happens when Canadians try to come to this country. Do not think we are not going to feel the brunt of it.

Again, I ask my colleagues to read this legislation. This is unwise. This is unwise. Why are we not doing this in China? My Lord, there are human rights problems there. Imagine if you tried to do that here. You would be laughed off the floor if you tried it here, or Vietnam or other places. And yet are they any less guilty in a sense. And so here are 26 countries, most of them allies, where we are now going to have our immigration service at the gates denying entry to members of families of people who are doing business on property that may have been confiscated without compensation in Cuba.

Again, I urge my colleagues just look at what we are doing here; we are about to run through and adopt this legislation probably on an overwhelming vote, without for a moment considering and the consequences of it.

I know in some quarters it is considered good form to say the United States is prepared to renounce our trade agreements. I listened to the Presidential debate going on and certainly there are those who are against NAFTA and against GATT, well, we are about to do it here. You do not have to wait for Buchanan to become President of the United States. We are about to do it.

I do not think those of our citizens who count on the integrity of these agreements to protect the sanctity of their international business transactions find this acceptable. I for one take these national commitments seriously. When I vote on them here, I vote on them seriously because I think they are right and the right direction to go. I think most Americans do, and I think most of our colleagues do.

Overall, this bill is bad for U.S. business. It will undercut efforts by the United States to ensure that U.S. investors face a stable and predictable environment when they do business abroad.

We can hardly insist that our trading partners respect international law in the areas of trade and investment when we ourselves are prepared to violate it. Where is our moral high ground when we give these speeches around the world about the sanctity of the efforts to try and get the world to live by the rules we adopt. Here we are about to go in and just blow that apart on our own, and then presumably give a lecture to the rest of the world about how they ought to live up to these agreements.

I wonder what our response is going to be when other governments whose citizens are adversely affected by this legislation decide to enact some special interest legislation of their own directed at our people, our country, our citizens and their properties abroad. We are hardly going to be in any position to object or to assert some provision of international law in that situation.

This legislation, Mr. President, has a great deal of hortatory language. Much of it I agree with. For example, section 201 sets forth U.S. policy toward a transition and a democratic government in Cuba. It is good language. Among other things, it states that it is the policy of the United States to ''support the self-determination of the Cuban people and to recognize that the self-determination of the Cuban people is a sovereign and national right of the citizens of Cuba which must be exercised free of interference by the government of any other country.''

Exercising their right, the right of the citizens of Cuba which must be exercised free of interference by the Government of any other country in that transition. Who can disagree with that? I could not have written it better myself. I love it. I think it is wonderful. However, the operative provisions of the bill are totally at odds with what we state is our policy in section 201. There are 19 criteria in this bill that the future Cuban government must meet—a future government, not the Castro government in order for the United States to engage in any significant way with that government. Nineteen criteria they have to meet, 19 of them, before we deem it to be in transition to democracy including when it should hold its elections—within 18 months, how and who must not be at the head of State.

Does this really constitute respect for self-determination? Can you imagine if we had these criteria with the New Independent States or in Russia? Do you know how difficult their transition has been, as they have wrestled with trying to form their own notion of democracy. When you want to help that process, nurture it, provide aid and assistance that would be impossible if this legislation governed our relations with those countries. We would be prohibited from doing it in this bill. Similarly even if Castro goes and the Cuban Government is in transition, we cannot do anything meaningful to assist until the requirements of the bill have been met. That is foolhardy—foolhardy—to do that.

Mr. President, I have said on numerous occasions, when we consider foreign policy legislation of this nature—and I said at the outset—we have to ask ourselves two very basic questions: Is what is being proposed in the best interest of our own country, and is it likely to achieve the stated goals in the country to which it is directed?

Two basic questions: Is it good for my country, and is it likely to achieve the stated goals in the country that may be the target of the legislation?

In the case of the pending legislation, I think the answer to both of these questions is a resounding no.

I regretfully say that I think this is a bad bill, and for that reason, I strongly oppose it. I also realize that I may be in the minority, a small minority, but I could not stand here and watch this go by today and not point out the fundamental flaws in the whole approach.

I will point out again that I think it is dreadful what happened a week ago Saturday—dreadful what happened. There is no excuse for it. But if we rush to legislate a bill that has been around a year or so, and it has been around because, frankly, people had serious problems with it. The problems are not any less because of what happened last Saturday. This bill would have passed a long time ago if it had intelligent provisions in it dealing with how might effectively we deal with Castro.

The only reason it is up today is because of the tragedy a week ago. In fact, I argue the bill is worse today than before. There are a lot of provisions, as part of this conference report, that none of us ever voted on.

I realize this may be a futile effort on my behalf to urge my colleagues in the next few hours to do something, which I guess none of us do with great frequency. And that is to just read this conference report, in particular read title III and read title IV. Consider what we are about to do. I believe if you sit back objectively and look at this and see how we are changing so many things in this bill, carving out unique exceptions that, I think, are going to cause us serious problems, you will come to the same conclusions I have.

This does not diminish our determination to see change occur in Cuba, to see democracy and freedom come to the Cuban people; that Fidel Castro leave or that we find ways in which to effectively make our case that what happened there not only should not happen but must not happen again.

We will not forget what happened in the Straits of Florida, and we will not forget who is responsible. Let us not, in the emotion of the moment in dealing with that particular issue, do damage to ourselves. My sole point is this bill does damage to our country. It does damage to our citizens. It does damage to our ability as the leading superpower in the world today to negotiate and to conduct its foreign policy.

I ask unanimous consent to have printed in the RECORD a number of editorials and articles in opposition to this bill.

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

[From the Los Angeles Times, Mar. 3, 1996]

THE RECIPROCAL OBSESSION OF CASTRO AND WASHINGTON

(By Gaddis Smith)

NEW HAVEN, CT.—Throughout our history, the U.S. government, on the one hand, and whatever regime was in power in Cuba, on the other, have been prone to spasms of reciprocal obsession—marked by wild rhetoric, economic warfare and sometimes armed violence. Cuba's stupidly brutal shooting down of two U.S. civilian airplanes last weekend, and President Bill Clinton's subsequent surrender to Congress on maniacal legislation aimed at the destruction of Fidel Castro's regime, mark the latest spasm.

Today, no U.S. presidential candidate dares challenge the wisdom of escalating intervention against a small, if unpleasant, neighboring government. The angriest voices in Washington and Florida advocate a naval blockade and do not rule out invasion—ignoring international law and the opinion of other governments. This furor has an all-too familiar ring.

Since the early 19th century, Cuba's proximity to the United States, strategic location on the seaways of the Caribbean and economic importance have induced U.S. politicians to assert the right to dictate Cuba's foreign policy and internal arrangements. But the line between legitimate U.S. national-security interests in Cuba and domestic political partisanship has always been blurred.

For example, in 1853, Washington, influenced by the slaveholding states, tried to buy Cuba from Spain to increase the area of slaveholding and suppress a feared insurrection of slaves in Cuba and its spread to the United States. Spain refused to sell. In response, three senior U.S. diplomats—including soon-to-be President James Buchanan—issued the ''Ostend Manifesto,'' which argued that Spain's continued possession of Cuba threatened ''our internal peace and the existence of our cherished Union.'' If we cannot acquire Cuba in any other way, said the diplomats, we should take it through war. Nothing came of this because the United States was hurtling toward civil war—but its tone and its intimate connection to politics in the United States set a pattern.

In the 1870s and again in the 1890s, the Cuban people rose in armed rebellion against the Spanish colonial regime. The Spaniards became alarmed, with good reason, over the support for the rebels coming from the United States, in general, and Cuban Americans, in particular.

Spain suppressed the first insurrection, but not the second, in 1895–98. This time, Cuba was a far hotter issue in U.S. politics—thanks to coverage by mass-circulation newspapers, deeper economic interconnections, the strident lobbying of Cuban Americans and heightened concerns in Washington over the strategic security of the Caribbean. President William McKinley, eager to assure his reelection, joined those who said Spain must be ousted. The sinking, in Havana harbor, of the U.S. battleship Maine as a result of an internal explosion in February 1898, (260 Americans died) inflamed a war spirit—though it is highly unlikely that the Spanish government was responsible. McKinley did not make a serious effort to negotiate. The Spanish government, in turn, preferred war to what it considered dishonorable concessions. And war it was—''the splendid little war'' of 1898. Spain lost Cuba—along with Puerto Rico and the Philippines.

The Cuban freedom fighters expected immediate independence. Instead, the United States militarily occupied the island for four years, then imposed, through the Platt Amendment, its right to control Cuba's foreign relations and to intervene, with troops if necessary, in the country's internal affairs. President Franklin D. Roosevelt formally relinquished these rights in 1934—but U.S. influence remained pervasive.

Fast-forward to Jan. 1, 1959. Fulgencio Batista, a corrupt and non-ideological dictator, fled Havana and Castro, leader of a successful rebellion, entered the city and established the regime he heads to this day. Scholars debate whether the regime was communist from the outset or became so within a year or two. They also debate whether an accommodating posture by Washington, instead of an obsession with undermining the regime, could have preserved amicable relations. Or were Castro's obsession with Washington as the source of all Cuba's problems and his welcome of the Soviet Union as protector the real obstacles? There can be no question, however, that a pattern of reciprocal obsession and provocation was evident from the outset. Washington organized an exile force to invade Cuba at the Bay of Pigs in April 1961. It was, as one historian said, ''the perfect failure.''

More serious, of course, was the 1962 crisis over the placement of Soviet nuclear missiles in Cuba—the most dangerous moment of the Cold War and a genuine threat to U.S. security. Castro was ignored in the negotiated Soviet-U.S. settlement. The Russians removed the missiles and Washington promised not to invade Cuba.

For the next 30 years, Castro poked his finger in Uncle Sam's eye at every opportunity—supporting leftist revolutionaries in Latin America, sending troops to Africa at Moscow's behest—and Washington did everything possible to inflict economic pain and make Cuba a pariah state—only to be thwarted by the subsidies sent to Castro by the Soviet Union.

With the end of the Cold War and disappearance of the Soviet Union, easing tensions, even normalizing relations, might have been expected. But objective security interests and domestic politics are different matters. Castro was too proud—and too convinced of U.S. hostility—to make conciliatory gestures toward Washington. Castro also believed that Mikhail S. Gorbachev lost control of the Soviet Union because he abandoned a repressive political system. Castro says he will not make the same mistake. And in the United States, politicians of both parties competed for the support of the Cuban American community by demonstrating how tough they could be on Castro.

By 1995, Republicans in Congress appeared to have won the tough-posture competition. The Helms-Burton bill—officially the Cuban Liberty and Democratic Solidarity Bill—sets new heights of obsession with Cuba and pretensions for dictating that country's future. And it has gained tremendous momentum since the planes were shot down.

The bill's purpose is unequivocal: Use economic strangulation to eliminate Castro, then establish, with military help, a transitional government and market economy under U.S. supervision, followed by free elections. These measures are justified both on the idealistic ground that Castro is a violator of human rights—which he is—and on a fanciful description of his regime as a threat to U.S. security and international peace. The bill's arrogant and overblown rhetoric recalls the Ostend Manifesto and its specific provisions are more intrusive than the Platt Amendment of 1903–34.

Helms-Burton assumes that Castro is on the edge of a cliff and the Cuban economy is in shambles. But both assumptions are wrong. Castro is paranoiac about internal criticism, but remains popular. And the island's economy is reviving with expanding trade and considerable new investment from Canada and Europe.

This trade and foreign investment are the real targets of Helms-Burton. If its provisions become law, and are sustained in the courts, they would burn down the house of U.S. foreign policy. Seeking to overthrow the regime of one little country, the law inflicts great injury to the larger fabric of U.S. trade and investment.

The key provisions flow from the assertion that the confiscation and nationalization of private property in Cuba, carried out by the regime sine 1959, violates U.S. and international law. Therefore, any person, corporation or state entity engaging in trade and investment in Cuba is likely to be ''trafficking'' with stolen property—since, by definition, virtually all economic activity in Cuba is based on confiscated property. Any current U.S. citizen, or any U.S. corporation—like the Bacardi rum company—with a claim to such property can sue these ''traffickers'' in U.S. courts and be awarded damages.

Furthermore, individual traffickers, or officers or controlling stockholders of trafficking corporations—including their spouses and children—can be excluded from the United States. In theory, the son or daughter of an executive of a Canadian hotel company with Cuban interests attending school in the United States could be deported. The bill's implementation would create a nightmare for U.S. courts and would violate major treaties and international-trade agreements.

Last summer, Secretary of State Warren M. Christopher recommended that Clinton veto the bill when and if it came to his desk. Until Feb. 24, the chances of the bill being passed and signed were slight. But then Castro blundered into the hands of his enemies—by authorizing the destruction of the two civilian planes flown by the Brothers to the Rescue group. The Cuban government is brazenly unapologetic and said it was defending

its sovereignty—but even Castro's newest friend, China, has joined in deploring the deed.

By this action, Castro achieved what his most fervent critics in Congress could not: He persuaded Clinton to agree to Helms-Burton. Clinton, like McKinley in 1898, wants a second term. The final details of the legislation remain to be worked out, but the president said he will sign. Reciprocal obsessions have again triumphed.

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[From the Washington Post, Feb. 29, 1996]

U.S. POLICY: HELD HOSTAGE IN MIAMI

(By Richard Cohen)

Question: Who sets U.S. policy toward Cuba?

(A) The president.

(B) Congress.

(C) Any Cuban American with an airplane.

The answer, apparently, is ''C''—or, if you'd like a name, Jose Basulto. He is the leader of Brothers to the Rescue, the humanitarian group with a political mission, and a survivor of the recent massacre in the skies near (or over) Cuban waters. Four others died when their unarmed Cessnas were downed by Cuban MiGs. They were brave men.

It is important to say, as the American government has, that Cuba was wrong. The downing of the two planes, no matter what their location, was a violation of international law—not to mention common decency. It was as if the police here had caught some burglars red-handed, determined they were unarmed and executed them on the spot. Fidel Castro committed murder—and not for the first time.

Whatever its faults, though, the nature of the Castro regime is well known. It is a museum piece, a relic of the communist era, frozen in ideological amber and, like Pavlov's famous dog, predictable in its reaction to certain stimuli. After years of a U.S. embargo—after the Bay of Pigs and other CIA operations, after Radio Marti and numerous attempts at coups, a farcical facial (the CIA tried to make his beard fall out) and, probably, assassination—it would be just plain insulting to call Castro paranoid. The man has enemies, and they are out to kill him.

One of them, in fact, is Basulto. Not only was he flying the one plane that was not downed, but he announced himself to the Cuban authorities as the guy in the cockpit: ''Cordial greetings from Brothers to the Rescue, from its president, Jose Basulto, who is talking.''

That greeting, it turned out, was met with a warning: ''Sir, be informed that the north zone of Havana is activated.'' Basulto was then told he was in ''danger,'' and he responded with an acknowledgment: ''We are aware that we are in danger each time we cross the area to the south of the 24th [parallel], but we are willing to do it as free Cubans.''

Ah, but Basulto is not merely a ''free Cuban.'' He is also a Cuban American. As such he reminds me of those zealous Israeli settlers who, citing the Bible, declare a certain spot divinely zoned for Jewish occupation and promptly establish a settlement there. The Arabs respond with clenched teeth and unsheathed daggers, and the settlers demand that the Israeli army protect them. Which side are you on? they demand to know, ours or the Arabs? The army moves in.

In this case, the Clinton administration is playing the role of the Israeli army: Deep down it has all sorts of reservations about the United States' traditional Cuba policy, but it cannot afford to show good sense lest it be seen as weakness. The boycott of Cuba has done little more than make the Cuban people miserable. Castro remains—resplendent, entrenched and still wearing those silly fatigues. He is no more and no less a communist than the leaders of Vietnam, old foes with whom we now do business.

The influence Cuban Americans have over U.S.-Cuba policy is neither illegitimate nor novel. American Jews have a passionate concern about Israel, and the Irish here are intensely interested in the Irish there. One might even suggest that the recent U.S. occupation of Haiti would not have happened were it not for the political clout of African Americans—an assertion, you might say; a fact, I would insist.

Yet, some Cuban Americans are in a class of their own. Basulto, for one, does more than write his congressman or raise money. He was at the Bay of Pigs and, a year later (1962), was one of 23 men who took two converted PT boats into Cuban waters and shelled a Havana suburb. The Associated Press named him ''the man behind the gun.'' Since then, he has formed Brothers to the Rescue, which, among other things, has dropped anti-Castro leaflets on Havana, testing the dictator's celebrated sense of humor.

Basulto had been warned by both Washington and Havana to watch his step. That does not excuse the subsequent killings, but it does tend to explain them. The same holds for Washington's policy toward Havana. It's easy enough to explain why Washington toughened the embargo in response to the shoot-down (all those votes in Florida), but harder to excuse. It makes little sense. Toughening the embargo causes ordinary Cubans—not Castro—to suffer even more.

The Clinton administration had little choice but to get tougher with Castro. But it has to be firmer, too, with certain Cuban Americans. U.S. policy toward Cuba, inching toward sanity until the recent shootings, cannot become the captive of anyone, no matter how well-intentioned, who literally flies off on his own. More than planes got shot down the other day. So did U.S. policy.

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[From the New York Times, Mar. 2, 1996]

A BAD BILL ON CUBA

The Clinton Administration had done many things right and one thing terribly wrong in response to Cuba's shootdown of two unarmed planes flown by Miami-based exiles.

Providing a Coast Guard escort to accompany an exile flotilla to the site of the downing today registers American determination to protect the security of international waters and airspace. Equally important, it minimizes the risk of either the exiles' or Havana's provoking a new incident. The Administration's decision earlier this week to suspend charter flights to Cuba and to impose travel restrictions on Cuban diplomats in this country made clear that Havana had attacked not just anti-Castro activists but international law itself.

However, the Administration is about to make a huge mistake by signing into law a bill, sponsored by Senator Jesse Helms and Representative Dan Burton, that aims to coerce other countries into joining the American embargo of Cuba. By dropping his opposition to the bill, Mr. Clinton junks his own balanced policy for encouraging democracy in Cuba and signs on to an approach that will inevitably slow the opening of Cuban society and pick a pointless quarrel with American allies.

The bill threatens foreign companies with lawsuits and their executives with exclusion from American soil if they use any property in Cuba ever confiscated from anyone who is now a United States citizen. Some of its provisions appear to violate international law and trade treaties, and the Administration had been saying since last summer that it would veto the measure unless these provisions were removed.

The United States is the only country that maintains an economic embargo against Cuba, an outdated policy that has failed in 35 years to topple the Castro Government. Trying to coerce other countries to join the embargo is offensive to American allies and unlikely to succeed.

Backers of the Helms-Burton bill believe the Cuban economy has been so enfeebled by the loss of subsidized Soviet trade that the Castro regime can be brought down with one final shove. But Cuba's economy, though hurting, has already revived from the depths of the early 1990's. Its recovery has been built on austerity, limited reforms and new trade relationships with the rest of the world. It is unrealistic to think that a reinforced American embargo would bring Mr. Castro down.

What Havana really worries about is the resurgence of opposition in Cuba itself. Opposition groups have been invigorated by Cuba's widened contacts with the outside world. They are also encouraged by a more supportive attitude on the part of Miami-based exile organizations. These used to view all Cubans who remained on the island, even opposition activists, with suspicion. Now groups like Brothers to the Rescue, the organization whose planes were shot down last week, see opposition groups on the island as a key to political change.

The Castro regime is alarmed by this potential link between domestic opponents and outside support groups, heralded by Brothers to the Rescue's previous airborne leafletting of Havana. Indeed, Havana's concern over this prospect may have been a factor in last week's missile attack against the exile's planes. Washington should be doing everything it can to promote opposition within Cuba by encouraging more human interchange between the island and the outside world, not less.

The Helms-Burton Act is not an appropriate response to Cuba's murderous deed. It is a wholesale policy reversal that weakens America's ability to encourage democracy in Cuba. Mr. Clinton should return to his original sound position.

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[From the Chicago Tribune, Mar. 1, 1996]

SURRENDERING U.S. POLICY ON CUBA

After more than 30 years of them, it should be clear that trade sanctions against Cuba will not force Fidel Castro to surrender. What a shame, then, that a great power like the United States has surrendered its foreign policy to a tiny population of hard-line anti-Castro Cubans. What an embarrassment.

By agreeing this week to impose new economic penalties against Cuba, President Clinton and the Republican-controlled Congress have proven that, given a choice between sound foreign policy and pandering to the rabid anti-Castro crowd in a critical electoral state, they'll pander.

In no way do we defend Castro's dictatorship or the outrageous disregard for human life represented by Cuba's downing last weekend of two small civilian aircraft. But in that regard, an old American adage is instructive: Don't go looking for trouble, it cautions, cause it'll find you anyway.

Brothers to the Rescue, an exile group, went looking for trouble by violating Cuba's sovereign air space to drop leaflets and by playing hide-and-seek with Cuban jets along its periphery.

By law, private citizens may not make foreign policy. Yet the Cuban exiles invited this ''crisis,'' if they didn't actually manufacture it, and suckered both a Democratic president and a Republican Congress into making policy to suit their purposes.

Ironically, the new sanctions, while aimed at isolating Castro and weakening his power, are certain only to complicate trade relations with key U.S. allies and commercial partners such as Canada, Mexico and France.

Under the sanctions, U.S. visas will be denied to foreign corporate executives—and their stockholders—if these firms are among those that have invested billions of dollars in Cuban property. (The U.S. is the only nation that observes the absurd embargo of Cuba.)

Another provision would allow U.S. citizens to file suit against foreign firms utilizing property that was seized by Castro. But in a cynical provision designed to neuter that very same proposal, the president is granted power to waive the rule every six months to throw out the backlog of anticipated cases.

Like all dictators, Castro shows unwavering patience in allowing his people to suffer. But if America wants to influence Cuba to liberalize, then more ties—not a trade embargo—is the answer.

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[From the Washington Times, Sept. 30, 1995]

CUBA EXPROPRIATION BILL COULD END UP COSTING U.S. TAXPAYERS BILLIONS

In his Sept. 25 Op-Ed, Rep. Dan Burton understates an important aspect of his Cuban Liberty and Democratic Solidarity Act of 1995 (''Cuban-American claims . . . and counterclaims'').

Mr. Burton says that his proposed legislation will allow U.S. citizens to sue ''foreigners'' who ''buy or use'' expropriated properties in Cuba. The litigation provisions of Mr. Burton's bill, like Sen. Jesse Helms' counterpart Cuba bill that is awaiting action in the Senate, are far broader than that.

In fact, the nation of Cuba itself will be the chief defendant in the 300,000 to 430,000 lawsuits that will be filed in the federal courts of Florida by naturalized Cuban Americans if Mr. Burton's bill becomes law.

It is this aspect of the bill that its proponents tend to downplay. The reason such an avalanche of litigation is inevitable is that the bill bestows—in flagrant disregard of international law—a set of retroactive lawsuit rights against their native country upon Cuban Americans who were naturalized in the United States after suffering property losses in Cuba.

Unfortunatley, the unprecedented rights that are intended to be conferred on Cuban Americans by the bill are at the expense of U.S. citizens who do have rights under international law with respect to Cuba—that is, the 5,911 holders of $6 billion in claims certified against that nation by the Foreign Claims Settlement Commission in the 1950s. (One such certified corporate claimant is my client, Amstar.)

If the lawsuit provisions of Mr. Burton's bill become law, certified claimants will see their prospects of recovering compensation from an already impoverished Cuba extinguished in a sea of Cuban-American claims that have been estimated by the State Department at approximately $95 billion.

It is ironic that a pair of well-meaning Republican legislators are threatening with their bill (1) to create a litigation explosion in this much-heralded year of tort reform, and (2) to destroy or gravely damage the adjudicated interests of one group of Americans in an era of supposed greater protectiveness of the property rights of U.S. citizens.

The bill raises two further serious questions. First, on what principled basis are the lawsuit rights proposed to be given Cuban-Americans to be denied other national-origin groups (e.g., Vietnamese-Americans, Chinese-Americans, Polish-Americans, Palestinian-Americans, etc.) that have suffered property losses in their former countries?

If history is any guide, the courts will not void the rights proposed to be accorded Cuban-Americans by the Burton bill; rather they will decree, pursuant to the equal protection clause of the Constitution, that such rights be extended to other similarly situated national-origin groups. It is anyone's guess how many additional hundreds of thousands of litigations will then ensue.

The second question posed by the Burton bill is, once a class of hundreds of thousands of Cuban-Americans judgment creditors against Cuba is created, how will relations ever be normalized with that country? The answer is that such normalization will inevitably require the dismissal of the underlying federal court awards because of the running-sore problems of the attachments in the United States—following the lifting of the embargo—of Cuban bank accounts, ships, airplanes, agricultural produce and manufactured items of Cuban origin by hundreds of thousands of Cuban-American judgment holders.

When those judgments are dismissed by the president, the issue of liability of the U.S. government to the Cuban-American holders of extinguished federal court awards inevitably will arise.

It is not alarmist to warn that the U.S. taxpayer may well be made, under the Fifth Amendment ''takings clause'' of the Constitution, to indemnify hundreds of thousands of Cuban-Americans in the amount of approximately $95 billion.

If anyone doubts that Mr. Burton's bill harbors such consequences for the U.S. Treasury, then he or she might usefully consult the Supreme Court's opinion in Dames & Moore vs. Regan, 453 U.S. 654 (1981). We should hope that the Senate, member by member, will do precisely that before voting on Mr. Helms' bill—Robert L. Muse, Washington.

Mr. DODD. I yield the floor.

Mr. COVERDELL. Mr. President, I yield 5 minutes to the Senator from Kansas to speak on behalf of the conference report.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I appreciate the Senator from Georgia yielding. I intend to vote in favor of this conference report despite some serious reservations about several of the provisions.

The Senator from Connecticut has just spoken strongly about several of the same reservations that I hold, although I suggest, Mr. President, I think some of the examples he has given about unintended consequences might be a bit exaggerated.

I would like to outline some of my concerns and the reasoning for them.

First, I question whether this bill, on the whole, moves us in the right direction. The laws of nature dictate that Castro cannot remain in power forever, and I am skeptical that the best means at this point of ensuring a peaceful transition is to further tighten the noose around Cuba, despite the outrageous acts of a week ago.

Second, I remain concerned about title III of the legislation, as has been addressed, which allows new lawsuits in Federal court against investors of property that was confiscated in Cuba.

I opposed this provision when the legislation first came before the Senate, and I am disappointed it has been restored in the conference report. I still believe it is unwise for Congress to set up United States Federal courts as tools in the pursuit of foreign policy objectives in Cuba, although I take some comfort in the new authority provided for the President to weigh this provision.

Third, I also am disappointed that the conference report goes further than the Senate bill in two important areas, which, of course, the Senator from Connecticut also discussed, neither of which has had the benefit of examination in the Senate.

The conference report would deny United States visas to any person who invests in confiscated property in Cuba with only two narrow exceptions. We have allowed no flexibility to accommodate the awkward situations that inevitably will arise. The conference report also codifies in statute all existing sanctions and embargoes against Cuba, stripping this President and future presidents of the flexibility to respond step-by-step to changes in the situation in Cuba.

For these many reasons, I would prefer that we enact something other than this bill. But, Mr. President, that is not an option. Nobody has done more to ensure enactment of this legislation than Fidel Castro himself. By shooting down two American civilian airplanes last week, he demanded that we respond.

I strongly believe we must respond to this latest provocation and that America should speak with one voice on this matter. While this particular legislation would not be my preference, it clearly is the preference of the Republican leadership in both houses of Congress. It now is the preference of the President of the United States. I am one who believes the President should have some discretion to shape U.S. foreign policy.

The situation reminds me of a young cowboy who worked hard each week to earn money so he could ride into town each weekend and play poker. He always lost. After months of watching him lose, a sympathetic bartender pulled him aside one evening and said, ''Son, I just want you to know, this game is rigged. The cards are marked. The deck is stacked. And the dealer keeps an ace up is sleeve.''

''I know,'' replied the young cowboy.

The bartender was flabbergasted. ''You know?'' he exclaimed. ''Then why do you keep coming back?''

''That's simple,'' replied the cowboy. ''This is the only game in town.''

Mr. President, there is no other option before this body for those of us who believe strongly that the United States must respond to Fidel Castro's latest outrage. Despite its faults, this legislation is the only game in town. For that reason, I will support it.

I yield back any time I may have, Mr. President.

Mr. COVERDELL. Mr. President, I yield 4 minutes to the distinguished Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas [Mrs. HUTCHISON] is recognized.

Mrs. HUTCHISON. I thank the Chair and the manager of the bill, Senator COVERDELL.

Mr. President, the premeditated, cold-blooded murder of four American citizens by Cuban war planes last Saturday is an outrage, an outrage against the United States of America, against international law, and against every concept of human decency. Neither the United States nor the world community can allow these murders to go unpunished. The four Americans who were killed were part of Brothers to the Rescue, an organization that has helped to save countless Cuban citizens who risked their lives to flee oppression and poverty in their country. Without the Brothers' heroic, humanitarian efforts, thousands of Cuban families would have died on the open seas.

How did the Cuban Government react to this heroism? How did it reward those who had saved thousands of its own citizens? It carried out the ruthless execution of four of these brave Americans.

The Cuban Government can try to argue that its actions were justified as an act of self defense, but the whole world knows the truth—that Cuban MiG's pursued and shot down the crews of two unarmed Cessna aircraft.

The whole world was watching, Mr. Castro. It was not self-defense. It was cold-blooded murder.

We are shocked by what happened the weekend before last, but nobody should be surprised. Mr. Castro is a brutal dictator with no regard for basic human rights, no respect for international law, and he has an abiding hatred for the United States and everything it stands for.

This is a man responsible for the suffering in Cuba—hunger, forced labor, oppression, and worse. This is the man who has exported military equipment and Cuban soldiers to foment civil war in nations in our hemisphere and around the world. This is the man who tried to put his finger on the launch button of nuclear missiles aimed at the United States.

Mr. President, he is an evil man. A series of American Presidents, Republicans and Democrats, have understood this and have sought to isolate and individually bring down his government, for the good of the Cuban people and the world. Nevertheless, Mr. Castro always has had his apologists in this country. Until Saturday before last, it had become popular in some circles to see him as ''older and mellower,'' a more ''moderate'' revolutionary Communist. That view of a ''kinder, gentler'' Fidel Castro was evidenced in the recent relaxation of travel and other restrictions against Cuba. The folly of appeasement and accommodation is now tragically apparent.

Today, we will act to restore United States policy to its previous and proper direction—to isolate the Castro government, and hasten the day that it will fall.

The legislation before us will reinstate and reaffirm United States economic sanctions, it will deny foreign investment and hard currency to sustain this corrupt government, and it will protect the interests of American citizens whose property was seized illegally by the Cuban Government.

Without huge Soviet subsidies that propped it up for decades, the provisions of this legislation will inevitably bring the Castro government to the brink of two alternatives: give up power voluntarily, or have it taken away by the long-suffering Cuban people. The goals of United States policy toward Cuba must be: the end of the Castro regime, and the opportunity for freedom and democracy for the Cuban people.

Mr. President, we must do more than we are even doing today. This is a step in the right direction, and I am pleased that we are going to pass this important legislation. I am also pleased that the President has thought better of his earlier opposition to this legislation. But we must also address another urgent problem, and that is the threat posed by Cuban construction of two nuclear reactors. These reactors are fatally flawed—Chernobyls in the making. In the event of a meltdown, lethal radioactivity would threaten the entire southeastern United States. These two reactors cannot be allowed to go online. This is a matter of direct and vital national security interest to the United States.

Our allies and the Cuban Government must understand that we cannot permit the existence of this threat to our country. So I call on the President today to take the lead in coming to grips with this impending crisis.

I extend my sympathies to the families of the four brave men who lost their lives in the name of freedom. Nothing can replace the husbands and fathers they lost. But it would be a fitting testament to the sacrifices of these American patriots if the tragedy strengthened American resolve and thereby hastens the day that the Castro dictatorship crumbles and freedom is restored to the people of Cuba.

Thank you, Mr. President.

Mr. COVERDELL. Mr. President, I yield 4 minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia [Mr. WARNER] is recognized.

Mr. WARNER. Mr. President, I join others in expressing our profound appreciation to the chairman of the Foreign Relations Committee, the Senator from Georgia, and other colleagues on that committee, for their absolute steadfast determination to bring this measure to the Senate for a vote and eventually for passage and enactment into law. That took real courage. And it is regrettable that the final impetus to get this legislation passed had to come in a week of absolute tragedy.

I want to deal with that for a minute, Mr. President. This world today is sieged with acts of terrorism. All of our hearts are filled with compassion and sadness for the people of Israel today for the total useless taking of life in those recent terrorist acts. We admire the courage the people of Israel have shown in the face of these attacks.

Just over a week ago, four innocent lives were lost in the Straits of Florida due to the Cuban shoot-down of two unarmed civilian aircraft. These acts, at the explicit direction of Fidel Castro, were first-degree, premeditated murder—offenses which would be punished in the United States upon conviction, and in most instances with the death penalty. I regret the level of reaction by the current administration. But this legislation will go further and bring about, through economic means, an incentive to stop it, because terrorism knows no boundaries, and unless it is thoroughly and unanimously oppressed across the board, it will spring up elsewhere, as we see in this very troubled world today.

Castro's total lack of support for democratic reform, and his lack of willingness to even attempt to provide some economic recovery for his repressed people, brought about, in some measure, this legislation.

The Cuban Liberty and Democratic Solidarity Act—what a fine name that is—contains three primary objectives: To strengthen international sanctions against the Castro regime, to develop a plan for future support for a free and independent Cuba, and provide for the protection of property rights of United States nationals.

I firmly believe that this legislation, if passed and signed into law by the President, will greatly enhance the likelihood that Cuba, some day, will join the other nations in this hemisphere with a democratic form of government and a freedom to which those people are entitled.

Mr. President, as I look through the technical aspects of this legislation, I would like to address a question, for clarification, to the distinguished manager of the bill. It is about a concern I have with respect to the $50,000 limitation in section 302 of title III. It seems to me that a lot of people under the figure of $50,000 are severely injured, as are those above the figure of $50,000. To them, the few dollars they could recover, with a lesser cap, is of equal importance to them and their families—and to try and assure their life in this country to be a better one—than the higher limit. I know it was a difficult decision. But if the distinguished Senator from Georgia could give me some background on that particular issue, I would appreciate it.

Mr. COVERDELL. Mr. President, the $50,000 cap comes from the workings of the Congress itself. The distinguished Senator from Connecticut, in his opposition to the bill, and several others, were worried about a flood of court cases, and so the cap was placed to address that concern. There are some

500,000 claims, or so some opponents claim, that could have come into the court system without the cap. So in response to the concern that the court system could not manage this number of claims, the cap came into play. Secondarily——

Mr. WARNER. To make that fair, Mr. President, in other words, the initiative to put the cap in came from those originally opposed to the legislation?

Mr. COVERDELL. Absolutely. Second, the focus of this bill is to discourage and chill economic joint ventures with Castro. Economic joint ventures do not involve residential housing properties, instead they deal with the broad commercial properties. So there were these two reasons for setting the $50,000 cap. I, myself, more than welcome the opportunity at some later point to lower the cap to zero.

Mr. WARNER. Mr. President, with that assurance, I depart the floor better informed, because if at a later time Congress, looking at how well this act has performed and will serve the goals in here, would begin to consider that perhaps there is a hardship, and could address that.

Mr. COVERDELL. I join the Senator in welcoming that.

Mr. WARNER. I yield the floor.

Mr. COVERDELL. Mr. President, how much time remains on the proponents side?

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from Georgia has 16½ minutes.

Mr. COVERDELL. I yield to the Senator from Florida for 10 minutes.

Mr. GRAHAM. Thank you, Mr. President. I appreciate the opportunity to speak today on this very important issue.

Mr. President, as an original cosponsor of the Helms-Burton bill, I urge my colleagues to support this legislation, which has taken on increased importance as the level of repression has escalated both within and outside Cuba.

For 37 years, Fidel Castro has held the Cuban people hostage to his brutal repression and mismanagement. He has brazenly violated their human rights.

Since 1992—a year after the collpase of the Soviet Union and its subsidization of Cuba's economy—United States Cuba policy has been based upon tightening the economic embargo around Castro's neck, while at the same time extending the hand of democracy and human rights to the Cuban people.

The Cuban Democracy Act of 1992 started us down this road. Today's action will accelerate our pace.

Our drive to free Cuba from Castro's grip would benefit from the example of an organization whose bravery, selflessness, and unflagging humanitarian spirit deserves recognition on this historic occasion.

On February 24, four brave members of Hermanos al Rezkate—Brothers to the Rescue—lost their lives at the hands of a dictator and his brutal regime.

They were the victims of a pattern of escalating human rights abuses that previously had been reserved for the citizens of Cuba. This time, Fidel Castro extended his violent reach outside his own airspace.

These men knew, when they embarked on their mission, that it involved significant personal risk. But they also believed that the suffering of the Cuban people demanded courage in the face of risk.

The brave, tireless, humanitarian acts of Brothers to the Rescue must live on despite the deaths of these brave pilots.

Mr. President, their mission must become ours.

CASTRO OPPRESSES, THE BROTHERS RESCUE

While Fidel Castro has terrorized the Cuban people, Brothers to the Rescue has extended the hand of brotherhood to his victims.

Fidel Castro has never hesitated to resort to violence to protect his autocratic rule. Last weekend's incident is a perfect example of that inclination toward violent action.

Brothers to the Rescue deplores violence. Their mission is strictly humanitarian. Its leaders receive training at the Martin Luther King Center for Non-Violence in Atlanta. Its leaders speak and practice Gandhi's precepts of nonviolence.

They use volunteer pilots to search for Cuban rafters and others in need of rescue. They drop bottled water, protective clothing, and other needed supplies to those refugees.

Castro has harassed thousands of Cuban journalists and thousands of nonviolent political dissenters. Recently:

July 11, 1995: Cuban police initiate a widespread crackdown on independent journalists;

February 16–24, 1996: Castro cracks down on the nonviolent Concilio Cubano, a coalition of 131 prodemocracy dissident groups; and

On February 24, Castro murdered four U.S. citizens over international waters.

The Brothers have rescued more than 5,000 men, women, and children refugees from the waters of the Straits of Florida.

First flight: May 15, 1991.

Total flights: Over 1,780.

SOME WILL ACCUSE BROTHERS TO THE RESCUE OF BEING PROVOCATEURS

To be sure, there were instances where the organization's commitment exceeded its charter. On several occasions, they have penetrated Cuban airspace and dropped leaflets.

Two such occasions were:

June 1994—returning from Guantanamo Bay, dropped Brothers to the Rescue bumper stickers on Eastern Cuba; July 13, 1995—dropped leaflets on Havana.

These were leaflets—their impact on Cuban citizens was the power of their ideas.

These actions, however, were taken to provide the Cuban people with information they are badly lacking—information on their basic human rights. Each leaflet reproduced one of the Universal Articles on Human Rights. This is information the Cuban people do not have because the Castro regime refuses to allow a free press, or the free exchange of ideas.

MAKING THE BROTHERS' MISSION OUR OWN

Changes are afoot in Cuba. The best way we can take advantage of those changes and bring democracy, prosperity, and an end of the Castro regime to Cuba is to make the Brothers to the Rescue mission our own.

The Brothers are committed humanitarians, They reach out to all people in need.

Last week, I had the privilege of meeting with some of the family members and friends of the lost pilots. One of them recounted a story about Mario De La Pena, a 24-year-old Miami resident who had flown with Brothers to the Rescue for several years.

Last Christmas Eve, Mario was returning home from a mission when he spotted a man stranded in the water.

The man was not a Cuban rafter, but Mario dropped supplies anyway. Mario flew home to join his family for Christmas Eve, but the thought of this man trapped in the Straits of Florida during Christmas haunted him.

The next morning, he woke up early and flew back to check on the stranded boater.

To his relief, the man was fine. He was soon rescued, and later that day, Mario saw the man on television, jubilant and relieved. Mario's friends tell me that this rescue, and the others he participated in, were among the biggest thrills of his life.

The United States must continue to support people-to-people humanitarian efforts to free Cuba. We must continue our support for those non-governmental organizations working to encourage democracy in Cuba.

The Brothers rescue people in danger.

The determination to rescue Cubans from Castro's enslavement was embodied by Armando Alejandre, who also lost his life on February 24. Armando didn't just look for rafters in the Straits of Florida. He carried food and supplies to Cuban refugees stranded in the Bahamas. And he never passed on an opportunity to criticize the Castro regime for its brutal suppression of rights.

The enslaved people of Cuba are in danger of further abuses by the Castro regime. We must rescue them.

The fallen Brothers pilots were brave men. They took enormous risks to bring hope to the Cuban people.

Another one of last weekend's victims was a young man named Carlos Costa. His sister tells me that he was terrified of the small Cessna he flew for Brothers to the Rescue. The winds in the Straits of Florida violently buffeted his plane and frightened Carlos and his passengers. Yet he volunteered to fly his rescue plane every week. He flew on Christmas and other holidays.

We must also be willing to take risks to hasten Castro's fall from power. We

need a tougher, more ambitious Cuba policy.

The Brothers were tireless, searching every mile of the Straits of Florida for Cuban rafters.

Some of the most determined were those pilots who had once been rafters themselves. Pablo Morales was one of those pilots. He fled Cuba on a raft in 1992 and quickly became an active volunteer in Brothers to the Rescue.

He returned to help others on February 24—Castro sentenced Pablo Morales to death in these same Straits of Florida.

We must be as vigilant as Pablo was. We must not rest until we have searched for every possible way to force Castro from power.

SEIZING THE DAY—MORE PRESSURE ON CASTRO

Fidel Castro has once again shown that he is a brutal dictator. We must reiterate our commitment to ending his stranglehold on Cuba.

How? There are three ways:

First, enact Helms-Burton.

This will tighten the economic chokehold on Castro, and sharpen his isolation from his own people.

This will continue the work of the Cuban Democracy Act, which began our effort to sanction and isolate the Castro regime with one hand, and reach out to the Cuban people with the other.

Helms-Burton will help us in our goal of building democratic sentiment among the Cuban people.

Second, work with our allies to bring international pressure to bear on the Castro regime.

Last month, I visited Chile to assess the shape of United States-Chilean relations. And though Chile maintains diplomatic relations with the Castro government, I was pleased to return with a firm commitment that Chile will support the U.N. resolution condemning Castro's human rights abuses.

Third, assess our preparedness for dealing with Castro in the future.

We must maintain a clear understanding of what our objectives are: To support the legitimate aspirations of the Cuban people to replace Fidel Castro with a democratic, human rights-friendly government that brings about the political and economic reconstruction of Cuba.

In the future, we cannot afford to wait 48 hours to issue a response. That is an unacceptable delay. Our Government needs to develop an anticipatory stance. We need contingency plans that can be implemented swiftly and judiciously.

We must be committed to a response which is proportional to the offense.

As the Helms-Burton and other sanctions take hold, we must anticipate the potential for further escalation of attacks against U.S. citizens and U.S. interests. This means making certain that our borders are secure from Castro's terror.

I continue to be concerned about incidents such as that which occurred in 1994, when a Cuban defector landed a Cuban military plane on the United States naval station near Key West, FL. He landed that plane unchallenged. Castro has made repeated threats against a major nuclear power facility in the southern portions of my State.

We must expand our efforts through television and Radio Marti to reach out to the people of Cuba.

Mr. President, this past weekend, the remaining members of Brothers to the Rescue led another mission in the Straits of Florida. This time, their goal was not to rescue but to celebrate the memories and brave acts of those four fallen pilots.

As they have for the past 5 years, the boats and planes dispatched on this mission encountered tremendous obstacles. Mother Nature greeted them with rough seas, black skies, pounding rain, and fierce winds.

But when the flotilla stopped to lay wreaths and hold religious services in memory of their fallen colleagues, the black clouds disappeared. For a moment, the Sun came out and shone down on the boats gathered below, as if to smile upon their mission.

Mr. President, for the last 5 years, Brothers to the Rescue has been a ray of light in the black clouds hovering over the Cuban people. If we are to turn that ray of light into permanent sunshine, the United States must salute their mission by making it our own.

I urge my colleagues to do that by supporting the Helms-Burton Cuba sanctions bill.

Mr. McCAIN. Mr. President, increasingly an anachronism in the affairs of the world, Fidel Castro has burnished his credentials as the Western Hemisphere's most vicious dictator. Unfortunately for the four downed Brothers-to-the-Rescue pilots and their families, and the members of Concilio Cubano, he has again turned to terrorism to assert his control over the Cuban people.

All of the overtures made by the Clinton administration, some Members of Congress and the business community have failed to pacify Fidel Castro. Only weeks ago he arrested more than 50 Cuban citizens in anticipation of a conference by the dissident coalition Concilio Cubano. Apparently, Castro felt so threatened by a peaceful assembly of free Cubans that he disregarded the concern of the international community. To his relief, the Concilio Cubano conference was canceled.

Determined to maintain control over the information and views to which his countrymen are exposed, Fidel also seeks to limit dissent from abroad. He has always been too weak to directly confront the United States and terminate our efforts to bring freedom to the people of Cuba. But Fidel Castro can no longer even muster the strength to terrorize our friends in Latin America. He has been reduced to lashing out at unarmed Americans guilty only of straying too close to his Marxist paradise.

Fidel Castro cannot have it both ways. He cannot cultivate a new relationship with the United States and U.S. business and still run roughshod over the rights of his people. He is a member of a dwindling circle of friends. Fidel still believes in building a utopian socialist society. A fraudulent nationalist, he believes his people incapable of the exercise in self-government we have witnessed from Haiti to Russia. Fine—he can believe what he wants to. But he should not expect to have his egomaniacal dreams of totalitarianism and socialism subsidized by Americans.

This is why I support the Cuban Liberty and Democratic Solidarity Act. It makes the choice for Cuba clear.

The bill codifies the existing embargo of Cuba. Many of the actions taken in response to Fidel's outrages, including President Clinton's recent response, have been done by Executive order. By including them in this bill, we have ensured that they will not be overturned without a genuine democratic transition in Cuba.

The bill also builds on the current embargo in important ways. It attempts to freeze foreign investment in Cuba by denying United States visas to those who improve on investments in confiscated property; by giving, with the approval of the President, United States citizens the right to sue those who invest in confiscated property; and by barring Cuba from international financial institutions.

The bill also restricts assistance to Russia in proportion to the assistance Russia offers Cuba. This is an especially important provision. It is high time that we make a concerted attempt to enlist the support of our allies and friends in the efforts to end the Castro dictatorship.

The bill provides for a lifting of the embargo in response to democratic change in Cuba.

Castro has a choice. He can continue to isolate his nation, or by allowing his people to exercise their God-given rights, he can bring his nation the benefits of a relationship with the United States.

I do not know how long it will take before the pressure of the tightened embargo has its intended effect. It may still be years away. I do know, however, that one day democracy will come to Cuba, and that in the meantime, Americans should do everything in their power to withhold support from a government that so thoroughly denies its people their basic rights. I believe the bill before us does that.

Ms. SNOWE. Mr. President, I will keep my remarks brief, as I know there are so many of my colleagues who wish to add their voices in support of this conference report. As a member of the Foreign Relations Committee, and as an original cosponsor and conferee on this landmark legislation, I rise in the strongest possible support for the Cuban Liberty and Democratic Solidarity Act.

Before going further, I would like to join so many other Americans in expressing personal outrage at the most

recent crimes of the Castro regime. Just 11 days ago, Cuban dictator Fidel Castro ordered the shooting down of two unarmed civilian small planes over international waters, murdering four American citizens. I extend my deepest sympathy to the victims' families. They deserve justice for Castro's murderous, tyrannical act, and this legislation is a first step in process.

For 36 years, Castro has ruled Cuba with an iron, totalitarian hand. But as he steadily impoverished and brutalized the Cuban people, his key source of support came from massive subsidies from the old Soviet Union. But since the 1991 collapse of the Soviet Union, those subsidies have ended, the ideological underpinnings of his tyranny have evaporated, and his regime has come under pressure as never before.

Castro has tried to compensate for the loss of Soviet aid by developing a hard-currency tourist industry. To build that industry, he has sold off at fire-sale prices confiscated American property to foreign companies for development. The purpose of this bill, among other things, is to deter these kind of actions by foreign companies who may be tempted to invest in Castro's Cuba at the expense of uncompensated Americans.

This bill accomplishes that in two ways. In title IV it applies mandatory travel restrictions on top Cuban Government and foreign individuals who participate in trafficking in confiscated American property. Permanent exclusion from the United States is a serious sanction that will give any multinational firm second thoughts about taking possession of stolen U.S. property.

In title III, the bill permits American citizens to bring suit against foreign persons who traffic in their confiscated property in Cuba. To obtain the administration's support for this bill, in conference we granted the President renewable 6-month waiver authority. But this still achieves the main goal of this title by creating an environment of uncertainty that foreign firms will want to avoid.

All would-be foreign traffickers in confiscated United States property in Cuba will be put on notice that if they would always be within 6 months of having legal action taken against them in the United States for their actions. And this presupposes that the President will even initially invoke his waiver authority, which in the current climate is not, I believe, a foregone conclusion.

This bill also:

Calls for an international embargo against Cuba.

Prohibits any United States loans to foreign individuals who purchase United States-owned property confiscated by the Cuban government.

Requires the United States to vote against multilateral bank loans to Cuba until the country has had a democratic election.

Disapproves of Russia's $200 million in loans to Cuba in exchange for continued access to intelligence-gathering facilities in Cuba.

Calls on the President to develop a plan for providing support to Cuba during that country's transition to a democratically elected government.

Also permits during the transition period Eximbank financing, Overseas Private Investment Corporation-supported investment projects, Trade and Development Agency assistance, counter-narcotics assistance, and Peace Corps assistance.

Fully terminates the United States trade embargo upon President's certification of a democratic government in Cuba, and provides for extension of most-favored-nation status.

Mr. President, with Castro's regime facing its gravest crisis ever, it is important to understand that his decision to kill four innocent Americans in cold blood is not an isolated act. This action came on the heels of yet another brutal crackdown on the Cuban people just the week before. From February 15 to 18, Castro ordered arrested 50 leaders of the Concilio Cubano, an pro-democracy umbrella group similar to Poland's Solidarity movement.

The arrest was Castro's answer to their attempt to simply hold a meeting to discuss the future of democracy in Cuba. Many of these pro-democracy leaders have already been convicted by the Castro regime, and have joined the thousands of Cuban political prisoners that today languish in Cuba's gulags.

I would like to recognize the stalwart leadership of the sponsor of this legislation and the distinguished chairman of the Foreign Relations Committee, Chairman HELMS. I also congratulate the leadership of the chairman of our Western Hemisphere Subcommittee, Senator COVERDELL, who is managing this conference report today. Together, they have been unswerving in their commitment to supporting the efforts of the Cuban people to bring freedom and democracy to that long-troubled island nation.

I would also note that in both the House and Senate this has long been a bipartisan cause, and I hope and expect that this conference report will receive overwhelming support from both sides of the aisle. The bipartisan nature of this bill is further demonstrated from the fact that last week, after Castro's brutal action against innocent Americans, President Clinton himself gave his support to this legislative initiative. Now, we will be able to move forward together to strengthen our Nation's resolve to see an end to 36 years of totalitarian rule just 90 miles from our shores.

Again, Mr. President, I would like to congratulate the efforts of all those who worked on this bill over the past year. I urge my colleagues to join in supporting the conference report we will soon be adopting.

Mr. GRAMS. Mr. President, I am pleased that the conferees on H.R. 927, the ''Liberatad bill'' were able to reach an agreement with the administration that will offer a tough, united response to the recent destruction of two small planes and four American lives by Cuban MiG's. While I would have preferred a compromise which eliminated titles III and IV of the conference report, the agreement moves us in the right direction.

I believe all of us are united in our desire to see a peaceful transition to democracy in Cuba, Mr. President. The downing of the planes heightened the concerns of many of us that we should take further steps to bring about this transition. There are many differences in how we reach our goal of a democratically elected government in Cuba. While I supported the Senate version of the Helms-Burton legislation, I had some problems with the possible inclusion of titles III and IV of the House bill in a conference agreement. Fortunately, the conferees added waiver authority to enable the President to waive title III, and, in effect title IV, for national security reasons or if necessary to promote a democratic transition.

Because election pressures may make a waiver difficult, I would like to remind my constituents what my concerns with titles III and IV are. In my judgment, these titles will cause more harm to our own country than to serve their intended purpose of limiting foreign investment in Cuba and thereby exacerbating Cuba's economic problems, which would increase pressures for a new government.

To remind my colleagues, there was concern about titles III and IV in the Senate, and neither of these titles was included in the Senate version of the bill. Modified versions of both titles are included in the conference report, along with the waiver authority.

My primary concern with title III is its extraterritorial reach. I have concerns with laws which attempt to impose our own laws and standards on other countries that they face costly lawsuits if they seek to invest in Cuba on properties which ownership 37 years ago may be difficult to verify, is unwise, in my judgment. This kind of U.S. attempt to infringe on the sovereignty of other nations should concern us.

Some of our allies have communicated to us that they do not view their investment in Cuba any differently than our own efforts to invest in Vietnam or China, which also could be on disputed properties. It is possible that one or more of these countries could reciprocate against us in the future, in injuring United States companies and jobs.

While I sympathize with anyone who has had property confiscated in any country, I believe the foreign claims settlement process is the right way to pursue property claims for United States citizens. There are many certified claimants now eligible for claims against the Cuban Government for confiscated properties, which will be pursued once a transition has occurred in

Cuba. This bill was designed to help Cuban-Americans, who were not United States citizens at the time of the takeover, receive similar benefits through the courts. Now, those citizens would have the right to pursue their claims in Cuba once a transition occurs, which would be a parallel effort to that of our own certified claimants. Title III would provide a private right of action in Federal courts to all United States citizens, including the Cuban-Americans who were not citizens at the time of confiscation. This is a radical departure to our traditional use of the courts and is contrary to international law. Despite efforts to narrow this right of action, this change will create a precedent in our courts that would allow this right to be extended to naturalized citizens of over 85 countries where we have had similar property disputes. This would result in a flood of lawsuits at a time we are striving for tort reform.

One inconsistency in title III is that only properties valued over $50,000 at the time of confiscation can be involved in the lawsuits. I am not sure how this would accomplish the bill's authors' goal of limiting foreign investment in Cuba. And again, despite this attempt to limit the right of action, I still believe a court precedent is created for an expanded right of action in the future.

The language which would terminate the right of action for new cases once a democratically elected government is in power combined with the President's current authority under the International Emergency Economic Powers Act to nullify any claims and judgments against the Cuban Government after a transition also concerns me. This sounds attractive, but many legal experts have concluded that these citizens would have private property rights under the takings clause of the fifth amendment. So what will happen is that Cuba won't have to pay any judgments—the United States taxpayers will pay. They will pay treble damages for property confiscated from people who weren't citizens at the time. United States citizens who were certified claimants for years will be only partially reimbursed from funds negotiated from the new Cuban Government.

Title IV forces the President to restrict visas for any foreigner who traffics in any property under dispute. Fortunately, this language was made prospective, for new investments. Further, it would not kick in if title III is waived. It is further limited since visas are not currently required for residents of all countries which may be subject to this restriction in the future. However, this title could affect multinationals with thousands of employees globally in the future, most of whom would have had nothing to do with decisions to invest in Cuba. In a global economy it could be counterproductive to limit this type of access.

Mr. President, I support this conference report but hope that the President will exercise his authority to waive title III.

Mr. CRAIG. Mr. President, I am pleased to speak today in support of the Cuban Libertad Act.

We were all troubled by the announcements that two civilian aircraft belonging to the Brothers to the Rescue, Organization had been shot down by a Cuban MiG–29. However, this event, described by the President and other world leaders as ''abominable'' and ''abhorrent,'' was not an isolated incident. Rather, it was the most recent act of aggression perpetrated by Castro's tyrannical regime.

In the last few years, the Castro government has taken a hard-line position and has continued to tighten the crackdown on dissent, arrested human rights activists, and staged demonstrations against their regime's critics.

Mr. President, the harassment, intimidation, and beatings of activists was well documented.

Dissidents and political prisoners were routinely subjected to a variety of actions. For example, sleep deprivation in prisons was used to coerce statements from inmates. In addition, prison conditions were characterized by habitual beatings, severe overcrowding and a lack of food, and medical care.

Arbitrary arrests, detention, and exile are routine methods of discouraging dissidents from speaking out against the Government. Freedom of expression is severely restricted. One person was arrested for wearing at t-shirt which said, ''Abaja Fidel,'' which means ''Down With Fidel.'' This individual was taken to a police station, beaten and held incommunicado for 8 days. He was finally tried and sentenced to prison for 6 months.

Mr. President, 1994 was also a period of tyranny on the high seas. In April and July of that year, the Cuban Government was implicated in the sinking of two vessels which resulted in the deaths of a number of people, including children.

President Clinton has referred to the attack in the press as, ''An appalling reminder of the nature of the Cuban regime: repressive, violent, scornful of international law.''

I couldn't agree with him more. It is another action taken by Castro that shows nothing but disregard for human life, let alone international law, norms, and values.

This action requires more than just a rhetorical response. Therefore, I am pleased that we will be voting today on the conference report to the Cuban Libertad Act, or Helms-Burton Act, as it has been referred to in press accounts.

President Clinton announced a series of actions he proposed in response to this unwarranted attack. These included; ensuring that the families of the pilots are compensated; imposing restrictions on Cuban nationals traveling in the United States; suspending United States charter flights into Cuba; and, passing the Helms-Burton Act.

This bill 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.

Mr. President, I am pleased that President Clinton has committed to support and sign this legislation.

Mr. President, some Senators and Members have concerns about the ramifications of this legislation. I respect those concerns and am pleased that the sponsors of the legislation have done such an excellent job of working on addressing some of those concerns. Certainly, some concerns that I had with respect to certified claimants under title III have been addressed. I appreciate the efforts of Chairman Helms, and his staff.

In closing, I would just reiterate that this bill is a response to far more than the recent attack on civilian aircraft. It is a response to the continued aggression of Castro's regime.

Mr. HATCH. Mr. President, today we are again debating U.S. foreign policy toward the Communist regime of Fidel Castro. We are here to strengthen the policy that the majority of both parties have supported for over 30 years.

And, we are here to show that as long as Mr. Castro and his brutal regime remain, he shall see no easing of that policy.

That policy has been one of economic containment and diplomatic isolation. That policy has worked. It has isolated a brutal regime and restrained its ability to undermine stability around the world.

Unfortunately, this policy has not forced Castro from power, nor eliminated his ability to cause mayhem about the world. Castro was still able to send his forces to Angola, prolonging that war as a payback to Castro's Soviet masters. Our containment policy did not prevent Castro's henchmen from conspiring with Latin American drug bosses to smuggle cocaine poison into our country. And, our policy did not prevent Castro from shooting down two unarmed airplanes in international airspace last week, killing four American citizens.

But, Castro's behavior should never surprise us. His regime is built on oppression; his currency is flagrant disrespect for basic human rights.

Now that Fidel Castro's tab at the Moscow cafe has been closed, we see how desperately his regime is to survive. Without rubles and oil, the dictator of Havana stands without the slightest shred of a functionary economy. Without his Soviet sponsors, Emperor Castro has no clothes. Our embargo has ensured that the United States has not in any way participated in granting a figleaf of legitimacy to the aging strongman.

I say let us strengthen our embargo. If Castro wishes to use foreign investment to replace the rubles from his Communist masters, let us at least ensure that the firms that would succor the Castro regime do not do so with property stolen from U.S. citizens. Foreign investors are free to take the place of the Kremlin powerbrokers, but they cannot trade in stolen property without consequence.

In recent years, the debate over U.S. policy toward the autocratic Castro regime and, in particular, the debate over maintaining the embargo have included the introduction of two arguments.

One argument suggests that, now that we are in a post-cold-war world, we need not maintain a cold war policy toward Cuba.

A second argument we have heard suggests that if we can engage authoritarian states like China and Vietnam, we should be able to engage in the Cuban regime.

Regarding the first argument, we are constantly reminded that we now live in the post-cold-war world. In this new world, we are told, we need to revisit so many of the crises and flashpoints that we saw through the bipolar lens of cold war competition.

Derivative of this approach is the notion that we must learn to give up our neuralgic distaste for the few remaining Communist regimes, and we must recognize that the basic security and political notions of the cold war no longer provide the touchstones for U.S. policy. A specific point of this rationale is that our Cuba policy must no longer be containment.

The problem with this argument is simple: The cold war may be over, but Fidel Castro still rules. While I admit that the Cuban regime is a cold war anachronism, which certainly belongs on the scrap heap of history, the harsh political reality is that Castro and his secret police remain as the dictatorship of Cuba.

With the conclusion of the cold war, we saw the end of our global competition with Communist states and the collapse of totalitarian regimes before the popular will of newly freed peoples.

Throughout Central Europe, the withdrawal of Soviet support combined with the decay of Communist client governments. Faced with the uprisings of the people demanding freedom, the dictators fled and freedom won the day. The result was the transformation of a part of Europe that had been frozen in time and oppression for nearly 50 years.

The United States welcomed these nations to the democratic fold, for we were no longer threatened by their hostile diplomatic postures, their support for terrorists, and their dedication to undermining democracies around the world.

But the end of the cold war brought no popular revolution to Cuba. Castro denounced the last Soviet leaders as having failed the Communist catechism. The evaporation of Soviet subsidies brought more misery for the Cuban people, and Castro, no doubt thinking more of Ceausescu than of Havel, clamped down even more. Human rights have not improved in Cuba.

No talk about looking at Cuba from a post-cold-war perspective will change this dismal fact. The Cuban people are not free. They are not free to choose their own government; they do not have an independent judiciary; they cannot work in a free economy. They are never free from their political jailers. Those brave ones who dare attempt political discourse continue to be harassed and jailed by Castro's police, as we saw 2 weeks ago when dozens of members of Concillio Cubano were arrested, interrogated, and jailed.

The second argument suggests that if we can engage China and Vietnam, under the hope of moderating and influencing their policies, we can do the same for Cuba.

I am not sympathetic to the analogy with Vietnam, mostly because I am not sympathetic to opening relations with Vietnam.

I believe that Vietnam had much more to gain from recognition by the United States than we did, and that, as a result, we should have been able to extract more concessions before we granted the valuable diplomatic asset of recognition. For recognition from Washington, we should have gained from Hanoi more openness on the POW-MIA issue, and more concessions on human rights.

It's clear the authorities in Hanoi recognized that they were getting away with a lot: Less than a month after recognition, they jailed a handful of elderly Buddhist monks. We recognized their dictatorship, and the jailers kept jailing. In all the debate over Vietnam, I never heard adequate reasoning for why we should, at this time, open our Embassy there. So, from my perspective, Vietnam hardly justifies as a reason to adjust our Cuba policy.

Mr. President, I don't believe we can compare countries. Cuba is not China, which has the world's largest population, a booming economy, a predominant position in Asia, and a nuclear arsenal. Global foreign policy for this country must take into account this Asian giant, and United States national security must account for the role of China.

Cuba has 11 million people, a supine economy, and has become largely irrelevant in Latin America. With no Communist sponsors, it no longer provides a major security threat.

While I don't believe it can threaten stability in the region—unless Castro unleashes another wage of refugees—we have seen that the regime is a threat to international civility. When MiG's are dispatched to shoot down Cessnas, you know that the regime is showing its true colors, and those are not the colors of a civilized nation.

Mr. President, containing the Castro regime has worked. We must remain vigilant rather than provide sustenance. We must tighten the embargo, rather than engage in the ''Lax Americana'' policies of President Clinton.

Mr. President, this bill addresses the role the United States will play during the transition from the Castro dictatorship. In this manner, this legislation provides some forward thinking that I believe was lacking in some of our policies conducted during the cold war. This bill looks to a post-Castro regime, and outlines our responsibility to prepare for the inevitable.

It is one of the many paradoxes of a current historical myopia that many view the cold war from simply a security perspective. The result is that we hear the reasoning that says, ''now that we defeated the Soviet Union, we need not concern ourselves with an island run by a bunch of ragged and increasingly isolated Communists.''

But, the cold war was not just fought for security reasons alone. It was fought over ideals: the ideals of humankind's right to liberty, to democratic government and to freedom from oppression. These are the fruits that many of the formerly captive nations of Central Europe now enjoy; these are the fruits denied to captive citizens of Castro.

But, in Castro's Cuba, the instruments of oppression remain. And, this is why this body now debates the merits of the bill presented by the distinguished chairman of the Foreign Relations Committee, which stands for continuing a firm and resolute policy toward the dictator Castro.

And, this is why, today, I believe that we should declare that we stand for a policy that recognizes that the Cuban dictatorship remains in place, and that this brutal reality demands of us that we remain vigilant in our opposition to the Castro regime, determined to outlast it, and dedicated to help the Cuban people when the dictatorship falls.

Because fall it will, as so many of those rusted and despised statues dedicated to Communists ideals fell all over Central Europe and the newly independent states when the victors of the cold war were finally freed.

I urge my colleagues to support the Libertad bill.

Mrs. BOXER. Mr. President, we consider this conference report less than 2 weeks after a tragic day for the cause of democracy in Cuba. On February 24, Fidel Castro's brutal regime shot down two unarmed American aircraft belonging to Brothers to the Rescue who were flying over international waters.

This unprovoked ambush was a gross violation of international law and an affront to standards of human decency. It was a cowardly attack, demonstrating clearly that Fidel Castro will resort to any means—no matter how vile and repugnant—to hold on to power.

I was appalled by this despicable incident and I would gladly vote for legislation that directly addresses this attack as well as legislation that would

foster the democratization of Cuba. Unfortunately, the bill before us today will not carry out those objectives.

The conference report would deny a United States travel visa to anyone with a stake in certain companies that do business in Cuba. This provision threatens to seriously damage relations with many of our closest allies, including Canada, whose citizens could be denied entry into the United States.

The measure creates a new cause of action in U.S. courts allowing citizens to sue any foreign national who traffics in confiscated Cuban property. This alone could result in a huge logjam in our Federal courts. But by establishing an arbitrary $50,000 claim threshold, the legislation denies legal recourse to many Americans whose homes or shops were confiscated by the Castro regime. There is no logical justification for this discriminatory treatment. It winds up helping the wealthiest and hurting middle-class Americans. It makes sense to adopt measures to punish Fidel Castro and his thugs for their reprehensible action. It makes no sense, however, to do so in a way that will hurt many Americans and punish our best allies.

Mr. KERREY. Mr. President, I come to the floor of the Senate today to express my opposition to the legislation currently under consideration. While the Helms-Burton legislation seeks to hasten the end of the Castro regime in Cuba—a goal that is shared by every Member of this body—I am concerned that it will in fact do more to damage our larger foreign policy goals than bring about a democratically elected government in Cuba.

The shootdown by the Cuban military of two unarmed United States civilian aircraft engaged in humanitarian activities in international airspace is reprehensible. This clear violation of international law required a strong U.S. response—a response which was delivered by the Clinton administration immediately following the attack. Charter flights between the United States and Cuba were suspended, steps were taken to compensate the victims' families from Cuban assets frozen in the United States, and the United States led a successful campaign in the U.N. Security Council to strongly deplore the unprovoked attack on these unarmed aircraft.

Mr. President, there is now great pressure for those of us in the Senate to voice our distaste for the Castro regime by passing the Helms-Burton legislation. I will vote against this bill, not because I am opposed to trying to tighten sanctions on Castro's Government, but because I believe that provisions of the Helms-Burton bill would have a detrimental effect on relations with our closest allies.

Last fall, I voted in favor of the Senate version of this bill which, in my opinion, represented a bipartisan approach to strengthening economic sanctions on Cuba. The Senate bill included provisions which sought to include the international community in our efforts to ratchet down the pressure on the Castro regime while holding out the promise of United States assistance to a post-Castro Cuban Government striving to achieve democratic, free-market reforms in Cuba. I still support this approach, and believe our policy should continue to move in this direction. However, the bill that we have before us today includes provisions not in the version that passed the Senate. Titles III and IV of Helms-Burton will open the floodgates to new lawsuits in U.S. courts and will put us in an adversarial position in our relations with our allies throughout the world.

Provisions of title III and IV which give United States citizens the right to sue foreign companies that operate in Cuba are viewed by our allies as an attempt by the United States to act unilaterally to dictate to them a Cuba policy. This will undoubtedly lead to resentment and resistance to future United States policy efforts in connection with Cuba. Rather than alienating our allies, our policies toward Cuba should seek to be inclusive.

It is far too easy to vote in favor of Helms-Burton as an emotional response to Castro's unlawful shootdown of United States civilian aircraft, but to do so would ignore the negative impact this legislation will have on our foreign policy objectives both in Cuba and in a larger sense. Mr. President, it is my hope that we will be able to separate our current anger at the Castro Government from these proceedings. I say this not to minimize the gravity of Cuba's actions, nor would I necessarily rule out further action against Castro, but rather because I believe that the legislation before us will hurt our ability to exact change in Cuba. By straining our relations with our closest allies, it is my fear that we will further isolate ourselves from the international community on this issue, and that in the future we will be unable to work on a multilateral basis to bring about a democratic Cuba.

I conclude, Mr. President, by urging my colleagues to fully consider their vote today in the larger context of how this legislation will affect U.S. foreign policy.

Mr. FEINGOLD. Mr. President, on February 24, the Cuban regime shot down and killed four men, American citizens, apparently flying over international waters, off the coast of Cuba. No matter how one judges the intent of these four Brothers to the Rescue—and some have pointed out that in the past Brothers to the Rescue violated Cuban airspace and went so far as to overfly Havana and drop anti-Castro leaflets over the Cuban capital—the fact is that they were flying in small, unarmed civilian aircraft. They certainly did not represent a real, physical threat to Cuban security. But the Castro government—no respecter of human rights, of international law, or of common decency—had its MiG fighters shoot down those two defenseless Cessnas. I join my colleagues, the U.S. Government, and the international community in deploring this act of brutality.

As appalling as this act was, Mr. President, it should not surprise us. Castro is a dictator who, for 37 years, has ruthlessly trampled on the rights of the Cuban people. The State Department and all reputable human rights organizations point to the routine use of torture, beatings, economic coercion, and suppression of legitimate protest by the Castro regime.

Only 2 weeks ago, a small pro-democracy group, the Concilio Cubano, was prevented from holding a meeting and two of its members were summarily thrown into prison after kangaroo court proceedings. That Castro would have his military lash out callously and viciously at a perceived threat, then, is pretty much what we could expect.

What surprises me, Mr. President, is how a small, poor island like Cuba continues to elicit the most knee-jerk response from Washington. Certainly, the administration did the right thing in seeking an international condemnation of these intentional murders. I also support President Clinton's order requiring restitution by the Cuban Government—drawing on frozen Cuban assets—for the families of the victims, and the increased use of Radio Marti—and notably not that proven failure, TV Marti—to bring uncensored news and information to the Cuban people. The rush to punish, however, must stop at that point where ill-considered policies undermine U.S. national interest, or lead to a misguided and ineffective policy altogether. That's what this bill did before the shootdown, and what it's going to do regardless of the shootdown.

In seeking to pound the final nail in Castro's coffin, H.R. 927 misses its target, causing pain for all but Castro. Very briefly, allow me to enumerate the most obvious flaws:

Title I instructs the President to seek a mandatory international embargo against Cuba. This is untenable: The United States is regularly outvoted at the United Nations by margins along the lines of 140 to 2 when we seek to defend our unilateral trade embargo. It is all the less likely to pass given that our closest allies object vociferously to the other provisions of this bill.

Title I also requires the President to make it clear to the Cuban Government that:

> The completion and operation of any nuclear power facility, or b) further political manipulation of the desire of Cubans to escape that results in mass migration to the United States, will be considered an act of aggression which will be met with an appropriate response. . . .

What does this mean? Are we threatening, in fact, to bomb or disable a nuclear energy facility in Cuba? I should hope not, and suggesting it as a policy undermines U.S. credibility.

Another fault of the bill is section 102, which codifies the trade embargo

as law. By this provision, Congress deprives the executive branch of the right to modify, ease or even strengthen the embargo. It would restrict the President's ability to react quickly to events within Cuba or on the international scene as related to Cuba. Mr. President, I am a strong supporter of the Congress' constitutional prerogative to advise and consult closely with the White House on matters of foreign policy. But I do not support leaving Congress alone to legislate United States foreign policy, and in fact fear that we do a disservice to the country if we try.

With title III, Mr. President, the bill steps beyond domestic politics and into offending accepted norms of international law. This section, which grants to persons, including those not U.S. citizens at the time of the alleged taking, a cause of action in U.S. Federal court against individuals and foreign entities trafficking in expropriated Cuban properties. This procedure not only threatens to clog U.S. courts, but also defies logic. Their cause of action is rightfully in some, future, Cuban court, not the United States judiciary.

Furthermore, contrary to the assertions of supporters of this bill, an international claims settlement procedure already provides an effective mechanism for asserting claims, which is why most certified claimants oppose this bill. Moreover, this provision will not benefit the little guy who lost property in Cuba, since there is a threshold level of $50,000 in controversy, a tremendous amount in 1959 Cuba. Further, to mollify critics, a filing fee of perhaps $4,500 will be imposed. Of course, very few beyond corporate interests can afford to pursue such a costly litigation.

If that was not bad enough, title IV of this conference report takes the extraordinary step of mandating the exclusion from the United States of third-party nationals who traffic in such property. Canadian and European business executives, and their governments, are understandably upset at the prospect of their citizens being kept out of the United States because they do business with Cuba. There is an international consensus that countries such as Iran pose a threat to global stability, and therefore travel by its officials should be limited. But people doing business in Cuba are not threats to our security, and accordingly should not categorically be denied access to the United States. Of course, most of our allies don't need visas and will enter anyway, undermining the force of the statute. But it looks tough —and is more or less pointless.

Mr. President, this bill's myopic focus on Cuba is one that I find particularly disturbing. Cuba is not significant on the world scene; whatever geostrategic threat it may have posed disappeared 5 years ago, a fact our own military acknowledges.

In China, by comparison, we find a country bordering on superpower status. The Chinese Government regularly takes steps which threaten international security in fact: Nuclear equipment sales to Pakistan; saber-rattling across the Taiwan strait; human rights violations on a very brutal scale. China's policies on intellectual property even violate major United States financial interests. Why are we not imposing sanctions on China? Sadly, I know that a bill proposing the same sanctions on China that we are today imposing against Cuba would fail—indicating that to the United States Congress fossilized cold war fantasies are more powerful than the real national security goals of 1996.

Mr. President, Cuba is a pariah. Certainly we as a nation have the right to limit our relations, economic and otherwise. Although some might note that after 35 years of embargo, Castro remains entrenched and that the policy needs careful review, I am not advocating a loosening of the embargo. That cannot take place absent an improvement in the atrocious human rights situation in Cuba. But I think we should be consistent in our foreign policy. If we sanction Cuba, then why not those current and former Communists—including those which are actual threats to international security, such as China, or with whom we met in battle at the cost of 55,000 United States soldiers, such as Vietnam? If we choose, instead, to engage such countries in dialog and with economic relations to effect change, then why not Cuba?

Instead, we shoot ourselves in the foot. This bill will not topple Castro; it will only give him cause to tighten his grip in the face of the Yanqui threat. It increases our isolation internationally and hobbles our ability to influence events in Cuba in a positive manner. It is an expensive resolution which will bring United States-Cuba politics into our courts. Helms–Burton damages the United States national interest and hurts innocent Cubans and I will vote against it.

Mr. BOND. Mr. President, as we consider instituting the provisions of title III of the Cuban Sanctions Act, I am troubled that in a rush to exact retribution for the heinous act of shooting down United States unarmed civil light aircraft by Cuban MiG fighters, we will accomplish nothing more than antagonizing our worldwide trading partners.

First, monetary restrictions and filing procedures currently in the language, prevent compensation to by the vast majority of Cuban exiles and benefit only large business concerns which look to use the offices of the U.S. Government to practice international tort law through legislation. This course of action can only lead to the muddying of the legal trade policies and agreements which we have long supported.

Second, though we are unarguably the leader in free trade throughout the world, this action will isolate us from our loyal and historic trading partners. Even as we contemplate this drastic course of action, our trading partners have vociferously objected to its long-term ramifications. Some of our closest allies are considering equally harmful measures in response and you know that once we start down this type of road, it will be extremely difficult to halt until an economic disaster occurs.

Third, the further starving of the Cuban people in an attempt to force a change in their government is not the way to promote a democratic movement. In order to win the hearts and minds of a subjugated people one doesn't beat them even more. We want to see them change their government from within and view us as a benefactor and not as a martinet.

I too, want the Cuban Government to change. I too, want the Cuban Government to bear full responsibility and consequence for their totally unwarranted and illegal actions. I don't believe that unilaterally attacking world wide trading policies and harming our relationships with our allies and partners is the way to do it.

Mr. JEFFORDS. Mr. President, I must strongly condemn the Cuban Government for its gross violation of international law in shooting down two small, unarmed civilian aircraft last Saturday, resulting in the presumed loss of four American lives. This was a cowardly, cold-blooded act by Cuban authorities. There is no excuse for this violent act and no explanation that Cuba can offer which justifies such blatant disregard for international norms.

I must note that Cuba's action on Saturday came on the very date that the Cuban Council, an alliance of human rights and dissident groups, had asked to hold a first-ever conference of such groups in Cuba. Beginning on February 15, the Cuban Government responded to the council's request, a request made in accordance with Cuba's Constitution, by retaining and arresting more than 50 people active in the council. I must also strongly condemn the Cuban Government of Fidel Castro for this crackdown.

By these actions, the Cuban Government has once again demonstrated its fundamental disregard for internationally recognized humanitarian norms. These actions also sadden me because they have extinguished summarily the pin-pricks of light which were beginning to show, for the first time in many, many years, in our relations with Cuba. Recently, there had been an increased number of exchanges and visits, activities which I continue to believe are crucial to creating space for a democratic change in Cuba.

The legislation before the Senate today, however, is not an appropriate, or even a relevant, response. As I noted during our consideration of this bill last October, instead of promoting democratic change in Cuba, this legislation, namely title III, creates a potential windfall for a small group of people at the expense of the greater interests of the United States. This bill alienates major allies and trading partners, such as Canada, Mexico, and

France, with its clear extra-territorial application. Further, the effects of this legislation risk destabilizing Cuba to the point where we could face another exodus of boat people. We must ask ourselves: Are we ready to deal with such a crisis anew in order to serve the interests of a deep-pocketed few? I say we are not. The Presidential waiver provision for title III is not enough to overcome my deep reservations. This bill also carries with it a high human cost and I should note that the Cuban-American community is far from monolithic in its support for this bill.

I am also deeply concerned by this bill's codification of the Executive orders and regulations that implement the existing embargo. In spite of Cuba's recent actions, codifying the embargo takes us in the wrong direction, making our eventual and necessary rapprochement all the more difficult. I also believe that a mandatory visa ban on officers and majority shareholders companies which are trafficking in such properties is an unnecessarily petty provision. I will vote against this legislation.

DRACONIAN HELMS-BURTON CUBA SANCTIONS BILL GOES TOO FAR

Mr. WELLSTONE. Mr. President, today we will be voting on legislation to codify permanently some of the most far-reaching, harshest economic and political sanctions the United States has ever imposed by law upon another country. While I support the goal of pressing Cuba toward democratic rule, this bill is not the way to get there.

Let me be clear: Cuba's recent shocking attack against unarmed civilian aircraft, apparently in international waters, was an outrageous breach of international law, even considering the unwise acts of the Cuban-American pilots who had been consistently warned of the dangers. This action, and Cuba's detention of members of the Cuban Council—journalists, human rights activists, and others—has been met with widespread condemnation, both here and abroad. Cuba must respect international aviation law, internationally recognized human rights, and democratic freedoms if it is to reenter the community of nations.

The President has responded with a series of firm economic and political steps, unilaterally and multilaterally. This bill simply piles on, in a way that I don't believe is in U.S. long-term interests. I know that in the wake of the air tragedy, it will pass by overwhelming margins in both Houses, and will be signed by President Clinton, despite his earlier strenuous opposition. While there are elements of the bill which I support, including its authorization of assistance to democratic organizations, human rights groups, and international observers, as a whole it embodies a fundamentally flawed policy.

It's true that the people of Cuba have for too long been denied basic political rights, including the right to speak freely, to criticize their Government, and to associate with one another as they wish. And for too long, Cubans have been unable to improve their standard of living through much-needed economic reforms. I would of course support and vote for legislation if I thought it would achieve that goal.

But unfortunately that's not the case. Instead we have before us the so-called Helms-Burton legislation, and we have to decide if it is likely to move us toward the twin goals of greater economic opportunity and greater political freedom in Cuba. Unfortunately, the answer, I believe, is no. So while I share the goal of my colleagues who support this bill—a peaceful transition to democracy in Cuba—I do not believe this bill will get us to that goal. There are several major areas of concern that I want to focus on.

First, as I observed, I fear that the burden of harsh sanctions often falls on innocent Cubans, not on the Government or on elites. Its provisions to enact into law prohibitions on families in the United States sending any significant funds to their own family members in Cuba, to all but cut off travel between the United States and Cuba so family members can at least visit one another, and to prohibit investments in open telephone communication between the United States and Cuba are especially unfair and counterproductive.

Its provision to place in law a prohibition on sales of food and medicines to Cuba—even to nongovernmental organizations, like churches or relief groups—is wrong, and likely to do further real harm to those whom proponents claim most to want to help. As is so often the case when ideology presses all other considerations into the background, the reality of people's lives—those innocent Cubans who will be most directly affected, and who struggle to maintain their families under Cuba's repressive government—is dismissed as inconsequential.

Second, I do not believe it is in our national political or economic interest to codify into law, and then tighten, this already harsh U.S. embargo. I will offer a few examples later of the reasons why, including my concerns, as one who represents a State which borders Canada, about its impact on United States-Canada relations, on Minnesota firms which do business with our Canadian neighbors.

Third, even if it were judged to be in our interest, I don't believe it will have the desired effect on Fidel Castro's government that its proponents intend. In fact, it could backfire on us, prompting Castro to become more repressive, and worsening social and political tensions there which could in turn lead to violence, and another major outflow of refugees to the United States. It was not long ago we had thousands of Cubans coming across the Florida Straits in leaky boats, who were stopped and then held at Guantanamo Naval Base for many months, at a cost of millions of dollars. Is that what Americans want to see again? I don't think so. But that very well could happen.

Ultimately, additional harsh sanctions could undermine, not bolster, opposition-backed hopes for political and economic liberalization there by enabling Fidel Castro to play the nationalist card, using the U.S. sanctions as a rationale for tightening his grip on power. We have seen in Russia, Vietnam, Eastern Europe, and to some degree even in China that the process of political and economic reform in these places has been accelerated by a more open exchange of ideas, people, information, technology, and other goods and services—not by increasing the isolation of these people from the outside world.

North Korea is a good example of what happens when we isolate Communist states; a disaster for United States policy. In Cuba, as elsewhere, ensuring an open flow of Western, democratic ideas, information, and technology could be critical to helping to transform those societies. This bill flies in the face of almost all of our recent positive experience in helping to transform collapsing Communist states around the world.

The bill could also prompt our allies and trading partners to retaliate, putting limits on U.S. firms which trade abroad, and eliminating the good-paying U.S. jobs that depend on such trade. Many are already voicing loud complaint, and some have threatened such retaliation. Over 50 countries now have substantial business interests in Cuba. Should we refuse visas to businesspeople—and their families—from Britain, France, Germany, Japan, or other of our trading partners who want to do business and create jobs within the United States, if they hold an interest in a Cuban business? Under this bill, in many cases we would have to do just that.

Americans expect a tough, firm response to Cuba's recent actions. But they also expect common sense, something which has been in short supply in America's policy approach to Cuba for a long time. Usually, if a policy doesn't work, you try something else. United States-Cuba policy, like the shop-worn Communist policies of the Cuban Government itself, has been frozen in ideological amber for too long, driven as much by domestic political concerns as by responsible foreign policy.

Let me offer a few examples that I think highlight why this bill is not in our own national interest. Russia is now moving toward elections that could determine the fate of the reform movement there for years to come. United States aid has played a key role in helping the Russians to dismantle their nuclear arsenals, open up their economy, and become a more open and democratic society. But this bill would require substantial reductions in United States aid to any country, like Russia, that provides assistance to Cuba. The way I read it, we couldn't provide key assistance, including that designed

to bolster Russia's ability to buy United States products, if they provide aid, however unrelated, to the Cubans. This is true not only of Russia, but of any of our allies or trading partners whose firms have long been doing business in Cuba.

The tight and inflexible strictures this bill places on assistance to a transitional government there would also not be in our political interest. When the transition to a post-Castro, more democratic Cuba begins, we must be ready to move quickly to help to ensure its success, as we did in Haiti. The new rules proposed by this bill could leave us on the sidelines in a rapidly-moving transition—a dangerous place to be during such an unstable period.

As in Haiti, the United States needs the flexibility to respond to changing circumstances, sometimes even to overnight changes. But it takes months for Congress to act on simple bills declaring National Auto Safety Week, or National Ice Cream Day. It's unrealistic to think we would move quickly to provide aid to a new government. We should be there with resources, ideas, and the diplomatic flexibility to react just as the transition begins—not panting up to the finish line once it's over.

Nor is this bill in our economic interest. Its provisions to effectively impose a boycott on third-party countries and businesses who are not the primary target of Cuba sanctions are especially unwise. For example, should Minnesota farmers who sell grain to Russian joint Venture partners be penalized because Russia trades with Cuba?

Should Minnesota businesses who may be working in partnership with Canadian firms be subject to multi-million dollar lawsuits simply because their Canadian partner happens to sell computers, or medical equipment, or anything else, to a Cuban humanitarian organization? I don't think so. But this bill would do that, exposing firms in my State to huge potential liabilities for something they have little or no control over. That's not common sense, and it would endanger jobs and trade for Minnesotans.

There are other objections that have been raised about the legal implications of this bill. As Senators DODD, PELL and others have observed, the bill would open U.S. courts to potentially thousands of new property claims. This provision was dropped from the original Senate bill. Current law provides for a means of addressing property claims, through a Claims Settlement Commission. This bill would give special rights under United States law to a particular class of people, Cuban citizens who can make a claim that their properties were nationalized in the late 1950's by the Cuban Government, and who later became U.S. citizens by means of very generous United States immigration laws—more generous than for virtually any other group. Why are we giving these special rights to Cubans who became citizens? Why not give the same rights to Bulgarians, Russians, Poles, Vietnamese, Chinese, Hmong, Lao, too, who may have had unresolved property claims when they were citizens of their own countries? Providing access to U.S. courts for claims filed on behalf of those who weren't even U.S. citizens, and thus not entitled to U.S. court review when the claims originally arose, sets a precedent which I am sure we will regret, and which will likely be very expensive. Who pays to give this special treatment to this special group? U.S. taxpayers pay. Of course, this disparate treatment not only raises legal questions. It also raises constitutional questions, especially about equal protection of the law, which its proponents have brushed aside.

Don't let anyone confuse the issue by leaving the impression that this bill is designed to protect small Cuban landholders who lost their homes and offices when Cuba overthrew the brutal Batista regime. These regular folks get left out. As is so often the case, the big corporate interests who reportedly helped to draft the bill, like the rum manufacturers and sugar processors, many of whom supported the brutal and corrupt Batista regime in the 1950's, and the big families that composed Cuba's elites for decades, are the ones who would most benefit from the new legal rights accorded by this bill. But they cloak themselves in the rhetoric of protecting the little guy who lost his shack on the beach in Havana, in order to persuade Congress, and other Americans, to protect their economic interests.

Mr. President, it's clear that we must send a strong message to the Cuban Government, and that we must do all we can to help accelerate a democratic transition there. But this bill would harm innocent Cubans far more than it would serve to pressure the Cuban Government. It could undercut the very efforts at political and economic reform that its proponents support, escalating social tensions, and prompting another outflow of refugees to U.S. shores.

Given the new frictions it will cause with our allies, and the other problems I've discussed, I do not believe it is in America's long-term interests. I know it will pass today. But I would be less than honest if I took the politically expedient route and voted with many of my colleagues who want to simply send a strong signal, whatever the vehicle, whatever the potential costs and unintended consequences, whatever the troubling legal precedents it sets. This bill does not meet the Minnesota common sense test. It does not meet the fairness test. It will not, in my view, have the effect its proponents hope. I urge my colleagues to oppose it.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I gather there has been an agreement between the forces supporting and opposing this measure. Pursuant to that agreement, I ask unanimous consent to speak for up to 6 minutes from time that had been allotted to the opponents of this bill.

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

Mr. LIEBERMAN. Mr. President, I rise in support of the Cuban Liberty and Democratic Solidarity Act. I am pleased and proud to say I am an original sponsor of this legislation which passed the Senate, passed the House, and languished in a conference committee because of a dispute over certain provisions of the bill. But, as so often happens, dictators like Castro, if given the time, will show their true inclination and will, by their acts, provide the best evidence and the best support for action by great and free nations like ours against them. So it was, painfully, tragically, in the case of Cuba and Castro, over the last few weeks.

This is in the context of attempts by many in our country, well-intentioned attempts, to open some lines of communication with Castro to see if that might tame this beast, if that might make this tiger into a pussy cat. Just a few weeks ago, a distinguished group of visiting Americans had pictures taken with Castro, all looking very friendly. But what is happening on the ground at the same time in Cuba? In response to the deterioration of the economy and the continued suppression of the human rights of Cubans, I gather for the first time in three decades, the disparate opposition groups, that is groups opposed to Castro—and it is not easy, as we all know, to be opposed to Castro in Cuba—come together, form this group, Concilio Cubano, and begin to discuss peaceful, nonviolent ways to oppose the dictatorial regime of Castro.

What is the response of that government, of Castro's government, to this group? He arrests its leaders, the leaders of the opposition, and puts them in jail. Think about the contrast. A distinguished group of Americans visiting, holding peaceful discussions, and at the same time the courageous domestic opposition to Castro—finally beginning to come together against the force of this state—gets locked up; all that in the week or so before this next tragic incident.

They were four Americans. Sometimes we are too sensitive about things said in the media, but it struck me at the outset, when these planes were shot down, they were described as being piloted by representatives of the Cuban exile community. There is a Cuban-American community that has left Cuba. But these are not Cuban exiles in the sense that the term suggests, that they are somehow the other. They are us. These are Cuban-Americans who have attained citizenship and are proud of their extraordinarily productive community in Florida.

So, four Americans in these unarmed planes were shot down, without appropriate warning under international

law: an outrageous act; an act of murder—let us call it that, plain and simple. An act of murder of civilians by a military government has now dislodged this bill from the conference committee and brought it to the floor, and I am grateful for the support that has been given to the bill.

The act of cowardice represented by that military attack demonstrates—as clearly as we could ask for it, much more clearly than any of us could argue on this floor or had argued before on behalf of this bill—that the Cuban Government's opposition to freedom is as strong as ever. The Castro regime remains hostile to the United States and the people of Cuba. This crackdown on the opposition, the shootdown of these planes, the litany of outrageous dictatorial acts that my friend and colleague from Florida has stated, show us once again that Castro is not redeemable. Forget it. Do not have idealistic dreams that this man, who comes out of the Stalinist era of communism, can suddenly become a freedom fighter.

In supporting the Cuban Liberty and Democratic Solidarity Act, we are acting in the best traditions of America's foreign policy because we are acting in the interests of human rights. We are acting in the interests of human rights. We are acting on behalf of the suppressed people who have lived too long under Castro's domination in Cuba. They have no less a right to live in freedom than the other peoples of the world toward whom we have extended ourselves, or against whom we have imposed economic sanctions to try to raise the liberty of the people who live within those countries.

There are those who say that Castro denies human rights. That is true. And it is in the tradition of America, the best tradition of our foreign policy, to stand for human rights.

Mr. President, pursuant to the previous agreement, I wonder if I might ask for 3 more minutes from the time of the opponents to the legislation?

Mr. COVERDELL. I would like to yield to the Senator from Connecticut 2 minutes, if I might.

Mr. LIEBERMAN. The Senator from Connecticut gratefully accepts.

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

Mr. LIEBERMAN. Mr. President, the point is this. The opponents of the bill and others may say, ''Yes, Castro denies human rights, but he does not represent a threat to the United States.'' He does not, in a fundamental sense of our existence and security. But so long as there is a hostile government in Cuba, the fact is that enemies of the United States will find a partner. So long as there is a hostile government in Cuba 90 miles from our shore, those who wish us ill will find an ally. For that reason of our own national security, as well as the faithful support of the best principles of our country, human rights, I think the Cuban Liberty and Democratic Solidarity Act is a strong step in the right direction.

Keep the pressure on. Bring Castro down. Let us move together on a bipartisan basis. The President strongly supports this legislation. Great majorities of both parties in this Congress support the legislation. Let us pass it and send the strongest possible message of hope to those who live under tyranny in Cuba and, hopefully, the strongest possible message that will bring fear to that individual who has tyrannized this proud people and that great island for much too long.

I thank the Chair and I yield the floor.

Mr. COVERDELL. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the letter from President Bill Clinton to Majority Leader BOB DOLE in support of the conference report be printed in the RECORD.

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

THE WHITE HOUSE,
*Washington, March 5, 1996.*

Hon. ROBERT DOLE,
*Majority Leader, U.S. Senate, Washington, DC.*

DEAR MR. LEADER: The Cuban regime's decision on February 24 to shoot down two U.S. civilian planes, causing the deaths of three American citizens and one U.S. resident, demanded a firm, immediate response.

Beginning on Sunday, February 25, I ordered a series of steps. As a result of U.S. efforts, the United Nations Security Council unanimously adopted a Presidential Statement strongly deploring Cuba's actions. We will seek further condemnation by the international community in the days and weeks ahead. In addition, the United States is taking a number of unilateral measures to obtain justice from the Cuban government, as well as its agreement to abide by international law in the future.

As part of these measures, I asked my Administration to work vigorously with the Congress to set aside our remaining differences and reach rapid agreement on the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act. Last week, we achieved that objective. The conference report is a strong, bipartisan response that tightens the economic embargo against the Cuban regime and permits us to continue to promote democratic change in Cuban.

I urge the Congress to pass the LIBERTAD bill in order to send Cuba a powerful message that the United States will not tolerate further loss of American life.

Sincerely,

BILL CLINTON.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the letter of endorsement of the conference report by the U.S. Cuba Business Council be printed in the RECORD.

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

U.S.-CUBA BUSINESS COUNCIL,
*Washington, DC, September 20, 1995.*

DEAR COUNCIL MEMBER: As you know, the U.S.-Cuba Business Council has closely monitored congressional and Executive Branch action on the Cuban Liberty and Democratic Solidarity Act of 1995 [H.R. 1868], known as the LIBERTAD Act or the Helms-Burton bill. The LIBERTAD Act has undergone significant change since the bill was originally introduced. Council members have inquired as to how the Council views the potential impact of this bill on the U.S. business community.

The measure, in its current form, addresses many of the concerns expressed by the Executive Branch, the business community and legal scholars. As modified, we believe that the LIBERTAD Act is fundamentally consistent with the goal of current U.S. policy on Cuba designed to foster a democratic change with guarantees of freedom and human rights under the rule of law. Congressional action on the bill may take place as early as this week.

Chapter I of the bill includes measures to strengthen the embargo against Cuba. Questions have been raised about the ''extraterritoriality'' of these provisions. As currently drafted, LIBERTAD Act is consistent with U.S. obligations under the North American Free Trade Agreement and the General Agreement on Tariffs and Trade and does not involve secondary boycotts.

Chapter II establishes a framework for trade with, and economic assistance to, a transitional or democratic government in Cuba. Some U.S. certified claimants have expressed concerns that Section 737 of the bill may diminish the pool of available assets for American property claimants by conditioning U.S. assistance to Cuba on resolution of claims held by those who were not U.S. citizens at the time of confiscation. Section 737 of the LIBERTAD Act has been significantly modified to address such concerns. As amended, this section protects the rights of certified U.S. claimants by conditioning assistance to a transitional government in Cuba on U.S. Presidential certification that the Cuban government is taking appropriate steps to resolve property claims involving U.S. claimants as described in Section 620(a)(2) of the Foreign Assistance Act of 1961.

A key element of the LIBERTAD Act involves measures under Chapter III to defend U.S. property rights and discourage foreign investors from trafficking in confiscated U.S. properties. Under these provisions, foreign firms trafficking in stolen U.S. property in Cuba would risk action by U.S. claimants against their U.S.-based assets [(Chapter III) Sections 741–744] and invite U.S. action to revoke entry visas of foreign corporate executives trafficking in confiscated U.S. properties.

We believe these measures will enhance the leverage of U.S. claimants seeking to discourage prospective foreign investors from trafficking in their confiscated properties in Cuba, facilitate the rapid and effective resolution of claims disputes, and level the playing field for U.S. firms preparing to participate in the economic development of a democratic Cuba.

Some U.S. claimants have expressed concerns about allowing Cuban American claimants to file suits against traffickers or to obtain default judgements against the Cuban government. Sections 742 and 744 of the LIBERTAD Act have also been modified to clarify that the bill does not authorize the President to espouse the claims of naturalized U.S. citizens in any settlement with Cuba and will not dilute the pool of assets available to U.S. claimants. As modified, the LIBERTAD Act significantly narrows and limits the filing of suits to effectively target foreign firms trafficking in confiscated U.S.-owned property.

In the new version of LIBERTAD, it is not possible to obtain a default judgement against the current government of Cuba. Moreover, the right of action to sue a trafficker in stolen U.S. assets applies almost

exclusively to commercial property. Claimants must provide suspected traffickers with 180 days notice before filing legal action and the case must involve property worth more than $50,000. The Cuban government claims a total of 212 joint ventures on the island. Few of those enterprises are likely to have U.S.-based subsidiaries or other assets. Thus, only a handful of cases against foreign firms in the U.S. would qualify for consideration in U.S. courts. Accordingly, the Congressional Budget Office estimated that the cost of enforcement of the LIBERTAD Act would be less than $7 million. Furthermore, under current law the President could halt such suits through his authority under the International Emergency Economic Powers Act once a transition regime is in power in Cuba.

On balance, the Council considers the LIBERTAD Act, in its current form, to be consistent with the Council's mission statement and beneficial for the U.S. business community, protection of U.S. property rights, and the economic development of a free market, democratic Cuba.

Please contact me or USCBC Executive Director Tom Cox in our Washington office (202) 293–4995 if you need further information on issues relating to this measure. I look forward to hearing from you.

Best regards.

Sincerely yours,

OTTO J. REICH.

Mr. COVERDELL. Mr. President, I want to remind all listening to this debate that we are not talking about normal business transactions. We are talking about a dictator, a murderer, a violator of human rights, and an evil force in our hemisphere. That is the basis of this conference report.

It was suggested that we have not had appropriate time to deal with this legislation. It has been before the Senate for 13 months. There have been two subcommittee hearings on the measure and, of course, extensive negotiations between the White House and the committee itself.

It has been suggested that it violates NAFTA. The administration has confirmed our finding that this document does not violate NAFTA.

It has been suggested that we have a $50,000 cap denying the residential owners with smaller claims the opportunity to be benefited by the act. That is a result of the opponents' complaint that the number of claims under the original bill would crowd the court system. So we have acceded to their demand to limit the number of cases. We are perfectly willing to open these legal remedies to those with claims valued at less than $50,000 and welcome legislation to lower this cap.

It had been suggested that it is a violation of 40 years of international law, that no nationalized citizens have ever had rights under an international claims settlement. I would suggest the opposition read the 1992 annual report of the Foreign Claims Settlement Commission of the United States. You will find the precedents for our efforts to provide compensation to naturalized citizens.

It has been suggested that we are going to chill the business community, that this just deals with business transactions. I want to remind all listening, and the opposition, that the bill is directed at people who engage in the business of exploiting stolen—I repeat stolen—property confiscated by Fidel Castro and his regime.

Mr. President, until the Soviet aid was cut off, joint ventures were not the key issue that they have become. In 1981, there was one transaction of this type. But by 1993, there were 60; and in 1994, there were 74. Yet, just the introduction of the Helms–Burton legislation has cut the number of new joint ventures in half.

Mr. President, I ask unanimous consent to have printed in the RECORD a chart titled ''Cuban Economic Association with Foreign Capital Participation'', showing joint ventures in Cuba by country and year.

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

CUBAN ECONOMIC ASSOCIATIONS WITH FOREIGN CAPITAL PARTICIPATION

[By country and year]

| Country | 1988 | 1990 | 1991 | 1992 | 1993 | 1994 | 1995 | Total |
|---|---|---|---|---|---|---|---|---|
| Spain | 1 | | 3 | 9 | 10 | 14 | 10 | 47 |
| Mexico | | | 2 | 3 | 3 | 4 | 1 | 13 |
| Canada | | | | 2 | 8 | 16 | | 26 |
| Italy | | | | 1 | 5 | 4 | 7 | 17 |
| France | | 1 | | 3 | 5 | 2 | 2 | 13 |
| Holland | | | | 1 | 2 | 3 | 3 | 9 |
| Offshore | | 1 | 3 | 10 | 5 | 12 | | 31 |
| Latin America | | | 2 | 3 | 11 | 9 | 4 | 29 |
| Other | | | 1 | 1 | 11 | 10 | 4 | 27 |
| Total | 1 | 2 | 11 | 33 | 60 | 74 | 31 | 212 |

Source: Cuba, Inversiones y Negocios 1995–96, CONAS, Havana, 1995, p. 18.

Mr. COVERDELL. Mr. President, it has been stated that our allies, some 58 countries, are going to be intimidated. I hope they are chilled by this. I hope they are. We are saying ''quit dealing and assisting this dictator by giving him hard currency in exchange for the use of our stolen property.''

Mr. President, let me say that I think the argument that international law, which protects these types of transactions, has a higher standing than our country's interest in defending our property owners is flawed. I think the pursuit of perfecting international law to protect our citizens from a rogue regime is legitimate and good sound public policy.

I yield the floor.

Mr. President, how much time is remaining total?

The PRESIDING OFFICER. Five minutes and fifty-one seconds.

Mr. COVERDELL. It is my understanding that no one chooses to speak on the measure. So I will make a closing comment and then yield back time.

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

Mr. COVERDELL. Mr. President, first, I think we owe the authors, Senator HELMS and Congressman BURTON, the cosponsors, and the White House—all who participated extensively to perfect this conference report that I believe will soon become law—a great deal of support. They need to be complimented extensively for the vast work they have done to perfect this legislation over the last 2 years.

Mr. President, I believe that this legislation will send a signal worldwide about this rogue regime, that it is not in the interest of business, or individuals, to be predators over confiscated and stolen property. I think the effects that I just alluded to moments ago are very positive, and I hope that all will take note and that there will be no more transactions in stolen property.

I hope that we give comfort to those who have had their lifelong possessions confiscated by the Cuban Government, that we will begin to signal hope to them, that there may be light at the end of the tunnel, and that they will be compensated for that which was lost.

I hope to the Cuban people we will be saying that the United States stands here ready to be an ally and ready to be an assistant to the transition to democracy and to the transition to a democratic government.

Mr. President, I see the author of the bill has arrived on the floor. I yield whatever time is remaining to the distinguished Senator from North Carolina.

Mr. HELMS. I thank the Senator from Georgia.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Thank you for recognizing me, Mr. President.

Mr. President, let me first say with the friendliest of intent to our neighbors to the north, Canada, who have overspoken themselves in criticism of the United States—and particularly of this bill—declaring that they think it is all right for them and others to continue to deal with Castro. Let me remind them that Castro has had a murderous regime from the very beginning. More Cuban citizens have been killed, murdered, locked up, imprisoned, robbed—you name it—than anybody can imagine.

They advocate making a deal with Castro.

That is precisely what Neville Chamberlain advocated about dealing with Hitler. Mr. Chamberlain went to Munich, was wined and dined by Hitler. When he came back, he declared, ''We can do business with Hitler. We can make a deal. We can have peace in our time.'' Well, Neville Chamberlain was wrong; one man, Winston Churchill, rebuked Chamberlain and declared that he was wrong. Winston Churchill was right.

Furthermore, I will say to our critical friends in Canada that some of us in the United States are a bit weary about Canada's flagrant transshipment of Cuban sugar and other things which are brought into Canada and then unlawfully shipped into the United States.

So, if the Canadians want to discuss what's right, what's moral, they should bear in mind that all of us become a part of what we condone. And by their advocacy in this matter, by their opposition to this bill, the Canadians are condoning Fidel Castro. Shame on them.

Mr. President, about a year ago, on February 9, 1995, I introduced legislation to hasten the day when Fidel Castro no longer can inflict terror and hardship upon the people of Cuba. Today, the Cuban people have reason to hope that Castro's days are indeed numbered: The Cuban Liberty and Democratic Solidarity Act is on its way to the White House for the President's promised signature.

So, we are today one step away from seeing the long-awaited legislation signed into law. This conference report has broad bipartisan support, and the President has endorsed the bill and is urging all Members of Congress to support it.

The Libertad Act may very well persuade Fidel Castro to withdraw his stranglehold on the Cuban people. It is difficult to see how Castro can sensibly continue to hope that his dictatorship can survive the tough provisions of this legislation, for example, the strengthening of all international sanctions by putting into law all the scores of Cuban embargo Executive orders and regulations enacted and imposed since President Kennedy. Simply stated, the embargo cannot and will not be lifted until Castro has departed and a democratic transition is underway in Cuba.

In short, it is time for Mr. Castro to wake up and smell the coffee.

Most importantly, the Libertad Act forces foreign investors to make a decision, a choice: They can trade with the United States or they can trade with Cuba, but not with both without paying a serious price. This legislation specifically creates a right of action for American citizens to sue those who traffic in property stolen from them by the Castro regime. The bill also makes it mandatory that the Secretary of State deny entry into the United States to individuals who are enriching themselves with confiscated American properties.

Mr. President, it may be hard to believe but there are still a few voices calling for the United States to lift the embargo. In the past 2 weeks, those arguments have been completely, totally, and utterly discredited. For during these past 2 weeks, the Castro regime deliberately, intentionally, and in violation of international law, blew two unarmed civilian planes out of the sky. Castro has launched the most brutal crackdown on dissidents in more than a decade. There have been wholesale arrests in the middle of the night, followed by show trials; there have been illegal searches that have shown what Fidel Castro is—a brutal dictator.

These atrocities have not surprised the Cuban people who, for three decades now, have witnessed brutal atrocities every day of their lives under Castro's tyrannical regime.

Fidel Castro has also launched a crackdown on members of the independent news media in Cuba. Since early 1995, Castro and his agents have arrested and jailed journalists who made the mistake of trying to make objective reports regarding Cuban Government activities.

They arrested Olance Nogueras Roce for trying to protect the health and well-being of his fellow Cubans by detailing the perilous violations of safety regulations and the faulty construction of the Cuban nuclear powerplant.

Perhaps the most despicable attacks made by Castro, Mr. President, were against Cuba's blossoming religious community. After years of persecution and open hostility by the Castro regime, the Cuban people, especially the young people, are flocking to the church in record numbers. But, fearful that the church will tell the truth about Fidel Castro, his security agents have closed churches, arrested clergy, and harassed church-goers. Freedom to worship is nonexistent in Castro's dictatorship.

So, Mr. President, this conference report recommending that the Libertad Act become law is more desperately needed by the people of Cuba than ever before. The enactment of the Libertad Act will give these beleaguered Cuban people hope.

This is the light at the end of the tunnel for which the Cuban people have prayed—those poor souls locked in Castro's gulags, those desperate people who attempt to cross the dangerous straits to Florida, the journalists and clergy who have sought the freedom to shed light on Castro's lies, and the average Cuban citizen struggling to survive under Castro's tyranny. Now that they are about to have this new law on their side, surely it will be only a matter of time before the Cuban people enjoy the freedoms that too many Americans take for granted.

Mr. President, earlier I mentioned that President Clinton supports the Libertad Act. I ask unanimous consent that the President's letter to the distinguished majority leader be printed in the RECORD.

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

THE WHITE HOUSE,
*Washington, March 5, 1996.*

Hon. ROBERT DOLE,
*Majority Leader, U.S. Senate,*
*Washington, DC.*

DEAR MR. LEADER: The Cuban regime's decision on February 24 to shoot down two U.S. civilian planes, causing the deaths of three American citizens and one U.S. resident, demanded a firm, immediate response.

Beginning on Sunday, February 25, I ordered a series of steps. As a result of U.S. efforts, the United Nations Security Council unanimously adopted a Presidential Statement strongly deploring Cuba's actions. We will seek further condemnation by the international community in the days and weeks ahead. In addition, the United States is taking a number of unilateral measures to obtain justice from the Cuban government, as well as its agreement to abide by international law in the future.

As part of these measures, I asked my Administration to work vigorously with the Congress to set aside our remaining differences and reach rapid agreement on the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act. Last week, we achieved that objective. The conference report is a strong, bipartisan response that tightens the economic embargo against the Cuban regime and permits us to continue to promote democratic change in Cuba.

I urge the Congress to pass the LIBERTAD bill in order to send Cuba a powerful message that the United States will not tolerate further loss of American life.

Sincerely,

BILL CLINTON.

Mr. HELMS. I thank the distinguished manager of the bill, Mr. COVERDELL, of Georgia.

I yield the floor. I yield such time as I may have.

The PRESIDING OFFICER. Who yields time?

Mr. COVERDELL. Mr. President, I ask that all time be yielded and the debate be concluded.

The PRESIDING OFFICER. All time is yielded.

## DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1996—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the clerk will report the conference report to accompany H.R. 2546, the District of Columbia appropriations bill.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2546) making appropriations for the Government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District 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 a majority of the conferees.

The Senate resumed consideration of the conference report.

The PRESIDING OFFICER. Under the previous order, there are 15 minutes allotted to each side.

Who yields time?

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, my remarks will be very brief. This afternoon—after the vote on the Cuba resolution—the Senate is scheduled to vote on a third motion to invoke cloture on the D.C. appropriations bill. The first motion was rejected by a vote of 54 to 44. Last Thursday, the Senate rejected a second cloture motion by a vote of 52 to 42. Today, I urge my colleagues to reject this motion as well.

The time has arrived for the Senate to move beyond single issue politics to address the urgent needs of our Nation's Capital. It is clear that there is a significant—and unresolvable—difference of opinion on the scholarship program proposed in the conference report.

Repeated attempts to move this report have failed, and I am certain that the question of vouchers will not be settled on this particular legislative

vehicle. I believe it is time now to move forward with the many other reforms that will begin to put the District on a sound fiscal and operational footing. As Chairman JEFFORDS and others have indicated, the District is about to experience a serious cash shortage. If the remainder of the Federal payment is not released within the next 2 weeks, the city will be unable to pay its bills or to provide essential services. The debate over the scholarship program has been a robust and informative one but it is time to move on. So I urge my colleagues to vote against the cloture motion.

Mr. JEFFORDS. Mr. President, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I honestly hope this is the last time that we are called upon to debate the D.C. appropriations conference report. It is time to get beyond our differences and come to agreement. This conference agreement represents the best consensus that can now be achieved. To those who believe that by delaying or defeating this conference report they can somehow ensure a better deal, I can tell you that this is highly unlikely. I do not know what the House reaction is going to be, but I do know that we negotiated long and hard on this conference report which essentially gave total local control on the question of vouchers and, to my mind, brought it out of the specter of being a national test on your feelings on this issue.

Mr. President, the Federal Government still owes the District government more than $254 million, of which $219 million is the remaining portion of the Federal payment. There are real human consequences to this delay. District vendors are carrying the city's debt. The city owes more than $300 million to its vendors. Partially as a result of not receiving the Federal payment, the city has taken steps to conserve cash including delaying payments to vendors. Many of these individuals are small businessmen who depend upon prompt payment to meet their own payroll and business expenses. When one of their customers is late, it causes a hardship. Some have gone out of business. Some have had to lay off employees, and some, like snowplow operators, refuse to do further business with the city. And let us hope we do not get another snowstorm. But it is still too early to be sure of that.

Mr. President, each year we make an appropriation of $52 million to the District's retirement fund for police, firefighters, teachers, and judges, who were formerly Federal employees when the District government was a Federal agency. As a result of the delay in enacting this bill, the Federal Government has not paid $35 million of this amount for those pensioners. These funds are invested for the future benefit of retirees. Through the end of January, the retirement fund estimates that it has lost over $2 million in interest proceeds as a result of not having these funds to invest. That is not fair.

I do not know what more can be said to convince Senators that this is the best deal possible under the circumstances and that the District desperately needs the money. Last week, the Chairman of the D.C. Control Board, Dr. Andrew Brimmer, visited me and gave me a letter concerning the effect of delay in enacting the D.C. bill. He stated that without the remainder of the Federal payment, the District could run out of cash this spring. He also noted that without the bill being enacted, the District cannot spend $42 million in new Federal grants identified after the 1996 budget was prepared. That authority is contained in the conference agreement.

In closing, Dr. Brimmer states:

> The Authority has begun to make significant progress toward the goal of restoring financial stability to the District without sacrificing core public services or adversely impacting our disadvantaged citizens. . . All this is jeopardized by failure to enact the D.C. budget. I plead with you and your colleagues to adopt the District's FY 1996 appropriation bill without further delay.

The White House has issued a statement which threatens that the President's senior advisers would recommend he veto this bill in its present form. The Mayor has written a letter to the President in which he appeals to the President's good sense and judgment as he weighs the advice of those senior advisers. The Mayor makes the case very well when he states, ''This appropriations bill is not a vouchers bill. It is a bill that only gives local officials the option to do so if they choose.''

Mr. President, we have come to another vote on this conference report. I hope my colleagues will heed the words of the mayor and the chairman of the control board and invoke cloture so that we do not have to wait for some other legislation to enact this bill. Time and the District's need for cash are of urgent concern. I ask my colleagues to support the conference agreement so that we may discharge our obligations to the city.

Mr. President, I yield the floor and yield 4 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, the issue before us is not just the city government of Washington, DC, because that general issue is not what is holding up this legislation. The issue is whether or not the children of the District of Columbia ought to have a better education and a better educational system. And if that educational system does not evolve, then that the poor of the District of Columbia would have the same opportunity as the rich of the District of Columbia to make sure their children have an equal educational opportunity. And that revolves around whether or not school vouchers ought to be available to the poor of Washington, DC, so that they can have then the same educational opportunities as the rich of this city who choose to send their children to private schools.

Now, I have not historically promoted the wholesale move to school vouchers because I have in the past only supported a limited demonstration program that would provide school vouchers to poor families that reside in troubled school districts.

Obviously, the District of Columbia falls into that category. But it is certainly an idea, the idea of school vouchers, that deserves a chance. And more importantly, it may give many poor children in the District of Columbia a chance for a better education.

How ironic. We have been told that the President's advisers may suggest a veto. How ironic that this very same President, when he was Governor of Arkansas, supported a voucher program. Thank goodness for a candid story in the Post explaining why the President of the United States now has a different view. The Washington Post last Sunday showed why President Clinton flip-flopped on school vouchers and why the other side of the aisle is in lockstep behind him in opposition to this bill. You see, it is the special interests. Now, in Iowa, special interest when it comes to education means children or, if it is not education, it means the elderly or the disabled veterans, but here in Washington the special interests are fellows waving big checkbooks. The special interest in this case is the National Education Association which provided $4.4 million to Federal office seekers, virtually all of them Democrats, according to the Washington Post story.

So I do not want to hear from the other side of the aisle how they are voting to save education when they vote against cloture. They are not voting for the children's interest of the District. They are voting for the special interests of the District.

Incredibly, many people in the White House and in Congress who oppose this small effort to give children of working families a chance send their own children to the most expensive private schools in the city. I hope as they drive their sons and daughters to their elite academies that they can roll up the tinted windows of their cars and, thus, will not have to look at the children who have no chance, and they can shut out the noises of those children asking for a chance.

The Post story recounts that President Clinton told the NEA after he was elected that he would not ''forget who brought me to the White House.''

No, President Clinton has not forgotten his big special interest friends. Unfortunately, it is the children of the poor struggling to get a good education who have been forgotten by this White House if they, in fact, veto this bill.

I hope my colleagues will do the right thing for the children of the District and vote for this bill and give

them a chance for a better education tomorrow and a better future as a result thereof.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I want to thank the Senator from Iowa for some very explicit and appropriate comments on the situation that we are in. I hope that my colleagues will heed his words.

I yield the floor, seeing there are speakers on the other side, I believe, ready to go.

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

The PRESIDING OFFICER. The Senator from Massachusetts has 13 minutes, 6 seconds remaining.

Mr. KENNEDY. I yield myself 6 minutes.

Mr. President, just to sum up where we are in the U.S. Senate, and really speaking to the people who live in the District, we are seeing a third vote on an issue in which I believe our good Republican friends are basically playing politics with the children of the District of Columbia.

It is an interesting fact that 2 years ago, the majority cut $28 million out of funding for education in the District. This last year, they cut some $14 million out, and then $8.5 million out of title I.

So that is the background, and now what they are doing is asking $42 million over the period of the next 5 years for a very narrow program, which has been rejected 8 to 1 by the District of Columbia, and that is the voucher system that is not going to give the choice to the individual, it is going to give the choice to the school.

That is something that our Republican friends do not seem to understand. Only 2 percent of the children in the District would be able to qualify for this particular program. Who is going to make the judgment? Do you think the parents are? Of course, they are not. It is going to be the schools that are making the judgment about which children they are going to take.

So, on the one hand, we have seen the commitment to try and enhance the academic achievement and accomplishment for all of the children 2 years ago, and that was cut back, and then you see the commitment to enhance opportunities for all of the children, and that is cut back.

Now we are faced with a conference proposal that effectively undermines the first elected school board for the District of Columbia by not funding them. Do you hear that, Mr. President? I hope all of our Republican colleagues understand, local control. How often we hear, ''Let's have local control over school planning, local control over the allocations of resources.'' That is not this bill.

The officials elected by the District of Columbia selected their school board, and that program is defunded. We have basically a Federal oversight that is going to say to the District of Columbia, ''Use this money our way or you're not going to get it.'' That is real choice. That is real choice. That is real choice for the citizens here.

So we ought to understand, this is the third time that we are being asked to vote on this, Mr. President, along with the other provisions of the legislation that provide an assault on the incomes of working families here, unlike any other part of the country, where the changes in the worker protection under Davis-Bacon have been included, and the position of the Congress on the issues of funding for abortions. We are making a judgment which the Supreme Court has recognized ought to be a State or a local judgment, but, oh, no, we are saying we know best, we know what is really best for the education of the students, and we know what is in the best interest of the poor and needy women in the District, and we know what is in the best interest of workers in the District.

We will hear, as we have over the period of these past months, that we in this body do not always know what is best for the people around this country. How often we have heard that speech. Now you have the chance to say no to that judgment by rejecting this conference report and saying yes to workers, yes to needy women, yes to the parents and to the enhanced quality of education for the people of the District.

So, Mr. President, I hope for these reasons and the excellent reasons that have been outlined by Senator KOHL earlier today and during the last debates and my friend and colleague from Illinois, Senator SIMON, that this conference report will not be considered; that we will send a very clear message.

As Senator KOHL has pointed out, and it has not been controverted, if you eliminated these kinds of restrictions that have no business whatsoever being on this bill, this funding would be available this afternoon. But, no, we have voted on it. People understand where those votes are, and we are being asked to go through this routine and what I think is basically blackmailing the children and families of the District of Columbia to achieve some purpose for the majority that the majority might be able to explain to us. But we are asked to do that, Mr. President.

I want to make it very, very clear to all the members of the District of Columbia, we stand strong to make sure that the District of Columbia is going to get its funding. It could get it this afternoon if they drop these three proposals off the conference report. They could work that conference report. All of us have been around this institution to know the conferees would be able to get back together. Drop those three, and they could get it this afternoon.

We have had the two votes, and still they want to have the third one. But we will do everything we possibly can to work with our friend and colleague, the Senator from Vermont, who we admire both his commitment to the quality of education nationwide and also in the District of Columbia. We will work with him and the other Members of the House to make sure the District of Columbia gets its payment, but on this proposal we should say no.

Mr. President, I see my friend and colleague. I yield 4 minutes.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I simply want to underscore what Senator KENNEDY has had to say. The Presiding Officer, as a new Member of this body, may not be aware of this, but in addition to everything that Senator KENNEDY had to say, one of the things that is happening in our world that is really dramatic is the spread of democracy. It is in Russia, it is in Poland, it is in many countries of Africa now.

It is interesting, Mr. President, that in all of the democracies of the world, there is only one democracy where we deny the people in the capital city the right to be represented in a democracy, in their parliament. That democracy, I regret to say, is the United States of America.

The District of Columbia has their own elected school board, and we make all these speeches about local control, but we say to only one school board—and it is not insignificant, it is a school board that does not have a vote in terms of having a U.S. Senator—we say to one school board, ''You have to do this or you don't get this money.'' That just does not make sense. I add one other point, Mr. President. I have been around here now 22 years and, generally, we try and work out compromises between the House and the Senate. These are provisions that were not favored by a single Member of the Senate side. Democrats and Republicans capitulated to the House. I understand capitulating because you have to do that sometimes. But the body does not need to do that. The precedent is simply wrong.

So I hope that our vote on cloture will be the same. There is no reason for anyone to change his or her mind. This is not good policy, and I hope we will continue to resist the cloture motion.

I yield the remainder of my time back to Senator KENNEDY.

Mr. JEFFORDS. Mr. President, first, I thank my colleagues for their kind words about our relationship, which I cherish. I thank them for very eloquently making my arguments, because they have pinned it all on the fact that we are shoving something at a city that has no opportunity with their elected officials to say no.

That is not the case. I wish they would read the bill. What it says is simply that we set up the operation, and there is a nonprofit corporation set up to handle private funds and public funds. Then there will be two voucher plans. One voucher plan nobody disagrees with. One is that every child that has problems with their education will have an opportunity to seek a

voucher to go after school—or to go someplace to get the kind of remedial attention they need. Nobody disagrees with that. The bill further states that, however, the corporation can recommend that money would go for tuition vouchers. However, there must be agreement upon how much to spend on tuition vouchers, down to zero, and that is up to the elected city officials, the District Council. They can say no money.

When we reached this agreement, I was fully aware there had been a referendum that said, 8 to 1, ''We do not want any vouchers.'' That simply means that I knew, and I am sure others that have agreed to this know, that many people in the District are against it. To make the presumption that the city council does not remember this vote, that was on the ballot, which said that the city voters do not want vouchers, 8 to 1, and they are going to say forget about that, forget about how you feel now—of course, they are not. So I appreciate Senators on the other side making the argument strongly that we should not have anything that is locally controlled. This conference agreement gives the city local control.

So how can you say you are against it because it does not have local control when the whole thing is based upon local control?

The other issues, we have argued before, with respect to Davis-Bacon may not be a problem. If it is, we will correct it. The abortion issue is a compromise between the language adopted in 1995, and which was adopted by the Senate this year and the more restrictive language of the House bill. The conference agreement states that no funds, either from the local government or the Federal Government, can be used to perform an abortion unless it is to save the life of the mother or in cases of rape or incest. That was the best we could do.

Let us concentrate on the educational provisions now. Mr. President, we have done everything in this agreement we can to protect the people of this city from a mandatory Federal program which would violate local control. That is the case in this agreement.

In addition, we must remember that there are many other important education reforms in this bill besides that one provision. We run the risk, as I mentioned earlier, of ending up with nothing here, and all the catastrophes that can come from that, including losing the funding for the reforms.

I want to say briefly that I know there are several Members—enough to pass this bill—that are tortured by this vote right now, who want to support the cloture motion, but they know that the problem has been an agreement by the unions to hold the line. The White House is putting pressure on and saying they will veto it if it is presented in its present form. I urge those Members to look at the facts and get the grit to be able to do what you know you should do to help the city and to, most of all, help the kids get the education they need in this city.

I reserve the remainder of my time.

Mr. KENNEDY. How much time do I have?

The PRESIDING OFFICER. The Senator has 4 minutes.

Mr. KENNEDY. Mr. President, I yield myself 3 minutes.

Mr. President, I appreciate the explanation of the Senator from Vermont. But I do not think that that ought to be very satisfying to the parents of the school district in the District of Columbia. Effectively, what the Republican Congress has done is this: They have cut $52 million in the last 2 years on the one hand, and they are giving $42 million back on the other, if it is used as explained by the Senator from Vermont, and that is whether it is vouchers or after-school vouchers. But if they do not spend it for the vouchers, they lose it. They lose it. They do not get the money.

You have had these draconian cuts that we have seen in the last 2 years, and they are dangling the money in front of the District now and saying the only way you can use this money is if you use it for the programs of after-school vouchers and the other vouchers.

What do you say to the school that says they would like just a few more hundred thousand dollars for the literacy program, or they would like to have an in-school after-school program? It would not be just the kids that get the vouchers, but all the children. You are saying no to that group of parents that want to have an after-school program and use some of the money. We otherwise would have gotten another $42 million for the after-school program. What if the teachers and parents say we would like to have more technology, computers? Oh, no, we have to permit 2 percent of the school children to go to some other schools. We cannot say that in your school you might be able to get some additional resources for technology.

Those are the things that are out there, parents, and under this proposal, you are denying it. You have had significant cuts in the last 2 years. You are offering them a lot of money this way, but it has to be used not the way the District of Columbia wants to use it, which has rejected vouchers in recent years by 8 to 1—if they had wanted vouchers, they would have had it before this year. They never have. So you are saying we know best, and you are going to use the money this way, or you are going to lose it.

That is unacceptable. We say that the schools know best and the parents, who may want to be able to develop after-school programs. Schools and parents want to have literacy and technology, and schools and parents want to have enhancement of math and science. But we are saying, no, you cannot do that. You have to use it our way, or you lose the money. That is the issue.

That is unacceptable, Mr. President. I hope that we will defeat the cloture motion and move toward providing the funding to the District of Columbia.

Mr. JEFFORDS. How much time remains?

The PRESIDING OFFICER. There are 30 seconds remaining.

Mr. JEFFORDS. I point out that we have never cut the school budgets of the city. The city has recommended reductions, some of which were accepted. We have never imposed cuts. So, again, let us get the facts straight.

In addition to that, this $5 million is the only thing at risk here. All of that can be used if the city council and the scholarship corporation agree. It can all be used for the kind of vouchers that no one opposes, for remedial instruction. Local control is total here.

Mr. WARNER. Mr. President, as the Senate today again attempts to limit debate on H.R. 2546, the fiscal year 1996 District of Columbia appropriations bill, I would like to address what seems to be the principal roadblock to Senate approval. That issue is the proposed discretionary educational voucher program.

The conference report on H.R. 2546 would authorize school vouchers for as many as 1,500 low-income children at up to $3,000 each. These vouchers could be used for one of two purposes: Either for supplemental educational services such as remedial training after school, or as tuition scholarships to assist with the costs of private education.

As proposed, the voucher demonstration is not mandated. It is authorized first as a choice for the District of Columbia Council. No voucher program could go forward until it was approved by the District government.

Furthermore, should the District decide to implement the voucher demonstration, the D.C. Council could specify the type of vouchers which would be available. For instance, all of the demonstration funds could be targeted to supplemental educational services with no tuition assistance alternative.

Mr. President, this legislation respects home rule by giving the D.C. government the discretion to choose the type of program it may wish to provide, or reject the program outright. It would also give up to 1,500 D.C. families the ability to make important choices to improve their children's education.

I strongly support the bill, and I strongly support the discretionary school voucher demonstration. This is consistent with my support of a similar voucher demonstration proposal during the 1994 debate on the Goals 2000 legislation.

The American education system should provide an environment which fosters innovation and experimentation. Here is an opportunity to test that environment in the Nation's Capital. I urge my colleagues to join in voting in favor of educational choice for the District of Columbia.

Mr. JEFFORDS. Mr. President, I yield back the remainder of my time.

## RECESS

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

Thereupon, the Senate, at 12:29 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. COATS].

## CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY [LIBERTAD] ACT OF 1996—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, as I understand, the vote is set for 2:15.

The PRESIDING OFFICER. That is correct.

Mr. DOLE. Mr. President, the Senate is taking a historic step today. We will soon vote on the conference report on the Cuban Liberty and Democratic Solidarity Act of 1996. It is a tragedy it took the brutal attack on unarmed American citizens in international airspace to overcome resistance to tightening the economic noose around Castro. Many of us believed legislation should have been enacted much sooner. Fifty-nine Senators voted for cloture on this bill last October. Though we were forced to delete a critical section to overcome the filibuster last year, that section has been restored in the conference report pending in the Senate.

Castro still has a few supporters in the United States. The tired rhetoric defending his dictatorship is the last stand of the old left. But their voices are irrelevant. Their voices are drowned out by the overwhelming and uncontestable evidence of Castro's true nature. Castro is clearly determined to cling to power at all costs, but his days are numbered. Enactment of the Libertad bill will weaken, and eventually end, Castro's desperate dictatorship.

There has been much said in the debate this morning about this bill. The key provisions deserve special mention. First, the Helms-Dole-Burton Libertad bill codifies all regulations implementing the embargo on Cuba. This will ensure no more mixed signals will be sent from the United States—the Cuban embargo stays in place until a transition government is in place.

Second, the Libertad bill requires entry to the United States be denied to all individuals who traffic in stolen property in Cuba. Entry into the United States is a privilege, not a right. Enactment of this bill will guarantee that the privilege of entry to the United States is not extended to those who profit from property stolen from American citizens.

Third, effective August 1, 1996, the Helms-Dole-Burton bill creates legal recourse in American courts against firms and individuals who profit from property confiscated from Americans. Limited authority to suspend this provision is included in the conference report, but only for 6-month periods, only with advance notice to Congress, and only if the President certifies that such a suspension will expedite democratic change in Cuba.

There are many other important provisions in the bill: Authorization to support democratic and human rights groups in Cuba, tough conditions on aid to the former Soviet states if they provide aid to Cuba, mandatory reductions in United States assistance and credits to any country which support completion of the nuclear reactors in Cuba, and tough requirements for United States Government action on American fugitives in Cuba.

The Libertad bill is a comprehensive package which will cutoff Castro's foreign economic lifeline. The Libertad conference report will speed up democratic change in Cuba. It sends a clear message: The time of Fidel Castro has come and gone. It has been a long, hard road to get to the point of final Senate action. I wish we could have been here much sooner. I wish we could have acted without facing veto threats and filibusters.

But today, these differences are behind us. President Clinton has endorsed the Helms-Burton bill—in its toughened form. President Clinton has asked all Members of Congress to support this legislation. In a letter to me this morning, he wrote:

> The conference report is a strong, bipartisan response that tightens the economic embargo against the Cuban regime and permits us to continue to promote democratic change in Cuba. I urge Congress to pass the Libertad bill in order to send Cuba a powerful message that the United States will not tolerate further loss of American life.

There can be no doubt that the signal from the United States is stronger when the Democratic White House and Republican Congress speak with the same voice. There can be no doubt that the signal from the United States is unmistakable: Democracy yes, dictatorship no.

Now that the White House is on board with a tougher approach to the Castro regime, I hope they will enact unilateral steps to increase pressure on Castro—steps they could take today. The Clinton administration should beef up enforcement of the embargo, including opening a Treasury Department office in Miami. The Clinton administration should also instruct the FBI to crack down on Cuban agents in the United States including tougher restrictions on so-called diplomats and stronger steps to counter Cuban spies in Miami. The administration should also require strict compliance with the Foreign Agents Registration Act to ensure all of Castro's lobbyists are publicly disclosed. Measures like these will help demonstrate a genuine change of heart by the White House.

Let there be no mistake: Castro's dictatorship will end. From Poland and Prague, from Moscow to Managua, from Kiev to Kazakhstan, Communist tyrants have fallen to the will of people. Castro stands alone as the last dictator in the hemisphere. When the history of the fall of Castro is written, today's action will have a central place. The atrocity over the Florida Straits—the murder of martyrs of February 24—has galvanized opposition to Castro. And it has overcome obstacles to passing their Libertad bill before us today.

There is a long list of people who worked hard on the legislation before us. Senator HELMS made enactment of this legislation a priority when he assumed the chairmanship of the Foreign Relations Committee. Senator MACK of Florida was critical in mobilizing Senate support for the bill.

In the House, Congressman BURTON played a critical role in shepherding the legislation to the overwhelming vote last September. Congressman DIAZ-BALART and Congresswoman ROS-LEHTINEN were tireless in their work for the bill—in the House and in the Senate. Congressman MENENDEZ of New Jersey was central in getting the Clinton administration to see the light on the legislation last week. All of these Members deserve credit for the Libertad conference report. Without their efforts, we would not be where we are today. Enactment of this legislation will end the debate over how to foster democratic change in Cuba. Enactment of this legislation will send a signal to our allies and our adversaries that the United States is united in opposing Fidel Castro. And enactment of this legislation will bring the end of Fidel Castro's reign of terror much closer. I urge my colleagues to support the Libertad bill to send the strongest possible message to the hemisphere's last dictator.

The signals are clear. It is now nonpartisan, bipartisan, call it what you will. I hope with an overwhelming vote that Castro will finally get the message. And I think the administration has finally gotten the message. After cozying up to Castro in 1994 and 1995, they now see the error of their ways. And I am happy that they are now on board.

I particularly want to thank the distinguished chairman of the committee, Senator HELMS, for his tireless efforts throughout the past several months.

## MIDDLE EAST TERRORISM

Mr. DOLE. Mr. President, apparently the White House press secretary made some statements this morning that I think probably he should not have made. I am not certain it helps the cause of counterterrorism to talk publicly about the type of equipment we are sending to help our allies. I support, and I am certain all of my colleagues support, United States efforts

to support Israel's fight against the killers of Hamas. I have pointed out that continued United States aid to the Palestinian authority is difficult to justify unless Arafat takes concrete action against terrorists who threaten the peace process. Congress has had many contentious delays in extending the Middle East Facilitation Act in the past. We could have a continuing resolution in the Chamber maybe next week or maybe even this week, sometime very soon, and unless and until Arafat does more to crack down on terrorism, I would assume—I am not suggesting I am going to plead it, but I assume there might be an effort by some to cut off aid to the Palestinian authority, and that is the point I made. It seems to me it is up to Mr. Arafat to take some decisive action. It is not enough to say that he regrets it and it is intolerable. I think we need action not only from Arafat but some action from Syria which has been a safe haven for terrorists the last decade or so.

## CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY [LIBERTAD] ACT OF 1996—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

The PRESIDING OFFICER. The question is now on agreeing to the conference report to accompany H.R. 927. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Indiana [Mr. LUGAR] and the Senator from Delaware [Mr. ROTH] are necessarily absent.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] and the Senator from Georgia [Mr. NUNN] are necessarily absent.

The result was announced—yeas 74, nays 22, as follows:

[Rollcall Vote No. 22 Leg.]

YEAS—74

| | | |
|---|---|---|
| Abraham | Faircloth | Mack |
| Ashcroft | Feinstein | McCain |
| Baucus | Ford | McConnell |
| Bennett | Frist | Mikulski |
| Biden | Glenn | Murkowski |
| Bradley | Gorton | Nickles |
| Breaux | Graham | Pressler |
| Brown | Gramm | Pryor |
| Bryan | Grams | Reid |
| Burns | Grassley | Robb |
| Byrd | Gregg | Rockefeller |
| Campbell | Hatch | Santorum |
| Coats | Heflin | Sarbanes |
| Cochran | Helms | Shelby |
| Cohen | Hollings | Simpson |
| Conrad | Hutchison | Smith |
| Coverdell | Inhofe | Snowe |
| Craig | Johnston | Specter |
| D'Amato | Kassebaum | Stevens |
| Daschle | Kempthorne | Thomas |
| DeWine | Kohl | Thompson |
| Dole | Kyl | Thurmond |
| Domenici | Lautenberg | Warner |
| Dorgan | Lieberman | Wyden |
| Exon | Lott | |

NAYS—22

| | | |
|---|---|---|
| Akaka | Dodd | Kerrey |
| Bingaman | Feingold | Kerry |
| Bond | Harkin | Leahy |
| Boxer | Hatfield | Levin |
| Bumpers | Jeffords | |
| Chafee | Kennedy | |
| Moseley-Braun | Murray | Simon |
| Moynihan | Pell | Wellstone |

NOT VOTING—4

| | |
|---|---|
| Inouye | Nunn |
| Lugar | Roth |

So the conference report was agreed to.

Mr. COVERDELL. Mr. President, as manager of the conference report on H.R. 927 just adopted by the Senate, I ask unanimous consent to address the Senate for 1 minute.

The PRESIDING OFFICER. Without objection, the Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, I wish to thank Senator HELMS, the chairman of the Foreign Relations Committee, and the majority leader, Senator DOLE, for their leadership on this issue.

I also wish to thank my fellow Senate conferees—Senators THOMPSON, SNOWE, and ROBB—for their relentless effort and willingness to work long hours to pass the conference report. Further, I wish to thank Senator DODD for his knowledgeable input and management of the conference report on the floor, and for his willingness to bring this to closure even though he does not support the measure.

In addition, I want to add my thanks to the staff involved in this conference report, especially Steve Schrage of my office, and Dan Fisk and Gina Marie Lichacz of the Senate Foreign Relations Committee who worked diligently throughout the process to keep me fully briefed and prepared. I also wish to express my gratitude to Randy Scheunemann of the leader's office for his invaluable expertise, and to Janice O'Connell of Senator DODD's staff for graciously working with us during floor consideration of this conference report. Finally, I wish to acknowledge all the other Senators and staff who made passage of the Libertad Act a reality.

## DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1996—CONFERENCE REPORT

CLOTURE MOTION

The PRESIDING OFFICER. The clerk will report the motion to invoke cloture on the conference report to accompany H.R. 2546, the D.C. appropriations bill.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the conference report to accompany H.R. 2546, the District of Columbia appropriations bill:

Trent Lott, Jim Jeffords, Dan Coats, Larry E. Craig, Paul D. Coverdell, Conrad Burns, Pete V. Domenici, Jon Kyl, John Ashcroft, Slade Gorton, Spencer Abraham, Craig Thomas, Mark O. Hatfield, C.S. Bond, P. Gramm, Don Nickles.

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate be brought to a close?

The yeas and nays are ordered under rule XXII.

The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from Indiana [Mr. LUGAR] and the Senator from Delaware [Mr. ROTH] are necessarily absent.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] and the Senator from Georgia [Mr. NUNN] are necessarily absent.

The PRESIDING OFFICER (Mr. FAIRCLOTH). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 53, nays 43, as follows:

[Rollcall Vote No. 23 Leg.]

YEAS—53

| | | |
|---|---|---|
| Abraham | Domenici | Lott |
| Ashcroft | Faircloth | Mack |
| Bennett | Frist | McCain |
| Bond | Gorton | McConnell |
| Bradley | Gramm | Murkowski |
| Breaux | Grams | Nickles |
| Brown | Grassley | Pressler |
| Burns | Gregg | Santorum |
| Byrd | Hatch | Shelby |
| Campbell | Hatfield | Simpson |
| Coats | Helms | Smith |
| Cochran | Hutchison | Snowe |
| Cohen | Inhofe | Stevens |
| Coverdell | Jeffords | Thomas |
| Craig | Kassebaum | Thompson |
| D'Amato | Kempthorne | Thurmond |
| DeWine | Kyl | Warner |
| Dole | Lieberman | |

NAYS—43

| | | |
|---|---|---|
| Akaka | Ford | Moseley-Braun |
| Baucus | Glenn | Moynihan |
| Biden | Graham | Murray |
| Bingaman | Harkin | Pell |
| Boxer | Heflin | Pryor |
| Bryan | Hollings | Reid |
| Bumpers | Johnston | Robb |
| Chafee | Kennedy | Rockefeller |
| Conrad | Kerrey | Sarbanes |
| Daschle | Kerry | Simon |
| Dodd | Kohl | Specter |
| Dorgan | Lautenberg | Wellstone |
| Exon | Leahy | Wyden |
| Feingold | Levin | |
| Feinstein | Mikulski | |

NOT VOTING—4

| | |
|---|---|
| Inouye | Nunn |
| Lugar | Roth |

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 43. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. JEFFORDS. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

Mr. JEFFORDS. Mr. President, once again the Senate has expressed its will on the conference report for the District of Columbia appropriations bill. Clearly there are provisions in the conference agreement that are not acceptable to a significant minority of the Senate, which makes it impossible at this time to pass the bill in its present form.

I will work with my colleagues here in the Senate and in the other body to find a common ground. I want to assure the District officials I will seek

every legislative vehicle to ensure that the remainder of the Federal payment to the city is provided as quickly as possible. I will discuss with the distinguished chairman of the Committee on Appropriations the possibility of including the District in any omnibus bill or continuing resolution in the Senate, which we may consider, hopefully this week.

I intend to get the money available for education reform so it is not lost to the city, and to secure as much education reform as possible. It is imperative for the kids—and that is why we are here, is for those kids—and essential to the District's ability to attract business and people.

I thank the Senators who have supported us, the majority, in attempting to bring an end to this debate and encourage those who did not to keep an open mind and consider the larger issue of the needs of the Capital as we attempt to resolve this issue, and especially consider the children so badly in need of education reform. Mr. President, I am concerned about where we have gone. I still have hopes we will be able to resolve this. I will keep doing that until such time as we have reached the kind of solution that we need for this city.

I yield the floor.

Mr. GORTON addressed the Chair.

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

Mr. GORTON. Mr. President, are we still on this bill? What is the issue before the Senate at this time?

The PRESIDING OFFICER. The conference report is still pending.

Mr. GORTON. Mr. President, I ask unanimous consent I be permitted to speak as in morning business for not to exceed 5 minutes.

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

Mr. LOTT. Mr. President, certainly I will not object, but will the Senator withhold so I can make some important points at this point?

Mr. GORTON. I would indeed withhold, and also for the Senator from Vermont, if he wished to speak to the conference report.

Mr. LEAHY. Mr. President, I just ask I be recognized after the distinguished Senator from Washington.

I understand the Senator from Mississippi has some housekeeping matters to take care of first, but after that is done and after the distinguished Senator from the State of Washington, I ask I might be recognized as in morning business. That is a unanimous-consent request.

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

The Senator from Mississippi.

Mr. LOTT. Mr. President, I do just have a couple of items we need to do right away.

## MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business until the hour of 3:30 p.m., with Senators permitted to speak for up to 5 minutes each.

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

Mr. HATFIELD. Mr. President, I have recently expressed my concern for the harm done through the 85-percent cut in international voluntary family planning programs which is now law for this fiscal year.

I wish to submit for the record a body of statistics which describe what is likely to happen in the aftermath of a 35-percent cut in voluntary family planning programs. Again, the cut in this fiscal year is 85 percent.

These statistics represent the most conservative estimates of what a 35-percent cut would mean. In sum, we can expect nearly 2 million more abortions, and a minimum of 8,000 more women dying in pregnancy and childbirth. One need not be a professional demographer to calculate what this year's 85 percent cut will mean for families across the globe.

Mr. President, I ask unanimous consent that these estimates be printed in the RECORD.

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

METHODOLOGICAL SUMMARY

(Prepared by the Alan Guttmacher Institute)

The potential effect of a 35% cut in U.S. funding for family planning is estimated by gathering and sometimes reconciling information from a wide variety of sources, ranging from national censuses and population estimates to country-specific surveys of women of reproductive age to special studies of contraceptive use and of pregnancy outcomes. Detailed references and calculations are available on request. The following outline describes the basic steps in the estimation.

Estimation of the impact of the funding cut starts by determining how many of the couples who depend on U.S funded family planning programs will lose their access to contraceptives.

Population censuses and estimates indicate an estimated 829 million women of reproductive age are living today in developing countries other than China (which receives no U.S. family planning program support).

Surveys of women in developing countries show that roughly 247.5 million of these women and their partners use modern methods of contraception to lengthen the time between the births of their children or to avoid having more children than they already have.

Because of their poverty, 190.5 million, or 77%, of the couples in developing countries outside of China who are using modern contraceptive methods rely on public-sector family planning programs for their contraceptive method.

The United States contributes about 17% of all public funds spent on family planning in developing countries other than China, accounting for 32.4 million couples using modern contraceptive methods. [Of these couples, 12.6 million are estimated to be protected by contraceptive sterilization or long-lasting methods including hormonal implants (such as Norplant) and intra-uterine devices (IUDs).]

On an annual basis, 19.8 million couples depend on U.S. supported programs to obtain contraceptive supplies, such as pills, condoms or injectables, or to start use of a long-term method, such as voluntary sterilization, hormonal implants or IUDs.

A cut in program resources of 35% means that 12.9 rather than 19.8 million couples will be able to be served in a year's time, leaving 7.0 million couples without access to contraceptive supplies or services.

The second step is estimating what effect losing U.S. supported family planning services will have on the couples who were depending on them for contraceptive care.

There are few other contraceptive choices in developing countries for women who lack access to modern contraceptives. A conservative estimate is that of the 7.0 million women losing services because of U.S. funding cuts 2.8 million will turn to traditional methods and 4.2 million will use no contraceptive.

Because pregnancy rates are so much higher among couples relying on no method or on a traditional method than if they use a modern contraceptive, 4.0 million more unwanted pregnancies are expected in developing countries due to the drop in family planning program resources.

About 40% of these unintended pregnancies are likely to end in induced abortion, even though it is often not legal and performed in unsafe conditions—accounting for 1.6 million abortions among the expected additional unwarranted pregnancies.

Some 47% of these unintended pregnancies are likely to end in unwanted births with the remaining 13% resulting in spontaneous abortions or miscarriages—accounting for 1.9 million unwanted births among the expected additional unwanted pregnancies.

Maternal mortality rates in developing countries are high, about 4.1 deaths per 1,000 women giving birth, leading to an estimated 8,000 additional deaths due to pregnancy among the women facing additional unintentional pregnancies.

In summary, it is estimated that, in a year's time as a result of a 35% cut in AID funding, there will be:

7.0 million couples in developing countries who would have used modern contraceptive methods will be left without access to these methods.

As a result, there will be 4.0 million more women experiencing unintended pregnancies, leading in turn to:

1.9 million more unplanned births, and

1.6 million more abortions (the remainder of the unintended pregnancies ending in miscarriages); and

8,000 more women dying in pregnancy and childbirth.

*Estimate of number of additional abortions resulting from a 35-percent cut in USAID funding for family planning services for all developing countries excluding China*

| | |
|---|---|
| 1. WRA | 829,000,000 |
| 2. Percent in union | |
| 3. MWRA | |
| 4. Percent MWRA using modern methods | |
| 5. Percent WRA using modern methods | |
| 6. Modern method users | 247,473,000 |
| 7. Percent FP supplied by public sector | 74 |
| 8. Percent of private sector subsidized | 10 |
| 9. Modern method users relying on public sources | 190,455,221 |
| 10. Percent of USAID share of total funding | 17 |
| 11. Users protected by USAID | 32,377,388 |
| 12. Percent users using long term methods | 43 |
| 13. New sterilization acceptors as percent of ster. users | 10 |

| | |
|---|---|
| 14. USAID-funded users needing current protection | 19,847,339 |
| 15. Percent of USAID budget cut | 35 |
| 16. Current users left unprotected | 6,946,568 |
| 17. Proportion adopting traditional methods in percent | 40 |
| 18. New users of traditional methods | 2,778,627 |
| 19. Percent of failure rate for traditional methods | 30 |
| 20. Unwanted pregnancies from traditional use | 833,588 |
| 21. Percent of pregnancy rate for those unprotected | 75 |
| 22. Unwanted pregnancies from those unprotected | 3,125,956 |
| 23. Total unwanted pregnancies from budget cuts | 3,959,544 |
| 24. Percent resorting to abortion | 40 |
| 25. Additional abortions | 1,583,818 |
| 26. Percent of pregnancies resulting in live births | 47 |
| 27. Additional unwanted births | 1,860,986 |
| 28. Maternal mortality rate | 410 |
| 29. Additional maternal deaths | 7,630 |

ESTIMATE OF NUMBER OF ADDITIONAL ABORTIONS AND MATERNAL DEATHS RESULTING FROM A 35-PERCENT CUT IN USAID FUNDING FOR FAMILY PLANNING

| Date of DHS | Developing countries minus China | Bangladesh 1993/94 | Ghana 1993 | Philippines 1993 | Peru 1991/92 |
|---|---|---|---|---|---|
| 1. Women of reproductive age (WRA) | 829,000,000 | 29,100,183 | 3,970,368 | 17,019,483 | 6,143,800 |
| 2. Percent in union | | 79 | | | |
| 3. Married women of reproductive age (MWRA) | | 23,076,445 | | | |
| 4. Percent MWRA using modern methods | | 36 | | | |
| 5. Percent WRA using modern methods | | | 9 | 15 | 20 |
| 6. Modern method users | 247,473,000 | 8,353,673 | 369,244 | 2,569,942 | 1,222,616 |
| 7. Percent FP supplied by public sector | 74.4 | 79 | 43 | 70 | 48 |
| 8. Percent of private sector subsidized | 10 | 10 | 10 | 10 | 10 |
| 9. Modern method users relying on public sources | 190,455,221 | 6,774,829 | 179,822 | 1,876,058 | 650,432 |
| 10 Percent of USAID share of total funding | 17 | 24 | 40 | 65 | 57 |
| 11. Users protected by USAID | 32,377,388 | 1,625,959 | 71,929 | 1,219,437 | 370,746 |
| 12. Percent of users using long term methods | 43 | 31 | 16 | 61 | 37 |
| 13. New sterilization acceptors as percent of ster. users | 10 | 6 | 13 | 7 | 9 |
| 14. USAID-funded users needing current protection | 19,847,339 | 1,153,415 | 61,859 | 525,171 | 246,041 |
| 15. Percent of USAID budget cut | 35 | 35 | 35 | 35 | 35 |
| 16. Current users left unprotected | 6,946,568 | 403,695 | 21,651 | 183,810 | 86,114 |
| 17. Proportion adopting traditional methods in percent | 40 | 40 | 40 | 40 | 40 |
| 18. New users of traditional methods | 2,778,627 | 161,478 | 8,660 | 73,524 | 34,446 |
| 19. Percent of additional pregnancy rate with traditional methods | 30 | 30 | 30 | 30 | 30 |
| 20. Unwanted pregnancies from traditional use | 833,588 | 48,443 | 2,598 | 22,057 | 10,334 |
| 21. Percent of additional pregnancy rate for those unprotected | 75 | 75 | 75 | 75 | 75 |
| 22. Unwanted pregnancies from those unprotected | 3,125,956 | 181,663 | 9,743 | 82,714 | 38,751 |
| 23. Total unwanted pregnancies from budget cuts | 3,959,544 | 230,106 | 12,341 | 104,772 | 49,085 |
| 24. Percent resorting to abortion | 40 | 38 | 40 | 52 | 43 |
| 25. Additional abortions | 1,583,818 | 87,440 | 4,936 | 54,481 | 21,107 |
| 26. Percent of pregnancies resulting in live births | 47 | 49 | 46 | 36 | 43 |
| 27. Additional unwanted births | 1,860,986 | 112,752 | 5,800 | 37,718 | 21,107 |
| 28. Maternal mortality rate | 410 | 600 | 1000 | 100 | 300 |
| 29. Additional maternal deaths | 7,630 | 677 | 58 | 38 | 63 |

SOURCES AND NOTES

1. Population Division, 1995, *World Population Prospects: The 1994 Revision*. New York: Department for Economic and Social Affairs, United Nations. ST/ESA/SER.A/145. All figures are for 1995.

2. DHS country reports.

3. *WRA [1] percent in unions [2]*.

4. DHS country reports.

5. DHS country reports.

6. For specific countries modern method users are calculated by: *WRA [1] percent WRA using modern methods [5]* if data are available, otherwise *MWRA [3] percent MWRA using modern methods [4]*.

For all developing countries, the number of modern method users is derived from: W. Parker Mauldin and Vincent C. Miller, 1994. *Contraceptive Use and Commodity Costs in Developing Countries, 1994–2005. Technical Report Number 18*. New York; United National Population Fund, p. 17. This source gives the total number of modern method users in the developing world in 1995 as 460,673,000. Modern method users in China (213.2 million) were subtracted to estimate users in the rest of the developing world. The estimate for China is based on contraceptive prevalence of 83 percent of MWRA (*World Contraceptive Use 1994*, United Nations Department of Economic and Social Information and Policy Analysis, Population Division, New York.) The number of MWRA in China is estimated to be 256.9 million, based on a 1990 estimate in *World Contraceptive Use 1994* of 222.7 million and an annual growth rate of WRA of 2.9 percent (*World Population Prospects*).

7. For individual countries figures are from DHS reports for users of reversible methods.

For the developing world excluding China the figure is based on an estimate of users supplied by government sources for all developing countries of 86.3% from *Contraceptive Use and Commodity Costs in Developing Countries, 1994–2005*, p. 30. Assuming that all users in China are supplied by the public sector, the estimate for all developing countries excluding China becomes 74.4%: (460.6 million users 86.3% public—213.2 Chinese users)/247.5 million users in LDC-China.)

8. According to *Contraceptive Use and Commodity Costs in Developing Countries, 1994–2005*, p. 30, 4.4% of all private sector services are provided by NGOs. Other private sector services, such as social marketing, are also subsidized. We have estimated that 10% of all private sector services are subsidized by the public sector.

9. *Modern users relying on public sources=Modern method users [6] percent public [7] + modern method users [6] percent private percent of private sector subsidized [8]. Percent private=1-percent public [7]*.

10. Estimates for individual countries are from Population Action International (unpublished tabulations).

For the developing world excluding China estimates are based on three different approaches.

The first approach is based on the following assumptions and calculations by Population Action International: total family planning expenditure in the developing world is $4–5 billion, expenditure in China is $1 billion, USAID expenditure in FY 1995 was $547 million, thus USAID expenditure is 14–18% of all expenditure outside China.

The second approach is based on commodities distributed. In FY 1995 USAID provided 608 million condoms, 3.1 million IUDs, 52.5 million cycles of oral contraceptives, 14.8 million vaginal foaming tablets, 82 thousand units of Norplant and 2.9 million units of Depo-Provera. (NEWVERN Information System, special tabulation provided by JSI). This translates in 19.6 million couple-years of protection for these methods alone. According to *Contraceptive Use and Commodity Costs in Developing Countries, 1994–2005*, p. 24, total couple-years of protection for all methods except sterilization is 212.4 million. Chinese users account for 46 percent of all modern method users (213.2/460.7), so the remaining countries have 54 percent of these couple-years of protection, or 115 million. The USAID figure of 19.6 million is 17 percent of 115 million.

The third approach assumes that official development assistance accounted for 25% of total funds spent on family planning; private payments by users accounted for another 25% and governments of developing countries funded the remaining 50% (R. Bulatao, 1993. *Effective Family Planning Programs*, Washington, DC: World Bank). Thus, 75% of funds are from public sources. USAID contributes about 50% of all foreign assistance family planning dollars. Thus it contributes 17% of public funding for family planning: 50%25%/75%=16.7%.

11. *Modern method users relying on public sources [9]USAID share of funding [10]*. This estimate coincides well with an estimate based on commodities distributed. USAID provided 19.6 million couple-years of protection based on all methods other than sterilization (see 10 above). In the developing world, 56 percent of users rely on these methods, the other 44 percent use sterilization (*Contraceptive Use and Commodity Costs in Developing Countries, 1994–2005*, p. 20). If the same ratio applies to USAID-supported users, then total USAID-supported users would be 19.6 million/0.56 or 35 million.

12. Figures for individual countries are from DHS. They refer to sterilization users. In countries with significant reliance on the IUD, 70 percent of IUD users have also been included as long-term use (based on an average duration of use of about 3.5 years). For all developing countries the estimate is calculated as the weighted average for the 18 countries with the largest USAID programs (weighted by the number of USAID-supported users).

13. Calculated as 1/(45—mean age at sterilization). Estimates of mean age are from DHS and/or AVSC. Average for all developing countries is from John Stover, *et al.*, *Empirically Based Conversion Factors for Calculating Couple-Years of Protection*, The EVALUATION Project, 1996, draft.

14. *Users protected by USAID [11] x (1-percent using long term methods [12] + percent using long term methods [12] * New ster acceptors as % of users [13]).*

15. Assumed to be 35 percent.

16. *Users needing current protection [16] x percent of budget cut [17].*

17. This is an estimate of the percent people who lose their family planning services due to USAID budget cuts that would adopt traditional methods as an alternative. Since the people losing their services are committed users, many would adopt traditional methods. However, traditional methods require the active participation of both partners, so many would probably not adopt these methods. One approach to estimating this figure has been developed by The Alan Guttmacher Institute. This approach uses DHS data to determine traditional method use as a proportion of all women either using a traditional method or having an unmet need for family planning. The average of 36 developing countries for which data are available shows that 20 percent of these women use traditional methods (Alan Guttmacher Institute, 1995. *Hopes and Realities; Closing the Gap Between Women's Reproductive Aspirations and their Reproductive Experiences,* AGI, New York, Appendix Table 7). This is likely to be an under-estimate since there are many reasons other than lack of access for women to have an unmet need (lack of knowledge, religious objections to family planning, spouse opposes family planning, fear of side effects). Therefore, to be conservative, we have doubled this figure to 40 percent.

18. *Users left unprotected [18] x percent adopting traditional methods [19].*

19. Failure rates for withdrawal and periodic abstinence in developed countries are reported to be around 20% *(Contraceptive Technology, 16th Revised Edition*, Robert A. Hatcher, *et al.*, New York: Irvington Publishers, Inc. 1994, p. 652). For developing countries there is very little information. One study used DHS data to calculate that 16% of users of withdrawal had a birth in the first years of use (Lorenzo Moreno and Noreen Goldman, 1991. ''Contraceptive Failure Rates in Developing Counties: Evidence from Demographic and Health Surveys.'' *International Family Planning Perspectives*, 17(2), June 1991, pp. 44-49.) The number of pregnancies (rather than births) due to traditional method failure would be even higher (Elise F. Jones, ''Contraceptive Failure and Abortion.'' *International Family Planning Perspectives,* 17(4), December 1991, p. 150) Also, this study was based on respondent recall. There is a tendency, especially with traditional method users, to forget or not report use immediately before a pregnancy. Therefore, we assume that the annual pregnancy rate among traditional method users is about 40%. For users of modern methods the pregnancy rate is about 10%. (It is estimated to be about 14% in the U.S. among users of reversible methods. [Elise F. Jones and J.D. Forrest, 1992. ''Contraceptive failure rates based on the 1988 NSFG,'' *Family Planning Perspectives,* 24:12-19.] but this number is high because there is little use of the IUD. For USAID-supported users, the IUD accounts for about half of all couple-years of protection provided by reversible methods.) Therefore, the additional pregnancy rate due to users switching from modern methods to traditional methods is 30% (40%–10%).

20. *New traditional method users [20] x failure rate [21].*

21. The annual pregnancy rate for those couples using no method is 85% (*Contraceptive Technology, 16th Revised Edition*, Robert A. Hatcher, *et al.*, New York: Irvington Publishers, Inc. 1994, p. 652). Subtracting the 10% pregnancy rate for couples using modern methods (note 19) leaves an additional pregnancy rate of 75%.

22. *(Users unprotected [18]—new traditional method users [20] x pregnancy rate [23].*

23. *Unwanted pregnancies from traditional method failure [22] + unwanted pregnancies from users left unprotected [24].*

24. Estimated to be 40%. Estimates are based on the following information:

The number of unintended pregnancies is the sum of abortions, unintended births and unintended pregnancies that end as spontaneous abortions (estimated as 10% of abortions + 20% of unintended births).

The main source of data on abortions is World Health Organization, 1994. *Abortion: A tabulation of available data on the frequency of unsafe abortion*, Geneva: WHO. These figures are also supported by S.K. Henshaw, 1990. ''Induced abortion: A world review'', *Family Planning Perspectives*, 22, 76–89 and The Alan Guttmacher Institute, 1994. *Clandestine Abortion: A Latin American Reality*, New York: AGI.

The number of unintended births is obtained by applying regional average proportions of all births that are unintended, to UN estimates of the total number of births in each region. Estimates of the total number of births that are unintended are obtained from DHS surveys done in the late 1980s/early 1990s. The weighted average for countries that have surveys, in a given region, is assumed to apply to the region as a whole. These proportions are based in women's reports of the wantedness status of each birth in the five years prior to the survey. Regional distributions of all pregnancies by planning status were published in chart form in *Hopes and Realities: Closing the Gap Between Women's Reproductive Aspirations and their Reproductive Experiences*, p. 25). These data were used to recalculate the distribution of unintended pregnancies by pregnancy outcome (that is, excluding wanted births and that proportion of wanted pregnancies that end as spontaneous abortions).

Country or region specific numbers were used for the individual countries. For Peru estimates are from: The Alan Guttmacher Institute, 1994. *Clandestine Abortion: A Latin American Reality*, New York: The Alan Guttmacher Institute. Other country estimates are based on regional data (The Alan Guttmacher Institute, unpublished tabulations).

25. *Unwanted pregnancies [25] percent resorting to abortion [26].*

26. Estimated as 47% for all developing countries. (Alan Guttmacher Institute, unpublished tabulation.) For Peru estimates are from: The Alan Guttmacher Institute, 1994. *Clandestine Abortion: A Latin American Reality*, New York: The Alan Guttmacher Institute. Other country estimates are based on regional data (the Alan Guttmacher Institute, unpublished tabulations).

27. *Unwanted pregnancies [25] percent resulting in live births [28].*

28. The Progress of Nations: 1995, UNICEF, pp. 52–53.

29. *Additional live births [25] maternal mortality rate [26] / 100,000.*

## WAKE UP: TRADE MATTERS

Mr. HOLLINGS. Mr. President, I would like to draw my colleagues' attention to a short interview that appeared this morning in USA Today. In it, textile businessman Roger Milliken outlines the inaccuracies in the present-day argument that only free trade can improve our Nation's economy. With a plethora of hard facts, Mr. Milliken debunks this myth by focusing on the real problem: America does not have real trade troubles with nations that accept and sell products from America. America's trade problems are with countries like Japan and China that won't let American products into their markets.

Across the Nation, columnist and now Presidential candidate Pat Buchanan has opened up the wound of disinvestment in America. Unlike the Washington pundits and experts, people across America know that trade matters. Hard-working people have a tremendous disaffection with our trade policies and that unsettledness is bound to grow.

Mr. President, Roger Milliken hit the nail on the head of trade in this interview. I ask unanimous consent that it be printed in the RECORD.

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

[From USA Today, Mar. 5, 1996]

TEXTILE MAGNATE CRITIQUES RECENT TRADE DEALS

Roger Milliken, the South Carolina textile magnate, is a leading advocate of protectionist trade policies and a major contributor to GOP presidential candidate Patrick Buchanan and other conservative politicians and causes. In a rare interview, Milliken tells USA Today's Beth Belton why he thinks recent trade deals have been a mistake.

Q: You're against free trade, right?

A: Stop right there. We do believe in free trade. We have plants offshore. We have one in Japan and 11 in Europe. But the products we make are all sold in those countries. We don't take advantage of low labor costs to bring products back and destroy U.S. jobs.

Q: But you are against the North American Free Trade Agreement. Do you have plants in Canada or Mexico?

A: No. And we wouldn't consider either country because I've studied history, and I've found that no country has ever remained a major economic factor in the world that has lost its own manufacturing. . . . We have a manufactured goods trade deficit of $174 billion, and if you use Clinton administration figures that every $1 billion of exports supports 20,000 jobs, it's not far-fetched to say that if we didn't have a deficit, we would have 3.4 million more manufacturing jobs in the U.S. than we have.

Q: The USA has been losing manufacturing jobs for decades, and many economists say technology, not trade is the reason. You disagree?

A: Technology companies in this country pay lower wages than textile companies. The biggest piece—$52 billion—of our $174 billion goods trade deficit is in autos and auto parts. The second is textiles and apparel—$37 billion. We're talking about year-round, full-time jobs. Most of the U.S. jobs created now are in the tourist trade or part-time fast-food jobs. These jobs don't pay benefits. They don't hold the family together. The turnover rate in the fast-food business is 250%. There's nothing steady or stabilizing to the economy about that.

Q: But don't statistics from your home state, South Carolina, show trade is helping create manufacturing jobs?

A: I take total exception to that. Four weeks ago in Spartanburg County, where I live, five textile plants closed down permanently. That's 800 jobs. Sure, the state gained 6,000 jobs last year because foreign companies invested in South Carolina.

That's absolutely terrific. But if we put in more protectionist laws, more of those jobs would be coming here. Foreign companies would have to locate here to get U.S. business.

Q: Has NAFTA increased export demand for cloth and other products?

A: It's not true, and it's worse than that because what everybody isn't told is that the textile industry today is operating six days a week instead of seven, or five days instead of six. Most of them have cut off the third shift or are closing one day a month because imports are hurting demands here.

Q: What's the solution?

A: I'd like to see us withdraw from the World Trade Organization. The U.S. has one vote. Cuba can cancel our vote. Or St. Kitts, an island in the (Caribean). . . .We also want higher tariffs. Our opponents say that would prompt retalization. I don't know how anybody retaliates against their best customer. I would love to retaliate against some of my best customers who treat us badly.

Q: Why are you speaking out now?

A: We're a private company and we like to stay private, but we're fighting for our industry. We have 14,000 employees in the U.S., and one of my jobs is to fight for preservation of those jobs.

Q: Didn't some in the textile industry support passage of NAFTA?

A: It was a split vote in the industry. There were some who believed the industry might benefit. They believed no textile plants would go to Mexico. But already we see plants setting up there, where all-in costs are $2 an hour compared to $12 an hour in the U.S.

Q: Have you had to downsize?

A: No, but I have to tell you we're running on curtailed schedules and the industry has had to close 12 plants in an economy that's growing all over. We ought to be a growing industry. We ought to be creating jobs.

Q: What about plans to expand?

A: We plan to continue expanding. Last year, we bought a company in Japan that makes fabric for auto interiors. When you deal with international auto companies, one of their requirements is that you be located in parts of the world where they can exchange products.

Q: You don't often give interviews. Why?

A: The media emphasize the growth in exports and the jobs created by exports. There are figures collected by the government that are put together very skillfully. But there is no way to look at government figures to find out how many jobs have been lost to imports. I hear a lot of talk about the growth of exports but hardly anyone talks about the growth of imports, which in percentage terms are slightly less. But in absolute numbers, the U.S. imports three times as much as it exports.

## THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, 4 years ago I commenced these daily reports to the Senate to make a matter of record the exact Federal debt as of the close of business the previous day.

In that report of February 27, 1992, the Federal debt stood at $3,825,891,293,066.80, as of close of business the previous day. The point is, the Federal debt has escalated by $1,190,704,977,476.86 since February 26, 1992.

As of the close of business yesterday, Monday, March 4, 1996, the Federal debt stood at exactly $5,016,596,270,543.66. On a per capita basis, every man, woman, and child in America owes $19,041.42 as his or her share of the Federal debt.

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

## REPORT CONCERNING THE NATIONAL EMERGENCY WITH RESPECT TO CUBA—MESSAGE FROM THE PRESIDENT RECEIVED DURING RECESS—PM 125

Under the authority of the order of the Senate of January 4, 1995, the Secretary of the Senate, on March 1, 1996, during the recess of the Senate, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

*To the Congress of The United States:*

Pursuant to section 1 of title II of Public Law 65–24, ch. 30, 50 U.S.C. 191 and sections 201 and 301 of the National Emergencies Act, 50 U.S.C. 1601 *et seq.*, United States Code, I hereby report that I have exercised my statutory authority to declare a national emergency in response to the Government of Cuba's destruction of two unarmed U.S.-registered civilian aircraft in international airspace north of Cuba.

In the proclamation (copy attached), I have authorized and directed the Secretary of Transportation to make and issue such rules and regulations that the Secretary may find appropriate to prevent authorized U.S. vessels from entering Cuban territorial waters.

I have authorized these rules and regulations as a result of the Government of Cuba's demonstrated willingness to use reckless force, including deadly force, in the ostensible enforcement of its sovereignty. I have determined that the unauthorized departure of vessels intending to enter Cuban territorial waters could jeopardize the safety of certain U.S. citizens and other persons residing in the United States and threaten a disturbance of international relations. I have, accordingly, declared a national emergency in response to these threats.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 1, 1996*.

## REPORT CONCERNING THE INTERAGENCY ARCTIC RESEARCH POLICY COMMITTEE—MESSAGE FROM THE PRESIDENT—PM 126

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs.

*To the Congress of the United States:*

As required by section 108(b) of Public Law 98–373 (15 U.S.C. 4701(b)), I transmit herewith the Sixth Biennial Report of the Interagency Arctic Research Policy Committee (February 1, 1994, to January 31, 1996).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 5, 1996*.

## REPORT CONCERNING REVISED DEFERRAL OF BUDGETARY RESOURCES—MESSAGE FROM THE PRESIDENT—PM 127

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was, pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986, referred to the Committee on Appropriations, the Committee on the Budget, the Committee on Foreign Relations, the Committee on Agriculture, Nutrition, and Forestry, and the Committee on Governmental Affairs.

*To the Congress of the United States:*

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one revised deferral, totaling $91 million, and two proposed rescissions of budgetary resources, totaling $15 million.

The deferral affects the Department of State U.S. emergency refugee and migration assistance fund. The rescission proposals affect the Department of Agriculture and the General Services Administration.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 5, 1996*.

## MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 4, 1995, the Secretary of the Senate, on March 4, 1996, during the adjournment of the Senate, announcing that the House insists upon its amendment to the bill (S. 1004) to authorize appropriations for the U.S. Guard, 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 Transportation and Infrastructure, for consideration of the Senate and the House amendment, and modifications committed to conference: Mr. SHUSTER, Mr. YOUNG of Alaska, Mr COBLE, Mrs.

FOWLER, Mr. BAKER of California, Mr. OBERSTAR, Mr. CLEMENT, and Mr. POSHARD.

From the Committee on the Judiciary, for consideration of section 901 of the Senate bill, and section 430 of the House amendment, and modifications committed to the conference: Mr. HYDE, Mr. MCCOLLUM, and Mr. CONYERS.

## 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–1909. A communication from the Secretary of Housing and Urban Development, transmitting pursuant to law, the semi-annual reports for the period April 1 through September 30, 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC–1910. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, a statement regarding a transaction involving exports to Ghana; to the Committee on Banking, Housing, and Urban Affairs.

EC–1911. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, a statement regarding a transaction involving exports to Indonesia; to the Committee on Banking, Housing, and Urban Affairs.

EC–1912. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the Monetary Policy Report; to the Committee on Banking, Housing, and Urban Affairs.

EC–1913. A communication from the Managing Director of the Federal Housing Finance Board, transmitting, pursuant to law, the report of salary ranges for graded employees for calendar year 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–1914. A communication from the Acting Chairman of the Thrift Depositor Protection Oversight Board, transmitting, pursuant to law, the semi-annual report of the Office of the Inspector General for the period October 1 through December 31, 1995; to the Committee on Banking, Housing, and Urban Affairs.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

H.R. 782. A bill to amend title 18 of the United States Code to allow members of employee associations to represent their views before the United States Government.

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 219. A resolution designating March 25, 1996 as ''Greek Independence Day: A National Day of Celebration of Greek and American Democracy.''

## 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. AKAKA:

S. 1585. A bill to authorize award of a medal to civilians who participated in the defense of Pearl Harbor and other military installations in Hawaii against attack by the Japanese on December 7, 1941; to the Committee on Armed Services.

By Mr. COHEN (for himself and Ms. SNOWE):

S. 1586. A bill for the relief of Nancy B. Wilson; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. BURNS, Mr. DOLE, Mr. PRESSLER, and Mrs. MURRAY):

S. 1587. A bill to affirm the rights of Americans to use and sell encryption products, to establish privacy standards for voluntary escrowed systems, and for other purposes; to the Committee on the Judiciary.

By Mr. STEVENS:

S. 1588. A bill to authorize the Secretary of Transportation to issue a certificate of documentation and coastwise trade endorsement for the vessel *Kalypso;* to the Committee on Commerce, Science, and Transportation.

By Mr. GORTON (for himself and Mr. LIEBERMAN):

S. 1589. A bill to provide for a rotating schedule for regional primaries for Presidential elections, and for other purposes; to the Committee on Rules and Administration.

By Mrs. MURRAY (for herself, Mr. LEAHY, Mr. BAUCUS, Mr. BUMPERS, and Mrs. FEINSTEIN):

S. 1590. A bill to repeal the emergency salvage timber sale program, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. D'AMATO:

S.J. Res. 50. A joint resolution to disapprove the certification of the President under section 490(b) of the Foreign Assistance Act of 1961 regarding foreign assistance for Mexico during fiscal year 1996; to the Committee on Foreign Relations.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself, Mr. BURNS, Mr. DOLE, Mr. PRESSLER, and Mrs. MURRAY):

S. 1587. A bill to affirm the rights of Americans to use and sell encryption products, to establish privacy standards for voluntary escrowed systems, and for other purposes; to the Committee on the Judiciary.

### THE ENCRYPTED COMMUNICATIONS PRIVACY ACT OF 1996

Mr. LEAHY. Mr. President, I am joined today by Senators BURNS, DOLE, PRESSLER, and MURRAY in introducing a bill that is pro-business, pro-jobs and pro-privacy.

The Encrypted Communications Privacy Act of 1996 would enhance the global competitiveness of our high-technology industries, protect the high-paying good jobs in those industries and maximize the choices in encryption technology available for businesses and individuals to protect the privacy, confidentiality and security of their computer, telephone, and other wire and electronic communications.

The guiding principle for this bill can be summed up in one sentence: Encryption is good for American business and good business for Americans.

FBI Director Louis Freeh testified last week at a hearing on economic espionage and quoted Secretary of State Warren Christopher as saying that ''Our national security is inseparable from our economic security.'' I could not agree more. Yet, American businesses are suffering a double blow from our current encryption policies. First, American firms lose billions of dollars each year due to the theft of proprietary economic information, which could be better protected if strong encryption were more widely used. Second, government export restrictions tie the hands of American high-technology businesses by barring the export of strong encryption technology. The size of these combined losses makes encryption one of the critical issues facing American businesses today.

Moreover, the increasing use of and dependency on networked computers by Americans to obtain critical medical services, to conduct research, to be entertained, to go shopping and to communicate with friends and business associates, raises special concerns about the privacy and confidentiality of their computer transmissions. I have long been concerned about these issues, and have worked over the past decade to create a legal structure to foster privacy and security for our wire and electronic communications. Encryption technology provides an effective way to ensure that only the people we choose can read our communications.

A leading encryption expert, Matt Blaze, told me in a recent letter that our current regulations governing the use and export of encryption are having a ''deleterious effect on our country's ability to develop a reliable and trustworthy information infrastructure.'' It is time for Congress to take steps to put our national encryption policy on the right course.

The Encrypted Communications Privacy Act would accomplish three goals:

First, the bill encourages the use of encryption by legislatively confirming that Americans have the freedom to use and sell here in the United States any encryption technology that they feel is most appropriate to meet their privacy and security needs. The bill bars any government-mandated use of any particular encryption system, such as a key escrow encryption system.

Second, for those Americans who choose to use a key escrow encryption method, the bill establishes privacy standards for key holders and stringent procedures for how law enforcement can obtain access to decoding keys and decryption assistance. These standards would subject key holders to criminal and civil liability if they released the keys or divulged the identity and information about the user of the encryption system, without legal authorization. Commenting on these provisions, Bruce Schneir, who has literally written the textbook on encryption, said in a recent letter to me that the bill ''recognizes the special obligations of keyholders to be vigilant in safeguarding the information entrusted to them, without imposing hurtles on the use of cryptography.''

Finally, the bill loosens export restrictions on encryption products. Under the bill, it would be lawful for American companies to export high-technology products with encryption capabilities when comparable encryption capabilities are available from foreign suppliers, and generally available encryption software, including mass market products and encryption that is in the public domain. According to Mr. Schneir, the bill ''removes the strangle-hold that has encumbered the development of mass-market security solutions'' which are so vital to the development of our information infrastructure.

Senator MURRAY took a leading role in the last Congress on reforming our export restrictions on encryption, and I commend her for continuing to give this important issue her committed attention again in this Congress.

Current export restrictions allow the export of primarily weak encryption software programs. So weak, in fact, that a January 1996 report by an ad hoc group of world-renowned cryptographers and computer scientists estimated that it would take a pedestrian hacker a matter of hours to break and a foreign intelligence agency a matter of nanoseconds to break. No wonder that foreign buyers of encryption products are increasingly looking elsewhere for strong security. This hurts the competitiveness of our high-technology industry.

A recent report by the Computer Systems Policy Project, which is a group of major American computer companies estimated that U.S. companies stand to lose between $30 and $60 billion in revenues and over 200,000 of high-technology jobs by the year 2000 because U.S. companies are handicapped in the global market by outdated export restrictions.

Even the Commerce Department reported in January that U.S. export controls may have a ''negative effect on U.S. competitiveness'' and ''may discourage'' the use of strong encryption domestically since manufacturers want to make only one product for export and for use here.

Although American companies account for almost 75 percent of the global market for prepackaged software, the rest of the world is competing strongly in the market for encryption software. Shortsighted government policy is holding back American business. Almost 2 years ago, I chaired a hearing of the Judiciary Subcommittee on Technology and the Law on the administration's Clipper Chip key escrow encryption program. I heard testimony about 340 foreign encryption products that were available worldwide, 155 of them employing encryption in a strength that American firms were prohibited from exporting.

In 2 short years, those numbers have increased. According to a survey of cryptographic products conducted by Trusted Information System, as of December 1995, 497 foreign products from 28 countries were available with encryption security. Almost 200 of these foreign products used strong encryption that American companies are barred from selling abroad. This study draws the obvious conclusion that ''As a result, U.S. Government restrictions may be succeeding only in crippling a vital American industry's exporting ability.''

At the Clipper Chip hearing I chaired in 1994, I heard a number of reports about American companies losing business opportunities due to U.S. export restrictions. One data security company reported that despite its superior system, it had been unable to respond to requests from NATO and foreign telecommunications companies because it cannot export the encryption they demanded. This cost this single American company millions in foregone business. Another major computer company lost two sales in Western Europe in a single year totaling about $80 million because the file and data encryption in the integrated system they offered was not exportable.

Our current export restrictions on encryption technology are fencing off the global marketplace and hurting the competitiveness of this part of our high-technology industries. While national and domestic security concerns must weigh heavily, we need to do a better job of balancing these concerns with American business' need for encryption and the economic opportunities for our high-technology industries that encryption technology provides.

American businesses are not only suffering lost sales because of our current export restrictions, but are also suffering staggering losses due to economic espionage. FBI Director Freeh testified that the White House Office of Science and Technology Policy puts the amount of that loss at $100 billion per year. At a hearing last week on economic espionage, we heard from one witness who had to close down his software company, with a loss of 25 jobs, after China bribed an employee to steal the source code for the company's software.

We have bills pending before Congress to enact new criminal laws to punish people who steal trade secrets or other proprietary information and who break into computers to steal sensitive information. But new criminal laws are not the whole answer. Criminal laws often only come into play too late, after the theft has occurred or the injury inflicted.

We must encourage American firms to take preventive measures to protect their vital economic information. That is where encryption comes in. Just as we have security systems to lock up our offices and file drawers, we need strong encryption systems to protect the security and confidentiality of business information.

The Computer Systems Policy Project estimates that, without strong encryption, financial losses by the year 2000 from breaches of computer security systems to be from $40 to $80 billion. Unfortunately, some of these losses are already occurring. One U.S.-based manufacturer is quoted in the Project's report, saying:

> We had a multi-year, multi-billion dollar contract stolen off our P.C. (while bidding in a foreign country). Had it been encrypted, [the foreign competitor] could not have used it in the bidding time frame.

New technologies present enormous opportunities for Americans, but we must strive to safeguard our privacy if these technologies are to prosper in this information age. Otherwise, in the service of law enforcement and intelligence needs, we will dampen any enthusiasm Americans may have for taking advantage of the new technologies.

I look forward to working with my colleagues on this important matter, and ask unanimous consent that the bill, a summary of the bill, and three letters of support from Matt Blaze, Bruce Schneir, and Business Software Alliance, be included in the RECORD.

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

S. 1587

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Encrypted Communications Privacy Act of 1996''.

**SEC. 2. PURPOSE.**

It is the purpose of this Act—

(1) to ensure that Americans are able to have the maximum possible choice in encryption methods to protect the security, confidentiality, and privacy of their lawful wire or electronic communications; and

(2) to establish privacy standards for key holders who are voluntarily entrusted with the means to decrypt such communications, and procedures by which investigative or law enforcement officers may obtain assistance in decrypting such communications.

**SEC. 3. FINDINGS.**

The Congress finds that—

(1) the digitization of information and the explosion in the growth of computing and electronic networking offers tremendous potential benefits to the way Americans live, work, and are entertained, but also raises new threats to the privacy of American citizens and the competitiveness of American businesses;

(2) a secure, private, and trusted national and global information infrastructure is essential to promote economic growth, protect citizens' privacy, and meet the needs of American citizens and businesses;

(3) the rights of Americans to the privacy and security of their communications and in conducting their personal and business affairs should be preserved and protected;

(4) the authority and ability of investigative and law enforcement officers to access and decipher, in a timely manner and as provided by law, wire and electronic communications necessary to provide for public safety and national security should also be preserved;

(5) individuals will not entrust their sensitive personal, medical, financial, and other information to computers and computer networks unless the security and privacy of that information is assured;

(6) business will not entrust their proprietary and sensitive corporate information,

including information about products, processes, customers, finances, and employees, to computers and computer networks unless the security and privacy of that information is assured;

(7) encryption technology can enhance the privacy, security, confidentiality, integrity, and authenticity of wire and electronic communications and stored electronic information;

(8) encryption techniques, technology, programs, and products are widely available worldwide;

(9) Americans should be free lawfully to use whatever particular encryption techniques, technologies, programs, or products developed in the marketplace they desire in order to interact electronically worldwide in a secure, private, and confidential manner;

(10) American companies should be free to compete and to sell encryption technology, programs, and products;

(11) there is a need to develop a national encryption policy that advances the development of the national and global information infrastructure, and preserves Americans' right to privacy and the Nation's public safety and national security;

(12) there is a need to clarify the legal rights and responsibilities of key holders who are voluntarily entrusted with the means to decrypt wire or electronic communications;

(13) the Congress and the American people have recognized the need to balance the right to privacy and the protection of the public safety and national security;

(14) the Congress has permitted lawful electronic surveillance by investigative or law enforcement officers only upon compliance with stringent statutory standards and procedures; and

(15) there is a need to clarify the standards and procedures by which investigative or law enforcement officers obtain assistance from key holders who are voluntarily entrusted with the means to decrypt wire or electronic communications, including such communications in electronic storage.

**SEC. 4. FREEDOM TO USE ENCRYPTION.**

(a) LAWFUL USE OF ENCRYPTION.—It shall be lawful for any person within any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States, and by United States persons in a foreign country to use any encryption, regardless of encryption algorithm selected, encryption key length chosen, or implementation technique or medium used except as provided in this Act and the amendments made by this Act or in any other law.

(b) GENERAL CONSTRUCTION.—Nothing in this Act or the amendments made by this Act shall be construed to—

(1) require the use by any person of any form of encryption;

(2) limit or affect the ability of any person to use encryption without a key escrow function; or

(3) limit or affect the ability of any person who chooses to use encryption with a key escrow function not to use a key holder.

**SEC. 5. ENCRYPTED WIRE AND ELECTRONIC COMMUNICATIONS.**

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by inserting after chapter 121 the following new chapter:

**"CHAPTER 122—ENCRYPTED WIRE AND ELECTRONIC COMMUNICATIONS**

''2801. Definitions.
''2802. Prohibited acts by key holders.
''2803. Reporting requirements.
''2804. Unlawful use of encryption to obstruct justice.
''2805. Freedom to sell encryption products.

**"§ 2801. Definitions**

''As used in this chapter—

''(1) the terms 'person', 'State', 'wire communication', 'electronic communication', 'investigative or law enforcement officer', 'judge of competent jurisdiction', and 'electronic storage' have the same meanings given such terms in section 2510 of this title;

''(2) the term 'encryption' means the scrambling of wire or electronic communications using mathematical formulas or algorithms in order to preserve the confidentiality, integrity or authenticity and prevent unauthorized recipients from accessing or altering such communications;

''(3) the term 'key holder' means a person located within the United States (which may, but is not required to, be a Federal agency) who is voluntarily entrusted by another independent person with the means to decrypt that person's wire or electronic communications for the purpose of subsequent decryption of such communications;

''(4) the term 'decryption key' means the variable information used in a mathematical formula, code, or algorithm, or any component thereof, used to decrypt wire or electronic communications that have been encrypted; and

''(5) the term 'decryption assistance' means providing access, to the extent possible, to the plain text of encrypted wire or electronic communications.

**"§ 2802. Prohibited acts by key holders**

''(a) UNAUTHORIZED RELEASE OF KEY.—Except as provided in subsection (b), any key holder who releases a decryption key or provides decryption assistance shall be subject to the criminal penalties provided in subsection (e) and to civil liability as provided in subsection (f).

''(b) AUTHORIZED RELEASE OF KEY.—A key holder shall only release a decryption key in its possession or control or provide decryption assistance—

''(1) with the lawful consent of the person whose key is being held or managed by the key holder;

''(2) as may be necessarily incident to the holding or management of the key by the key holder; or

''(3) to investigative or law enforcement officers authorized by law to intercept wire or electronic communications under chapter 119, to obtain access to stored wire and electronic communications and transactional records under chapter 121, or to conduct electronic surveillance, as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801), upon compliance with subsection (c) of this section.

''(c) REQUIREMENTS FOR RELEASE OF DECRYPTION KEY OR PROVISION OF DECRYPTION ASSISTANCE TO INVESTIGATIVE OR LAW ENFORCEMENT OFFICER.—

''(1) CONTENTS OF WIRE AND ELECTRONIC COMMUNICATIONS.—A key holder is authorized to release a decryption key or provide decryption assistance to an investigative or law enforcement officer authorized by law to conduct electronic surveillance under chapter 119, only if—

''(A) the key holder is given—

''(i) a court order signed by a judge of competent jurisdiction directing such release or assistance; or

''(ii) a certification in writing by a person specified in section 2518(7) or the Attorney General stating that—

''(I) no warrant or court order is required by law;

''(II) all requirements under section 2518(7) have been met; and

''(III) the specified release or assistance is required;

''(B) the order or certification under paragraph (A)—

''(i) specifies the decryption key or decryption assistance which is being sought; and

''(ii) identifies the termination date of the period for which release or assistance has been authorized; and

''(C) in compliance with an order or certification under subparagraph (A), the key holder shall provide only such key release or decryption assistance as is necessary for access to communications covered by subparagraph (B).

''(2) STORED WIRE AND ELECTRONIC COMMUNICATIONS.—(A) A key holder is authorized to release a decryption key or provide decryption assistance to an investigative or law enforcement officer authorized by law to obtain access to stored wire and electronic communications and transactional records under chapter 121, only if the key holder is directed to give such assistance pursuant to the same lawful process (court warrant, order, subpoena, or certification) used to obtain access to the stored wire and electronic communications and transactional records.

''(B) The notification required under section 2703(b) shall, in the event that encrypted wire or electronic communications were obtained from electronic storage, include notice of the fact that a key to such communications was or was not released or decryption assistance was or was not provided by a key holder.

''(C) In compliance with the lawful process under subparagraph (A), the key holder shall provide only such key release or decryption assistance as is necessary for access to the communications covered by such lawful process.

''(3) USE OF KEY.—(A) An investigative or law enforcement officer to whom a key has been released under this subsection may use the key only in the manner and for the purpose and duration that is expressly provided for in the court order or other provision of law authorizing such release and use, not to exceed the duration of the electronic surveillance for which the key was released.

''(B) On or before completion of the authorized release period, the investigative or law enforcement officer to whom a key has been released shall destroy and not retain the released key.

''(C) The inventory required to be served pursuant to section 2518(8)(d) on persons named in the order or the application under section 2518(7)(b), and such other parties to intercepted communications as the judge may determine, in the interest of justice, shall, in the event that encrypted wire or electronic communications were intercepted, include notice of the fact that during the period of the order or extensions thereof a key to, or decryption assistance for, any encrypted wire or electronic communications of the person or party intercepted was or was not provided by a key holder.

''(4) NONDISCLOSURE OF RELEASE.—No key holder, officer, employee, or agent thereof shall disclose the key release or provision of decryption assistance pursuant to subsection (b), except as may otherwise be required by legal process and then only after prior notification to the Attorney General or to the principal prosecuting attorney of a State or any political subdivision of a State, as may be appropriate.

''(d) RECORDS OR OTHER INFORMATION HELD BY KEY HOLDERS.—A key holder, shall not disclose a record or other information (not including the key) pertaining to any person whose key is being held or managed by the key holder, except—

''(1) with the lawful consent of the person whose key is being held or managed by the key holder; or

''(2) to an investigative or law enforcement officer pursuant to a subpoena authorized

under Federal or State law, court order, or lawful process.

An investigative or law enforcement officer receiving a record or information under paragraph (2) is not required to provide notice to the person to whom the record or information pertains. Any disclosure in violation of this subsection shall render the person committing the violation liable for the civil damages provided for in subsection (f).

''(e) CRIMINAL PENALTIES.—The punishment for an offense under subsection (a) of this section is—

''(1) if the offense is committed for a tortious, malicious, or illegal purpose, or for purposes of direct or indirect commercial advantage or private commercial gain—

''(A) a fine under this title or imprisonment for not more than 1 year, or both, in the case of a first offense under this subparagraph; or

''(B) a fine under this title or imprisonment for not more than 2 years, or both, for any second or subsequent offense; and

''(2) in any other case where the offense is committed recklessly or intentionally, a fine of not more than $5,000 or imprisonment for not more than 6 months, or both.

''(f) CIVIL DAMAGES.—

''(1) IN GENERAL.—Any person aggrieved by any act of a person in violation of subsections (a) or (d) may in a civil action recover from such person appropriate relief.

''(2) RELIEF.—In an action under this subsection, appropriate relief includes—

''(A) such preliminary and other equitable or declaratory relief as may be appropriate;

''(B) damages under paragraph (3) and punitive damages in appropriate cases; and

''(C) a reasonable attorney's fee and other litigation costs reasonably incurred.

''(3) COMPUTATION OF DAMAGES.—The court may assess as damages whichever is the greater of—

''(A) the sum of the actual damages suffered by the plaintiff and any profits made by the violator as a result of the violation; or

''(B) statutory damages in the amount of $5,000.

''(4) LIMITATION.—A civil action under this subsection shall not be commenced later than 2 years after the date upon which the plaintiff first knew or should have known of the violation.

''(g) DEFENSE.—It shall be a complete defense against any civil or criminal action brought under this chapter that the defendant acted in good faith reliance upon a court warrant or order, grand jury or trial subpoena, or statutory authorization.

**''§ 2803. Reporting requirements**

''(a) IN GENERAL.—In reporting to the Administrative Office of the United States Courts as required under section 2519(2) of this title, the Attorney General, an Assistant Attorney General specially designated by the Attorney General, the principal prosecuting attorney of a State, or the principal prosecuting attorney of any political subdivision of a State, shall report on the number of orders and extensions served on key holders to obtain access to decryption keys or decryption assistance.

''(b) REQUIREMENTS.—The Director of the Administrative Office of the United States Courts shall include as part of the report transmitted to the Congress under section 2519(3) of this title, the number of orders and extensions served on key holders to obtain access to decryption keys or decryption assistance and the offenses for which the orders were obtained.

**''§ 2804. Unlawful use of encryption to obstruct justice**

''Whoever willfully endeavors by means of encryption to obstruct, impede, or prevent the communication of information in furtherance of a felony which may be prosecuted in a court of the United States, to an investigative or law enforcement officer shall—

''(1) in the case of a first conviction, be sentenced to imprisonment for not more than 5 years, fined under this title, or both; or

''(2) in the case of a second or subsequent conviction, be sentenced to imprisonment for not more than 10 years, fined under this title, or both.

**''§ 2805. Freedom to sell encryption products**

''(a) IN GENERAL.—It shall be lawful for any person within any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States, to sell in interstate commerce any encryption, regardless of encryption algorithm selected, encryption key length chosen, or implementation technique or medium used.

''(b) CONTROL OF EXPORTS BY SECRETARY OF COMMERCE.—

''(1) GENERAL RULE.—Notwithstanding any other law, subject to paragraphs (2), (3), and (4), the Secretary of Commerce shall have exclusive authority to control exports of all computer hardware, software, and technology for information security (including encryption), except computer hardware, software, and technology that is specifically designed or modified for military use, including command, control, and intelligence applications.

''(2) ITEMS NOT REQUIRING LICENSES.—No validated license may be required, except pursuant to the Trading With The Enemy Act or the International Emergency Economic Powers Act (IEEPA) (but only to the extent that the authority of the IEEPA is not exercised to extend controls imposed under the Export Administration Act of 1979), for the export or reexport of—

''(A) any software, including software with encryption capabilities, that is—

''(i) generally available, as is, and designed for installation by the purchaser; or

''(ii) in the public domain or publicly available because it is generally accessible to the interested public in any form; or

''(B) any computing device solely because it incorporates or employs in any form software (including software with encryption capabilities) exempted from any requirement for a validated license under subparagraph (A).

''(3) SOFTWARE WITH ENCRYPTION CAPABILITIES.—The Secretary of Commerce shall authorize the export or reexport of software with encryption capabilities for nonmilitary end-uses in any country to which exports of software of similar capability are permitted for use by financial institutions not controlled in fact by United States persons, unless there is substantial evidence that such software will be—

''(A) diverted to a military end-use or an end-use supporting international terrorism;

''(B) modified for military or terrorist end-use; or

''(C) reexported without requisite United States authorization.

''(4) HARDWARE WITH ENCRYPTION CAPABILITIES.—The Secretary shall authorize the export or reexport of computer hardware with encryption capabilities if the Secretary determines that a product offering comparable security is commercially available from a foreign supplier without effective restrictions outside the United States.

''(5) DEFINITIONS.—As used in this subsection—

''(A) the term 'generally available' means, in the case of software (including software with encryption capabilities), software that is widely offered for sale, license, or transfer including, but not limited to, over-the-counter retail sales, mail order transactions, phone order transactions, electronic distribution, or sale on approval;

''(B) the term 'as is' means, in the case of software (including software with encryption capabilities), a software program that is not designed, developed, or tailored by the software company for specific purchasers, except that such purchasers may supply certain installation parameters needed by the software program to function properly with the purchaser's system and may customize the software program by choosing among options contained in the software program;

''(C) the term 'is designed for installation by the purchaser' means, in the case of software (including software with encryption capabilities)—

''(i) the software company intends for the purchaser (including any licensee or transferee), who may not be the actual program user, to install the software program on a computing device and has supplied the necessary instructions to do so, except that the company may also provide telephone helpline services for software installation, electronic transmission, or basic operations; and

''(ii) that the software program is designed for installation by the purchaser without further substantial support by the supplier;

''(D) the term 'computing device' means a device which incorporates one or more microprocessor-based central processing units that can accept, store, process, or provide output of data; and

''(E) the term 'computer hardware', when used in conjunction with information security, includes, but is not limited to, computer systems, equipment, application-specific assemblies, modules, and integrated circuits.''.

(b) TECHNICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 33, the following new item:

**''122. Encrypted wire and electronic communications ..... 2801''.**

**SEC. 6. INTELLIGENCE ACTIVITIES.**

(a) CONSTRUCTION.—Nothing in this Act or the amendments made by this Act constitutes authority for the conduct of any intelligence activity.

(b) CERTAIN CONDUCT.—Nothing in this Act or the amendments made by this Act shall affect the conduct, by officers or employees of the United States Government in accordance with other applicable Federal law, under procedures approved by the Attorney General, or activities intended to—

(1) intercept encrypted or other official communications of United States executive branch entities or United States Government contractors for communications security purposes;

(2) intercept radio communications transmitted between or among foreign powers or agents of a foreign power as defined by the Foreign Intelligence Surveillance Act of 1978; or

(3) access an electronic communication system used exclusively by a foreign power or agent of a foreign power as defined by the Foreign Intelligence Surveillance Act of 1978.

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ENCRYPTED COMMUNICATIONS PRIVACY ACT OF 1996—SUMMARY

*Sec. 1. Short Title.* The Act many be cited as the ''Encrypted Communications Privacy Act of 1996.''

*Sec. 2. Purpose.* The Act would ensure that Americans have the maximum possible choice in encryption methods to protect the

security, confidentiality and privacy of their lawful wire and electronic communications. For those Americans who choose an encryption method in which another person, called a ''key holder,'' is voluntarily entrusted with the decryption key, the Act would establish privacy standards for the key holder, and procedures for law enforcement officers to follow to obtain assistance from the key holder in decrypting encrypted communications.

*Sec. 3. Findings.* The Act enumerates fifteen congressional findings, including that a secure, private and trusted national and global information infrastructure is essential to promote citizens' privacy and meet the needs of both American citizens and businesses, that encryption technology widely available worldwide can help meet those needs, that Americans should be free to use, and American businesses free to compete and sell, encryption technology, programs and products, and that there is a need to develop a national encryption policy to advance the global information infrastructure and preserve Americans' right to privacy and the Nation's public safety and national security.

*Sec. 4. Freedom to Use Encryption*

*(a) Lawful Use of Encryption.* The Act legislatively confirms current practice in the United States that any person in this country may lawfully use any encryption method, regardless of encryption algorithm, key length or implementation selected. The Act thereby prohibits any government-mandated use of any particular encryption system, such as a key escrow encryption system.

The Act further makes lawful the use of any encryption method by United States persons in a foreign country. This provision is consistent with, though broader than, the Department of State's new personal use exemption published in the Federal Register on February 16, 1996, that permits the export of cryptographic products by U.S. citizens and permanent residents who have the need to temporarily export the cryptographic products when leaving the U.S. for brief periods of time. For example, under this new exemption, U.S. citizens traveling abroad will be able to take their laptop computers containing copies of Lotus Notes software, many versions of which contain an encryption program otherwise not exportable.

*(b) General Constructions.* Nothing in the Act is to be construed to require the use of encryption, a key escrow encryption system, or a key holder if a person chooses to use a key escrow encryption system.

*Sec. 5. Encrypted wire and electronic communications.* This section of the Act adds a new chapter 122, entitled ''Encrypted Wire and Electronic Communications,'' to title 18 of the United States Code to establish privacy standards for key holders and to set forth procedures that law enforcement officers must follow to obtain decryption assistance from key holders.

*(a) In General.* New chapter 122 has five sections.

*§ 2801. Definitions.* Generally, the terms used in the new chapter have the same meanings as in the federal wiretap statute in 18 U.S.C. § 2510. Definitions are provided for ''encryption'', ''key holder'', ''decryption key'', and ''decryption assistance''. A ''key holder'' may, but is not required to be, a Federal agency.

This chapter applies only to wire or electronic communications and communications in electronic storage, as defined in 18 U.S.C. § 2510, and not to stored electronic data. For example, encrypted electronic mail messages, encrypted telephone conversations, encrypted facsimile transmissions, encrypted computer transmissions and encrypted file transfers over the Internet would be covered, but not encrypted data merely stored on computers.

*§ 2802. Prohibited acts by key holders*

(a) Unauthorized release of key.—Key holders will be subject to both criminal and civil liability for the unauthorized release of decryption keys or providing unauthorized decryption assistance.

(b) Authorized release of key.—Key holders are authorized to release decryption keys or provide decryption assistance with the consent of the key owner, as may be necessary for the holding or management of the key, or to investigative or law enforcement officers upon compliance with the procedures set forth in subsection (c).

(c) Requirements for release of decryption key to investigative or law enforcement officer.—To obtain access to a decryption key or decryption assistance from a key holder, an investigative or law enforcement officer must present to the key holder the same form of lawful process used to obtain access to the encrypted content. For example, to obtain the decryption key to, or decryption assistance for, an encrypted telephone conversation that is the subject of a court-ordered wiretap under 18 U.S.C. § 2518, a law enforcement agent must present a court order to the key holder to obtain the decoding key. Likewise, to obtain the decryption key to, or decryption assistance for, an encrypted stored wire or electronic communication, a law enforcement officer must present a court warrant, order, subpoena or certification, depending upon what process was used to obtain access to the stored communication.

Key holders may only provide the minimal key release or decryption assistance needed to access the particular communications specified by court order or other legal process. Released keys or other decryption assistance may only be used in the manner and for the purpose and duration expressly provided by court order or other legal process.

A key holder who fails to provide the decryption key or decryption assistance called for in the court order, subpoena or other lawful process may be penalized under current contempt or obstruction laws.

(d) Records or other information held by key holders.—Key holders are prohibited from disclosing records or other information (not including decryption keys) pertaining to key owners, except with the owner's consent or to an investigative or law enforcement officer, pursuant to a subpoena, court order or other lawful process.

(e) Criminal penalties.—Key holders who violate this section for a tortious, malicious or an illegal purpose, or for direct or indirect commercial advantage or private commercial gain, will be subject to a fine and up to 1 year imprisonment for a first offense, and fine and up to 2 years' imprisonment for a second offense. Other reckless and intentional violations would subject the key holder to a fine of up to $5,000 and up to 6 months' imprisonment.

(f) Civil damages.—Persons aggrieved by key holder violations may sue for injunctive relief, and actual damages or statutory damages of $5,000, whichever is greater.

(g) Defense.—A complete defense is provided if the defendant acted in good faith reliance upon a court order, warrant, grand jury or trial subpoena or statutory authorization.

*§ 2803. Reporting requirements.* The Attorney General is required to include in her report to the Administrative Office of the U.S. Courts under 18 U.S.C. § 2519(2), the number of orders and extensions served on key holders to obtain access to decryption keys or decryption assistance. The Director of the Administrative Office of the U.S. Courts is required to include this information, and the offenses for which the orders were obtained, in the report to Congress under 18 U.S.C. § 2519(3).

*§ 2804. Unlawful use of encryption to obstruct justice.* Persons who willfully use encryption in an effort and for the purpose of obstructing, impeding, or prevent the communication of information in furtherance of a federal felony crime to a law enforcement officer, would be subject to a fine and up to 5 years' imprisonment for a first offense, and up to 10 years' imprisonment for a second or subsequent offense.

*§ 2805. Freedom to sell encryption products*

(a) In general.—The Act, legislatively confirms that it is lawful to sell any encryption, regardless of encryption algorithm, key length or implementation used, domestically in the United States or its territories.

(b) Control of exports by Secretary of Commerce.—Notwithstanding any other law, the Act vests the Secretary of Commerce with control of exports of hardware, software and technology for information security, including encryption for both communications and other stored data, except when the hardware, software or technology is specifically designed or modified for military use.

No export license may be required for encryption software and hardware with encryption capabilities that is generally available, including mass market products (i.e., those generally available, sold ''as is'', and designed for installation by the purchaser) or encryption in the public domain and generally accessible. For example, no licenses would be required for encryption products commercially available without restriction and sold ''as is'', such as Netscape's commercially available World Wide Web Browser, which cannot be exported. Similarly, no license would be required to export software and corresponding hardware placed in the public domain and generally accessible, such as Phil Zimmerman's Pretty Good Privacy program, which has been distributed to the public free of charge via the Internet.

In addition, the Secretary of Commerce must authorize the export of encryption software to commercial users in any country to which exports of such software has been approved for use by foreign financial institutions, except when there is substantial evidence that the software will be diverted or modified for military or terrorists' end-use or re-exported without requisite U.S. authorization. Finally, the Secretary of Commerce must authorize the export of computer hardware with encryption capabilities if the Secretary determines that a product with comparable security is commercially available from foreign suppliers without effective restrictions outside the United States.

Significantly, the government is authorized to continue controls on countries that pose terrorism concerns, such as Libya, Syria and Iran, or other embargoes countries, such as Cuba and North Korea, pursuant to the Trading With the Enemy Act or the International Emergency Economic Powers Act.

*(b) Technical Amendment.* The Act adds new chapter 122 and the new title in the table of chapters in title 18 of the United States Code.

*Sec. 6. Intelligence activities.* The Act does not authorize the conduct of intelligence activities, nor affect the conduct by Federal government officers or employees in intercepting (1) encrypted or other official communications of Federal executive branch or Federal contractors for communications security purposes; (2) radio communications between or among foreign powers or agents, as defined by the Foreign Intelligence Surveillance Act (FISA); or (3) electronic communication systems used exclusively by foreign powers or agents, as defined by FISA.

MURRAY HILL, NJ,
*March 1, 1996.*

Hon. PATRICK LEAHY,
*U.S. Senate.*

DEAR SENATOR LEAHY: Thank you for introducing the Encrypted Communications Privacy Act of 1996. As a member of the computer security and cryptology research community, I have observed firsthand the deleterious effect that the current regulations governing the use and export of cryptography are having on our country's ability to develop a reliable and trustworthy information infrastructure. Your bill takes an important first step toward creating regulations that reflect the modern realities of this increasingly critical technology.

Unlike previous government encryption initiatives such as the technically-flawed and unworkable ''Clipper'' chip, your bill reaffirms the role of the marketplace in providing ordinary citizens and businesses with a full range of choices for securing their private information. In particular by freeing mass-market cryptographic software and hardware from the burdensome export controls that govern the international arms trade, the bill will help the American software industry compete, for the first time, in the international market for high-quality security products.

Law enforcement need not fear the widespread availability of encryption; indeed, they should welcome and promote it. Encryption thwarts electronic predators by preventing unauthorized access to private data and computer systems, and the use of strong cryptography to protect computer networks is becoming as natural and necessary as the use of locks and burglar alarms to protect our homes and businesses. While criminals, too, might occasionally derive some advantage from the use of cryptography, the benefits of widely-available encryption technology overwhelmingly favor the honest user. By recognizing that those who hold decryption keys on behalf of others are in a special position of trust, your bill is respectful of the privacy of law-abiding citizens without introducing impediments to the government's ability to investigate and prevent crime.

I have also examined the new provision designed to discourage the use of cryptography by criminals in the furtherance of a felony, and hope to see your carefully-worded language reinforced by a narrow interpretation in the courts, consistent with your intent.

Again, thank you for your continued leadership in this area, and I look forward to doing whatever I can to help you bring encryption regulations in line with the fast-changing reality of this emerging technology.

Sincerely,

MATT BLAZE.

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*March 1, 1996.*

Hon. PATRICK LEAHY,
*U.S. Senate.*

DEAR SENATOR LEAHY. I would like to thank you for introducing the Encrypted Communications Privacy Act. As a member of the computer and information security research community, I am keenly aware of the vital role of cryptography in fostering the development of our information infrastructure.

As the author of the book, ''Applied Cryptography'', I have unusual insights into the absurdity of cryptography export restrictions. It is not without irony that one may export my book in paper format, but not electronically. Presumably no rational person believes that the current restrictions actually prevent the spread of cryptography. I believe you recognize this, as evidenced from the strong stance taken in your bill.

As the bill recognizes, we can no longer afford to hold on to the obsolete notion that cryptography is the sole province of government communications; the growth of modern networks has irrevocably pushed it into the mainstream. I applaud your leadership towards codifying these principles in a balanced and responsible way. In particular, the bill:

Removes the regulatory strangle-hold that has encumbered the development of mass-market security solutions; Recognizes the futility of applying regulations intended to control the international arms trade to even the most mundane and commonly available software; Encourages public confidence in encryption by allowing the marketplace to provide a full range of choices for privacy and security needs; Recognizes the special obligations of keyholders to be vigilant in safeguarding the information entrusted to them, without imposing hurtles on the use of cryptography; Allows the United States to continue its leadership role as a technological innovator; Acknowledges the pivotal role of cryptography in electronic commerce.

I continue to have concerns that the new criminal obstruction provision will discourage law abiding citizens from using cryptography. I hope that legislative history and further discussion will demonstrate the narrow intent of this crime.

Overall, your bill takes very necessary strides towards ensuring that the protections we take for granted in traditional media keep pace with technology, and I commend your efforts.

Sincerely,

BRUCE SCHNEIER.

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BUSINESS SOFTWARE ALLIANCE,
*Washington, DC, March 4, 1996,*

Hon. PATRICK J. LEAHY,
*Russell Senate Office Building,*
*Washington, DC.*

DEAR SENATOR LEAHY: As President of the Business Software Alliance (BSA), I am writing to express our strong support for the Encryption Communications Privacy Act of 1996 which I understand you will introduce tomorrow. BSA represents the leading publishers of software for personal computers and the client server environment including Adobe, Autodesk, Bentley, Lotus Development, Microsoft, Novell, Sybase, Symantec and the Santa Cruz Operation.

We have had an opportunity to review the legislation and find it a significant step toward placing the U.S. software industry on a level playing field with our foreign competitors. Currently, we are only allowed to export weak (40-bit) encryption. Your legislation would allow us to export generally available software which offers security at prevailing world levels. While many would prefer export restrictions being lifted in their entirety, this legislation at least would place us on an equal footing with our foreign competitors which is critical to the continued success of the U.S. software industry in the global market place.

As you well know, today, America's software industry is the envy of the world. U.S. software companies hold an estimated 75% worldwide market share for mass market software with exports accounting for more than one-half of revenues for our companies. According to a 1993 study by Economists Inc., the American mass market software industry was the fastest growing industry in the U.S. between 1982 and 1992 and had become larger than all but five manufacturing industries. This translates into jobs here in the U.S.

The continued growth and success of our industry is directly threatened by existing U.S. government export controls. For that reason, our companies have consistently made this one of its top policy issues. As importantly, the availability of easy to use, affordable encryption will be essential to the successful development of the Global Information Infrastructure (GII). As more and more transactions are being done on-line, consumers are increasingly demanding software with strong encryption capabilities. In two studies, 90% of the respondents believe information security is important. In one study 37% of the respondents said that they would consider purchasing foreign software with otherwise less desirable features if that software offered data security not available in a U.S. program. Additionally, a recent study shows there are nearly 500 foreign encryption products from 28 countries currently available. U.S. export restrictions simply put U.S. industry at a competitive disadvantage. Your bill would address this issue by allowing U.S. industry to export generally available software with strong security features.

As you may know, the Administration has attempted to address this issue with a ''64-bit key escrow encryption proposal.'' Under that proposal, in order to be allowed to export software with strong security features, U.S. industry would be required to build a back door into the program with a spare key held by a U.S. government certified agent. After careful and serious deliberation by our members, we concluded that the Administration's approach is fatally flawed and cannot be the basis for progress in this area. We simply have not found a market for such a product. Any resolution must be market driven. Your bill takes a very different approach. It reaffirms Americans right to chose the encryption they use, either with key escrow or without. For those who chose voluntarily to use key holders, your legislation provides standards so that their privacy is not violated. Your legislation allows the market to work. We wholeheartedly endorse this market driven approach.

The digital information age and the Global Information Infrastructure present opportunities and challenges to computer users concerned about privacy at home and in their businesses, as well as for the U.S. government. From that point of view, we are all in a similar position. Information security policies for the electronic world are fundamental to the success of the GII and we are pleased to support your legislation which is pro-market, pro-competition, pro-privacy and pro-progress.

We look forward to working with you toward the enactment of this legislation.

Sincerely,

ROBERT W. HOLLEYMAN II,
*President.*

Mrs. MURRAY. Mr. President, I am pleased to join Senator LEAHY today as an original cosponsor of the Encrypted Communications Privacy Act. Senator LEAHY is truly a leader on this issue, and I've had the pleasure of working on encryption policy with him over the past 3 years. I'm excited to once again join him in this effort to make sense out of our national export control policies, and to promote export opportunities for American software and hardware producers.

As many of my colleagues know, with help from Congresswoman Cantwell in the 103d Congress, I was able to persuade the administration to study the extent to which U.S. companies are stymied by our country's current encryption and export control policies.

The Department of Commerce released that report last month. And let

me just say that there are some findings in this report that we should be aware of, and concerned about. For instance, the report acknowledges there are tremendous international growth opportunities for software exporters in the next 5 to 10 years. Unfortunately, the report also finds that most U.S. companies don't pursue international sales because our export control laws are too cost prohibitive.

Mr. President, there are legitimate national security concerns underpinning the Export Administration Act. However, these outdated laws are no longer relevant to the post-cold-war world we now lived in. Today's national security controls should target those items that really need to be controlled in order to maintain national security. Simply, they should make better sense; it doesn't make sense to tell a U.S. software producer they can't export a product that is already widely available on the world market.

Senator LEAHY'S bill seeks a balanced approach to implementing viable, safe, and secure encryption technology on both domestically sold products and exported products. It protects our privacy concerns, and it lays out the appropriate procedures law enforcement officials should use when obtaining encrypted materials. And, most important, it protects industry ingenuity and prohibits mandatory key escrow.

Mr. President, I introduced the Commercial Export Administration Act in the 103d Congress. I am pleased Senator LEAHY is incorporating my language into his bill. My language reduces regulatory redtape and makes it easier to export generally available mass-marketed commercial software. Washington State is home to some of the most innovative software producers in the world, and they are eager to export their goods. Unfortunately, our export controls keep Washington State's companies from penetrating the world market. Senator LEAHY'S bill, however will fix this problem.

We are hearing a lot on the Presidential campaign trail about the damage that comes from trade—how trade hurts our economy and our workers. That's nonsense. My Washington State friends and neighbors know full-well that trade is essential to our State's success. One out of every five jobs in Washington State is trade related; and these are highly skilled, family wage jobs that pay 15 percent higher than the national average. Moreover, Washington State's small- and mid-sized high-technology companies provided over 98,000 jobs in 1995.

Mr. President, I mention this because our bill will increase exports and enable our high-technology companies to grow further. Higher growth means more jobs—plain and simple. A recent study revealed that in 1995 U.S. exporters lost $60 billion in international sales, and it estimates the industry will lose 200,000 potential jobs by the year 2000. Given the increase in international competition, we can no longer afford to persist in holding U.S. companies back from potential world sales.

This legislation makes good sense. First and foremost, it ensures every American's right to use any appropriate encryption available on the market. It also sets out necessary guidelines that should accompany any policy regarding the use of key escrow. And finally, it paves the way for new, streamlined export policies.

Mr. President, this legislation is badly needed, and I urge my colleagues to join Senator LEAHY and me in supporting it.

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By Mr. STEVENS:

S. 1588. A bill to authorize the Secretary of Transportation to issue a certificate of documentation and coastwise trade endorsement for the vessel *Kalypso;* to the Committee on Commerce, Science, and Transportation.

JONES ACT WAIVER LEGISLATION

• Mr. STEVENS. Mr. President, today I am introducing a bill to provide a certificate of documentation for the vessel *Kalypso*.

The *Kalypso* (vessel number 566349) is a 36-foot recreational vessel owned by Ronald Kent of Anchorage, AK. It was built in Largo, FL, in 1974. The vessel was apparently at one time owned by a non-U.S. citizen, and it is therefore ineligible for documentation under the Jones Act. Mr. Kent intends to use the vessel for charter fishing and sightseeing in Prince William Sound, AK.

I ask unanimous consent that this bill be printed in the RECORD.

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

S. 1588

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsements for employment in the coastwise trade for the vessel Kalypso (vessel number 566349).•

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By Mr. GORTON (for himself and Mr. LIEBERMAN):

S. 1589. A bill to provide for a rotating schedule for regional primaries for Presidential elections, and for other purposes; to the Committee on Rules and Administration.

THE PRESIDENTIAL PRIMARY ACT OF 1996

Mr. GORTON. Mr. President, reacting to a proposal which I am about to introduce in bill form, a columnist and cartoonist on the Seattle Post Intelligencer wrote, in yesterday's edition of that newspaper:

> My English friend, Carolyn, having recently arrived in the United States from London, asked me to explain how Americans decide who will be their President.
>
> We were at a social occasion just before I headed up to New Hampshire to witness the process firsthand. The longer I rambled on, detailing the haphazard series of primaries and caucuses, the influence of media expectations and money, the nearly endless campaigns that begin almost as soon as the winner of the previous round has been inaugurated, the more I thought how bizarre it must sound to a person from another country. . .
>
> To the extent that the word ''system'' implies rationality and forethought, we really do not have a system for choosing nominees for president of the United States.

This bill also reflects a cartoon that this same individual had in the newspaper about 3 or 4 weeks ago. In that cartoon, several of the Founding Fathers, Benjamin Franklin, Thomas Jefferson, and Alexander Hamilton are ''Brainstorming at the Constitutional Convention.'' Ben Franklin turns to his colleagues in jest and rattles off an idea for a Presidential election system, with the following statement:

> ''The President shall be chosen from among those persons who can hone complex ideas into simplistic sound bites, defame the character of their opponents, hide their own blemishes from an intrusive swarming press corps and''—get this!—''win the most votes from a tiny number of citizens in a remote corner of New England!''

While this was simply a newspaper cartoon figure, it nonetheless comes all too close to describing the way in which we pick nominees for President of the United States at the present time.

A relatively small handful of voters in two or three States are wooed for more than a year while the rest of the country is ignored, and the influence of their votes, or even their sound bites on radio and on television, has a disproportionate impact on the way in which we nominate our Presidents. At the same time, it means that the candidates must have very narrow platforms, appealing to this not highly representative group of American citizens.

It also has the paradox, or had the paradox this year, of requiring major candidates to ignore States that somehow or another are deemed to be less influential. We saw an example this year when most of the candidates skipped primaries and caucuses in Louisiana and Delaware for fear of upsetting States that, for an extended period of time, had gone earlier than they did.

This is absolutely ridiculous, and we need a new and better system. We need a system that empowers and enfranchises all of the citizens of the United States equally; that treats the nominating process in both parties as being vitally important to the future of democratic institutions in the United States; that does so fairly; that causes the campaigns to speak about major national and regional issues on a much broader focus than they have at the present time. So, this is the time, it seems to me, when all of this is green in our memories, that we should begin the process toward a new system.

As a consequence, the bill that I am introducing today, together with my distinguished friend and colleague, the junior Senator from Connecticut [Mr. LIEBERMAN], creates a simple system of regional primaries. There will be four

regions, each including either 12 or 13 States, all required to hold primaries respectively on the first Tuesday in March—incidentally, today—the first Tuesday in April, and in May, and then in June, with the regions rotating first position, second position, third position, fourth position over four cycles, or 16 years. So the people in each region would go first once every four Presidential elections and last every fourth Presidential election.

The delegates would be bound for at least two ballots on the vote for the candidate to carry their State, or their congressional district, and leave the rules as to how the votes are divided to be determined by each individual State.

So the people of each State will have an equal opportunity to participate in and to influence the nomination in that process. Instead of 4 or 5 percent of the people of the United States having a disproportionate impact on the outcome, all of the people of the United States will have an equal opportunity, and, equally significant, the candidates for President will have had the campaign in all corners of the United States and in every State to be affected.

I believe, Mr. President, it will probably give a slightly greater advantage to those candidates who are not independently wealthy or do not have huge campaign chests because, with 12 or 13 primaries going on at the same time, they could attempt to establish a niche in one or two or three of those States and become well known, win one or two, and be major candidates by the time the second round comes around.

Not at all incidentally, Mr. President, it would place the nomination process a little bit closer to the national convention, and that perhaps would slightly shorten the entire process.

I think, in summary, Mr. President, that we should do everything we possibly can to improve the nomination system for President and see to it that all of our people have equal opportunity to participate.

Mr. President, I ask unanimous consent that a copy 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. 1589

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Presidential Primary Act of 1996''.

**SEC. 2. DEFINITION.**

For purposes of this Act—

(1) the term ''election year'' means a year during which a Presidential election is to be held;

(2) the term ''national committee'' means the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the national level, as determined by the Federal Election Commission;

(3) the term ''political party'' means an association, committee, or organization which—

(A) nominates a candidate for election to any Federal office whose name appears on the election ballot as the candidate of such association, committee, or organization; and

(B) won electoral votes in the preceding Presidential election;

(4) the term ''primary'' means a primary election held for the selection of delegates to a national Presidential nominating convention of a political party, but does not include a caucus, convention, or other indirect means of selection; and

(5) the term ''State committee'' means the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the State level, as determined by the Federal Election Commission.

**SEC. 3. SCHEDULE.**

(a) SCHEDULE.—

(1) FIRST ELECTION CYCLE.—In the first election year after the date of enactment of this Act, each State shall hold a primary in accordance with this Act, according to the following schedule:

(A) REGION I.—Each State in Region I shall hold its primary on the first Tuesday in March.

(B) REGION II.—Each State in Region II shall hold its primary on the first Tuesday in April.

(C) REGION III.—Each State in Region III shall hold its primary on the first Tuesday in May.

(D) REGION IV.—Each State in Region IV shall hold its primary on the first Tuesday in June.

(2) SUBSEQUENT ELECTION CYCLES.—

(A) GENERAL RULE.—Except as provided in subparagraph (B), in the second and each subsequent election year after the date of enactment of this Act, each State in each region shall hold its primary on the first Tuesday of the month following the month in which it held its primary in the preceding election year.

(B) LIMITATION.—If the States in a region were required to hold their primaries not earlier than the first Tuesday in June of the preceding year, such States shall hold their primaries on the first Tuesday in March of the succeeding election year.

(b) REGIONS.—For purposes of subsection (a):

(1) REGION I.—Region I shall be comprised of the following:

(A) Connecticut.
(B) Delaware.
(C) District of Columbia.
(D) Maine.
(E) Maryland.
(F) Massachusetts.
(G) New Hampshire.
(H) New Jersey.
(I) New York.
(J) Pennsylvania.
(K) Rhode Island.
(L) Vermont.
(M) West Virginia.

(2) REGION II.—Region II shall be comprised of the following:

(A) Alabama.
(B) Arkansas.
(C) Florida.
(D) Georgia.
(E) Kentucky.
(F) Louisiana.
(G) Mississippi.
(H) North Carolina.
(I) Oklahoma.
(J) South Carolina.
(K) Tennessee.
(L) Texas.
(M) Virginia.

(3) REGION III.—Region III shall be comprised of the following:

(A) Illinois.
(B) Indiana.
(C) Iowa.
(D) Kansas.
(E) Michigan.
(F) Minnesota.
(G) Missouri.
(H) Nebraska.
(I) North Dakota.
(J) Ohio.
(K) South Dakota.
(L) Wisconsin.

(4) REGION IV.—Region IV shall be comprised of the following:

(A) Alaska.
(B) Arizona.
(C) California.
(D) Colorado.
(E) Hawaii.
(F) Idaho.
(G) Montana.
(H) Nevada.
(I) New Mexico.
(J) Oregon.
(K) Utah.
(L) Washington.
(M) Wyoming.

(5) TERRITORIES.—The national committees shall jointly determine the region of each territory of the United States.

**SEC. 4. QUALIFICATION FOR BALLOT.**

(a) CERTIFICATION BY FEDERAL ELECTION COMMISSION.—The Federal Election Commission shall certify to the States in the relevant region the names of all seriously considered candidates of each party—

(1) for the first primary in the election year, not later than 6 weeks before such primary; and

(2) in the subsequent primaries in the election year, not later than 1 week after the preceding primary in that election year.

(b) STATE PRIMARY BALLOTS.—Each State shall include on its primary ballot—

(1) the names certified by the Federal Election Commission; and

(2) any other names determined by the appropriate State committee.

**SEC. 5. VOTING AT NATIONAL PARTY CONVENTIONS BY STATE DELEGATES.**

(a) IN GENERAL.—Each State committee shall establish a procedure for the apportionment of delegates to the national Presidential nominating convention of each political party based on 1 of the following models:

(1) WINNER-TAKE-ALL.—A binding, winner-take-all system in which the results of the primary bind each member of the State delegation or Congressional district delegation (or combination thereof) to the national convention to cast his or her vote for the primary winner in the State.

(2) PROPORTIONATE PREFERENCE.—A binding proportionate representation system in which the results of the State primary are used to allocate members of the State delegation or Congressional district delegation (or combination thereof) to the national convention to Presidential candidates based on the proportion of the vote for some or all of the candidates received in the primary in the State.

(b) SELECTION OF DELEGATES.—

(1) SUBMISSION OF NAMES.—Not later than the date on which a candidate is certified on the ballot for a State, such candidate shall submit to the State committee, in priority order, a list of names of individuals proposed by the candidate to serve as delegates for such candidate.

(2) SELECTION.—Delegates apportioned to represent a candidate pursuant to the procedure established under subsection (a) shall be selected according to the list submitted by the candidate pursuant to paragraph (1).

(c) VOTING AT THE NATIONAL CONVENTIONS.—Each delegate to a national convention who is required to vote for the winner of the State primary under the system established under subsection (a) shall so vote for at least 2 ballots at the national convention, unless released by the winner of the State primary to which such delegate's vote is pledged.

**SEC. 6. EFFECTIVE DATE.**

This Act shall apply to the primaries in the year 2000 and in each election year thereafter.

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By Mrs. MURRAY (for herself, Mr. LEAHY, Mr. BAUCUS, Mr. BUMPERS, and Mrs. FEINSTEIN):

S. 1590. A bill to repeal the emergency salvage timber sale program, and for other purposes; to the Committee on Energy and Natural Resources.

THE PUBLIC PARTICIPATION IN TIMBER SALVAGE ACT OF 1996

Mrs. MURRAY. Mr. President, I rise today to introduce legislation to correct serious problems with a law passed by this Congress at the beginning of last year. This law was intended to bypass environmental safeguards to speed up tree harvesting in national forests.

Mr. President, this law, commonly known as the salvage rider, has not worked. Instead, it has reopened old wounds in the Pacific Northwest, and sparked major controversy throughout the region. It has once again cast political uncertainty over working families, and blatantly cut regular people out of decisions over their own forests.

In short, what was billed as a commonsense approach to removing dead trees has turned out to be another case of legislative overkill on the environment.

Mr. President, it doesn't have to be this way. My bill will defuse a tense situation, provide certainty for workers, and restore a role for the public in forest management. Let me explain how.

The salvage rider has three problems: It allows large, old-growth timber sales previously declared illegal to be harvested without regard to fish and wildlife concerns; it could relegate the Northwest forest plan to the trash heap; and it cuts the public completely out of any final decision to harvest trees in national forests.

First, my bill resolves the old-growth issue by suspending timber sales commonly referred to as section 318 sales, and requiring the Forest Service to provide substitute timber volume or buy these sales back from the purchaser. In either case, the purchaser is held harmless, and so are the sensitive old-growth areas.

Second, my bill expedites implementation of the Northwest forest plan by making sure resources are available to complete recommended watershed analyses. The primary goal of this provision is to protect the scientific validity of option 9, so that timber sales can move ahead and private land owners can proceed with their habitat conservation plans.

This is a very important point: The State of Washington and every major timber land owner in the region are working on comprehensive habitat conservation plans. Every single one of these groups assume full implementation of option 9 as the basis of fish and wildlife protection in their own plans. If option 9 goes belly up, all of these habitat plans are worthless.

Third, my bill establishes a permanent, reasonable salvage program. The key work is permanent. I propose moving away from ad hoc forest planning by Congress, switching gears with every swing of the political pendulum. Instead, we should put a long-term program in place, something everyone can plan around, year in and year out.

Let me be very clear: This is not about salvage logging; this is about public input and accountability. Salvage logging is appropriate—and sometimes necessary—is done right. My bill sets up a program that allows the agencies to target salvage logging on an expedited basis when needed, under the full scrutiny of the public eye. If the agencies can defend their proposals, then they will go forward unimpeded.

Mr. President, I remember what it was like last spring. There was a new feeling in Congress; the people had called for change, so the leadership was running through bills left and right in the heat of the moment. A lot of things passed that might not have stood up under closer scrutiny, and this was one of them.

The irony here is thick: The salvage rider gave the Federal Government more power, and less accountability. As a result, the public has no say in how their own national forests are managed. I don't think the people wanted that kind of change.

People say this issue is too controversial to resolve, and that over the years it has become too polarized. To watch the debate, you might think that's true. Any person's idea is immediately rejected by someone else. And that may be the case with my bill. But if we keep rejecting everything, we will be left with nothing, except more chaos.

With all the controversy, people ask me, ''why bother?'' I'll tell you why: Because I care deeply about the Northwest. I care deeply about what government is saying to people about tough issues; more often than not, we're telling people that someone, somewhere, has to lose. That's not what I'm about. Most of all, I care deeply about the kind of legacy we're leaving for our children in this world.

We simply cannot continue the way of divide and conquer.

There are several ideas out there about how to proceed on this issue, from doing nothing at all, to repealing the salvage rider outright. My bill cuts a middle path. It says to workers: Salvage logging is something we should always be able to do. It says to conservationists: You will have an opportunity to hold the administration to its word. It says to large landowners: Your habitat planning efforts will pay off.

In my view, people ought to be willing to settle for this as a responsible approach.

Mr. President, I intend to pursue this matter on the continuing resolution when it comes before the full Senate. It is my understanding that the CR will contain limited language on this issue, but I do not believe it will solve the problem. I look forward to working with my colleagues.

Mr. President, I would also like to explain further some of the concepts contained in this bill.

REPLACEMENT VOLUME FOR SECTION 2001(K) SALES, SECTION 102(B)

The Secretary and contract holder/sale purchaser should immediately begin negotiations to locate alternative volume agreeable to both parties. Because these purchasers have owned these contracts for half a decade, the Secretary should make every effort to find and plan environmentally sound timber sales or modifications of the existing sale. The Secretary should direct agency personnel to make substitute volume a priority.

New sales or modifications of existing sales must comply with all applicable law, forest and regional plans, and standards and guidelines. Specifically, they must comply with the Northwest forest plan and, when developed, the plan—or plans—implementing the Interior Columbia Basin ecosystem management project. Furthermore, they must comply with Forest Service and BLM standards and guidelines, including PACFISH, INFISH, and Eastside screens.

BIDDING RIGHTS, SECTION 102(C)(2)

This bill contains provisions allowing for purchasers holding timber sale contracts for sales that do not comply with environmental or natural resource laws to exchange the value of those contracts for bidding credits. Such a concept has operated for mineral rights in at least two other natural resource laws—see Public Law 97–466, 96 Stat. 2540; and Public Law 96–401, 94 Stat. 1702.

This bill authorizes monetary credits based on the negotiated value of the purchaser's timber sale contract. The bidding credits extend to the purchaser and his or her successors and assigns to use in whole or part payment for future timber sales on Forest Service sales where the credits originated therefrom or on Bureau of Land Management sales, where the credits originated therefrom.

SALVAGE SALES INITIATED UNDER THE RIDER, SECTION 103(A)

Sales initiated under section 2001 (b) or (d) are all those begun since passage of the Emergency Timber Salvage Act, on July 27, 1995. Title III of this bill applies to sales where its provisions are timely. For example, if a sale has been advertised, this law does not require the agency to host an interdisciplinary team meeting with public participation. All sales that have not been awarded are subject to appeal under the provision of title III.

APPEAL OF AWARDED SALVAGE SALES, SECTION 103(B)

In section 103(b), I address sales that have been awarded to timber sale purchasers under the salvage and Northwest forest plan provisions of the rescissions bill. I give the public an opportunity to appeal immediately and thereby suspend sales that are causing environmental damage. The administration insists that it is complying with all environmental laws, and I want to give the public an opportunity to prove that is the case.

However, the agencies were required by the law at the time these sales were awarded—section 2001 of Public Law 104–19—to take procedural short cuts. I do not believe the purchasers should be denied their contract rights while the public challenges the agencies for obeying the law's procedural timelines. On the other hand, I do not want any sales that cause environmental harm to go forward. Thus, I try to strike a balance between these competing needs by limiting appeals to substantive complaints.

I understand that often substantive claims are raised in the context of procedural laws, such as the National Environmental Policy Act. Some courts have suggested that NEPA is a purely procedural statute. The term ''procedural'' in this bill is not meant to eliminate claims regarding environmental harm, even if they could be characterized as a purely procedural challenge. Let me give some examples.

Where an agency had documentation in which a biologist recommended a sale not go forward, but the agency allowed the sale to be awarded to a purchaser, then such documentation could be the basis for an appeal and would not be considered a procedural challenge. Another example would be where the agency went forward with a sale prior to obtaining the concurrence from the National Marine Fisheries Service or the U.S. Fish and Wildlife Service regarding whether an activity will or will not jeopardize a species under the Endangered Species Act. This should not be characterized as a procedural challenge. A final example would be that section 2001 of Public Law 109–14 required the agencies to, in their discretion, file only environmental assessments, not environmental impact statements. Because both EA's and EIS's should disclose the effects of a sale on the environment, a challenge could not be made simply because the agency published such information in an EA, rather than an EIS. However, if the documentation, no matter what its title, failed to disclose the effects on the environment, it would be open to challenge.

FUNDING TO IMPLEMENT TITLE III, SECTION 304

In this bill, the agencies are given discretion at the forest supervisor's and district manager's levels to combine several funds and accounts to implement this bill. The intent is to provide adequate funds for such activities as salvage timber sales, stewardship programs, watershed restoration, including road decommission, and data inventory and collection. This fund may not be used to carry out any activities that violate the forest plans, agency standards and guidelines, or the intent of this bill. This flexibility of funding will allow the agency to address critical salvage situations, correct an apparent agencywide problem with inadequate inventory of forest resources, and address a backlog of stewardship and restoration projects.

PILOT PROGRAM FOR HARVEST CONTRACTING, SECTION 306

The legislation authorizes a pilot program to change the way salvage timber sales are undertaken on Forest Service and BLM lands. The Forest Service currently sells timber by planning and preparing the sale, offering the sale to bidders, and administering the timber harvest. Harvest contracting or stewardship contracting is an alternative to the current method, entailing a two-step process: A timber harvest contract or contracts to cut and remove wood, and log sales from the collected and sorted wood.

There are several advantages to harvest contracting, including allowing the agencies to better implement ecosystem management, providing an opportunity to improve tree health without a large component of merchandise timber, eliminating below-cost timber sales, and reducing timber theft.

Specifically, harvest contracting would improve ecosystem management by basing contracts on the work performed and the resulting conditions of the forest. This would eliminate incentives for purchasers to inappropriately harvest large, lucrative trees. This pilot project encourages harvest so smaller, less valuable trees that have proliferated in many years of the West due to fire suppression and historic timber practices, such as highgrading. These young, dense stands are expensive to harvest, but many scientists believe it is important to remove them in order to restore health to timber stands.

The primary financial benefit is that gross timber sale revenues would be substantially higher because purchasers would not have road construction or logging costs—they would simply buy the wood from the log yard. Because the agencies may not be as efficient as a private enterprise, the agencies should consider contracting the log marketing business to a private business.

A secondary financial benefit would be the elimination of many opportunities for timber sale fraud and theft. Under harvest contracting, the scaling system would be eliminated and the contractor would not benefit from cutting trees designated to be left standing because of the fixed contract price and, in fact, might be penalized for not performing to contract specifications. That is why the bill contains a provision limiting the ability of the contractor who performs the contract from also selling the harvested wood.

Finally, this pilot project should benefit timber workers in several ways. First, salvage timber sales or thinning sales that were previously uneconomical to harvest would be offered, providing jobs for loggers and other resource experts. Second, timber companies would be purchasing wood after seeing its quality and knowing the exact board footage, rather than hypothesizing about the quantity of wood contained in a standing timber sale and not knowing how weather or timber markets might affect the ability to harvest or make a profit from the wood. Third, companies would not be subject to changes or delays in ability to harvest based on legal or political changes as they held long-term timber sale contracts; they would simply purchase wood.

While harvest contracting appears to offer many benefits from many different aspects, it remains untested on a large scale. This bill requires the Forest Service and BLM to establish pilot programs. This should provide guidance as to the feasibility, benefits, and drawbacks of the concept.

In addition, Senator MAX BAUCUS has introduced a bill, S. 1259, that also establishes a demonstration program to use stewardship contracting. The concepts contained in this bill were developed by a group of conservationists, forest product industry representatives, and community leaders. This should also offer guidance as how to implement this pilot program.

FOREST TIMBER STAND STUDY TITLE IV

The Forest Service has initiated a similar study to that required in this bill. The Western Forest Health Initiative should be used as a foundation for the requirements of this bill. There is no need for the agencies to be duplicative, rather this bill's provisions should be supplemental to the work done in the WFHI.

COLLABORATIVE DECISIONMAKING

Early drafts of this bill included use of collaborative decisionmaking. The concept was dropped from the bill because it was too difficult to described in legislative language. However, this decisionmaking process was very effective when it was used to plan and develop timber salvage sales after the wildfires of 1994 on the Wenatchee National Forest. The process was developed by Steve Daniels and Gregg Walker, of Oregon State University, as a tool to support ecosystem-based management of forest.

Collaborative learning is a framework designed for natural resource management situations that have the following features: Multiple parties and issues, deeply held values and cultural difference, scientific and technical uncertainty, and legal and jurisdictional constraints. The key notions that define collaborative learning are: Redefining the task away from solving a problem to one of improving a situation; viewing the situation as a set of interrelated systems; defining improvement as desirable and feasible change;

recognizing that considerable learning about science, issues and value differences—will have to occur before implementable improvements are possible; and promoting working through the issues and perspectives of the situation.

Because of its success on the Wenatchee National Forest, I recommend the agencies consider use of collaborative decisionmaking procedures to increase valuable and productive participation by various interest parties.

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By Mr. D'AMATO:

S.J. Res. 50. A joint resolution to disapprove the certification of the President under section 490(b) of the Foreign Assistance Act of 1961 regarding foreign assistance for Mexico during fiscal year 1996; to the Committee on Foreign Relations.

CERTIFICATION DISAPPROVAL LEGISLATION

Mr. D'AMATO. Mr. President, I rise today to introduce a joint resolution that disapproves of the administration's certification of Mexico. I am joined by my colleagues Senator HELMS, Senator MCCONNELL, and Senator PRESSLER in presenting this resolution and urge its immediate passage.

As a result of the amount of drugs that are found to have come into the United States through Mexico, we know that Mexico has failed to stem the international drug trade. If this administration does not want to recognize Mexico's failure, then it is up to Congress to do so. I will speak on this issue in more detail tomorrow. I encourage my colleagues to join us in this effort.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

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

S.J. RES. 50

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That pursuant to subsection (d) of section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j), Congress disapproves the determination of the President with respect to Mexico for fiscal year 1996 that is contained in the certification (transmittal no. ) submitted to Congress by the President under subsection (b) of that section on , 1996.

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## ADDITIONAL COSPONSORS

S. 953

At the request of Mr. DOLE, the names of the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Michigan [Mr. ABRAHAM], and the Senator from Tennessee [Mr. FRIST] were added as cosponsors of S. 953, a bill to require the Secretary of the Treasury to mint coins in commemoration of black revolutionary war patriots.

At the request of Mr. CHAFEE, the names of the Senator from Wyoming [Mr. SIMPSON], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Virginia [Mr. ROBB], and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 953, supra.

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. 953, supra.

S. 1028

At the request of Mrs. KASSEBAUM, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of 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.

S. 1039

At the request of Mr. ABRAHAM, the names of the Senator from Kentucky [Mr. MCCONNELL] and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of S. 1039, a bill to require Congress to specify the source of authority under the United States Constitution for the enactment of laws, and for other purposes.

S. 1420

At the request of Mr. STEVENS, the names of the Senator from Illinois [Ms. MOSELEY-BRAUN] and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of S. 1420, a bill to amend the Marine Mammal Protection Act of 1972 to support International Dolphin Conservation Program in the eastern tropical Pacific Ocean, and for other purposes.

S. 1451

At the request of Mr. MCCAIN, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 1451, a bill to authorize an agreement between the Secretary of the Interior and a State providing for the continued operation by State employees of national parks in the State during any period in which the National Park Service is unable to maintain the normal level of park operations, and for other purposes.

S. 1483

At the request of Mr. KYL, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 1483, a bill to control crime, and for other purposes.

S. 1506

At the request of Mr. ABRAHAM, the names of the Senator from Arizona [Mr. KYL] and the Senator from Missouri [Mr. BOND] were added as cosponsors of S. 1506, a bill to provide for a reduction in regulatory costs by maintaining Federal average fuel economy standards applicable to automobiles in effect at current levels until changed by law, and for other purposes.

S. 1548

At the request of Mrs. FEINSTEIN, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 1548, a bill to provide that applications by Mexican motor carriers of property for authority to provide service across the United States-Mexico international boundary line and by persons of Mexico who establish enterprises in the United States seeking to distribute international cargo in the United States shall not be approved until certain certifications are made to the Congress by the President and the Secretary of Transportation, and for other purposes.

S. 1553

At the request of Mr. MCCAIN, the names of the Senator from Louisiana [Mr. JOHNSTON], the Senator from Ohio [Mr. DEWINE], the Senator from Wyoming [Mr. THOMAS], the Senator from Alaska [Mr. STEVENS], the Senator from Missouri [Mr. ASHCROFT], the Senator from Louisiana [Mr. BREAUX], and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of S. 1553, a bill to provide that members of the Armed Forces performing services for the peacekeeping effort in the Republic of Bosnia and Herzegovina shall be entitled to certain tax benefits in the same manner as if such services were performed in a combat zone.

SENATE JOINT RESOLUTION 18

At the request of Mr. HOLLINGS, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of Senate Joint Resolution 18, a joint resolution proposing an amendment to the Constitution relative to contributions and expenditures intended to affect elections for Federal, State, and local office.

SENATE JOINT RESOLUTION 49

At the request of Mr. KYL, the names of the Senator from North Carolina [Mr. HELMS] and the Senator from Michigan [Mr. ABRAHAM] were added as cosponsors of Senate Joint Resolution 49, a joint resolution proposing an amendment to the Constitution of the United States to require two-thirds majorities for bills increasing taxes.

SENATE RESOLUTION 133

At the request of Mr. HELMS, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of Senate Resolution 133, a resolution expressing the sense of the Senate that the primary safeguard for the well-being and protection of children is the family, and that, because the United Nations Convention on the Rights of the Child could undermine the rights of the family, the President should not sign and transmit it to the Senate.

SENATE RESOLUTION 152

At the request of Mr. ABRAHAM, the names of the Senator from Kentucky [Mr. MCCONNELL] and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of Senate Resolution 152, a resolution to amend the Standing Rules of the Senate to require a clause in each bill and resolution to specify the constitutional authority of the Congress for enactment, and for other purposes.

SENATE RESOLUTION 224

At the request of Mr. D'AMATO, the names of the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Vermont [Mr. JEFFORDS], the Senator

from Ohio [Mr. DEWINE], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of Senate Resolution 224, a resolution to designate September 23, 1996, as ''National Baseball Heritage Day.''

SENATE RESOLUTION 226

At the request of Mr. DOMENICI, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of Senate Resolution 226, a resolution to proclaim the week of October 13 through October 19, 1996, as ''National Character Counts Week.''

## NOTICE OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Energy Research and Development.

The hearing will take place Wednesday, March 20, 1996, at 2 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 1077, a bill to authorize research, development, and demonstration of hydrogen as an energy carrier, and for other purposes, S. 1153, a bill to authorize research, development, and demonstration of hydrogen as an energy carrier, and a demonstration-commercialization project which produces hydrogen as an energy source produced from solid and complex waste for on-site use in fuel cells, and for other purposes, and H.R. 655 a bill to authorize the hydrogen research, development, and demonstration programs of the Department of Energy, and for other purposes.

Those 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 Judy Brown or David Garman at (202) 224–8115.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce that a full committee hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place Thursday, March 14, 1996, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 1425, a bill to recognize the validity of rights-of-way granted under section 2477 of the Revised Statutes, and for other purposes. It will also address the Department of the Interior's July 29, 1994, proposed regulations regarding R.S. 2477 rights-of-way.

Those who wish to testify or to submit written testimony should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. Presentation of oral testimony is by committee invitation. For further information, please contact Jo Meuse or Brian Malnak at (202) 224–6730.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT AND THE DISTRICT OF COLUMBIA

Mr. COHEN. Mr. President, I wish to announce that the Subcommittee on Oversight of Government Management and the District of Columbia, Committee on Governmental Affairs, will hold a hearing on Friday, March 8, 1996, at 9:30 a.m., in room 342 of the Dirksen Senate Office Building, on oversight of governmentwide travel management.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 9:30 a.m. on Tuesday, March 5, 1996, in open session, to receive testimony on the Defense authorization request for fiscal year 1997 and the future years Defense program.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on HUD Oversight and Structure, of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, March 5, 1996, to conduct a hearing on oversight of the Office of HEO and implementation of the 1992 Federal Housing Enterprises Safety and Soundness Act.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, March 5, 1996, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to consider the nominations of Thomas Paul Grumbly to the Under Secretary of Energy; Alvin L. Alm to be Assistant Secretary of Energy for Environmental Management; Charles William Burton and Christopher M. Coburn to be members of the Board of Directors of the U.S. Enrichment Corporation.

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

COMMITTEE ON GOVERNMENT AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Tuesday, March 5, at 9:30 a.m. for a hearing on S. 1376, the Corporate Subsidy Review, Reform and Termination Act of 1995.

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

COMMITTEE ON THE JUDICIARY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, March 5, 1996, at 10 a.m. to hold a hearing on ''A Decade Later: The Drug Price Competition and Patent Term Restoration Act. ''

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. LOTT. Mr. President, The Committee on Veterans' Affairs asks unanimous consent to hold a joint hearing with the House Committee on Veterans' Affairs to receive the legislative presentation of the Veterans of Foreign Wars. The hearing will be held on March 5, 1996, at 9:30 a.m., in room 345 of the Cannon House Office Building.

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

## ADDITIONAL STATEMENTS

### SUPPORT OF NATIONAL SPORTSMANSHIP DAY

• Mr. CHAFEE. Mr. President, today marks the sixth annual celebration of National Sportsmanship Day. Designed to promote ethics, integrity, and good sportsmanship in athletics, as well as in society as a whole, National Sportsmanship Day was established by the Institute for International Sport at the University of Rhode Island.

As my colleagues may recall, the Institute for International Sport gained national attention 3 years ago as the sponsor of the inaugural World Scholar-Athlete Games in Newport, RI. More than 1,600 student-athletes from 108 countries participated in athletic and scholastic competitions. In 1995, the institute sponsored the Rhode Island Scholar-Athlete Games, which served as a model for similar contests across the country.

Schools and colleges from across the United States are encouraged to participate in National Sportsmanship Day. This year, some 6,000 schools representing all 50 States and 61 nations are expected to take part in the celebration. Working with material provided by the institute, classrooms around the globe will take this opportunity to debate questions related to gender equity, competition, and fair play. In addition, for the third year in a row USA Today is sponsoring a national essay contest.

Another key component of National Sportsmanship Day is the Student-Athlete Outreach Program. This program encourages high schools and colleges to send talented student-athletes to local elementary and middle schools to promote good sportsmanship and serve as positive role models. These students help young people build self-esteem, respect for physical fitness, and an appreciation for the value of teamwork.

National Sportsmanship Day is recognized by the President's Council on Physical Fitness and Sports. In a letter to the institute, Florence Griffith

Joyner and Tom McMillen, cochairs of the President's Council, point out ''the valuable life skills and lessons that are learned by youth and adults through participation in sports.'' I will ask that the full text of the letter be printed in the RECORD at the conclusion of my remarks.

I am delighted that National Sportsmanship Day was initiated in Rhode Island and I applaud all the students and teachers who are participating in this inspiring event today. Likewise, I congratulate all of those at the Institute for International Sport, whose hard work and dedication over the last 6 years have made this program so successful.

I ask that the letter be printed in the RECORD.

The letter follows:

THE PRESIDENT'S COUNCIL
ON PHYSICAL FITNESS AND SPORTS,
WASHINGTON, DC, *March 1996*.

The President's Council on Physical Fitness and Sports is pleased to recognize March 5, 1996, as National Sportsmanship Day. The valuable life skills and lessons that are learned by youth and adults through participation in sports cannot be overestimated.

Participation in sports contributes to all aspects of our lives, such as heightened awareness of the value of fair play, ethics, integrity, honesty and sportsmanship, as well as improving levels of physical fitness and health.

The President's Council congratulates the Institute for International Sport for its continued leadership in organizing this important day. We wish you every success in your efforts to broaden participation in and awareness of National Sportsmanship Day.

FLORENCE GRIFFITH JOYNER,
*Co-Chair*.
TOM MCMILLEN,
*Co-Chair*.●

## DIGITAL BROADCAST SPECTRUM AUCTIONS: CONSUMERS WILL PAY THE HIGHEST PRICE

### THERE IS NO SPECTRUM GIVEAWAY

● Mr. DORGAN. Mr. President, the Senate majority leader has said that he intends to stop the big spectrum giveaway in the telecommunications bill. The Senator from Kansas is referring to spectrum that the FCC has set aside for broadcasters to use to convert to digital television. He wants this spectrum to be put up for auction, which he believes will net billions of dollars in revenues for the Federal Treasury. And the chairman of the Senate Commerce Committee has announced that he will soon hold hearings on this issue.

I don't think the real question is not whether there should be auctions of broadcast spectrum. Rather, the question is when. Some, like the majority leader, have proposed up front auctions of spectrum intended for the transition to digital television. Others, such as myself, believe that the auctions should occur on the analog spectrum, after the transition occurs.

I am a strong supporter of auctions as a means of allocating spectrum. As my colleagues know, I joined the Senator from Arizona, Senator MCCAIN, in sponsoring an amendment last year which called for auctioning spectrum for a direct broadcast satellite license. The FCC concluded the auction for this license earlier this year, netting nearly $700 million for the Federal Treasury.

I think if my colleagues will look through the rhetoric and focus on the serious policy consequences of this debate, they will realize that the very future of free over-the-air broadcasting is at stake. If up front auctions are required for the digital spectrum, as suggested by some of my colleagues, it is local television stations and the consumers who rely upon them as their only source of television that will be the losers.

At issue in this debate is the current plan of the FCC to allocate an additional 6 MHz of spectrum to broadcasters. The purpose of this allocation is to allow broadcast television to convert their broadcast signals from analog to digital, which will be a necessity in the digital world that is rapidly approaching the video industry, and in fact, is already here with direct broadcast satellite. Digital conversion will permit broadcast television to keep pace with the vast changes in telecommunications technology, and thereby help to make broadcast TV competitive.

The FCC is not planning on giving spectrum to the broadcasters. Rather, it intends to loan the additional spectrum to broadcasters for a period of years in order to permit a transition from analog to digital. After a certain point, the broadcasters will return their current analog spectrum—but not until Americans have become equipped with digital televisions. That has been the plan for years. The process of converting to digital television was born by the FCC over a decade ago. It is only in the rush of the moment when politicians are searching for revenue to balance the budget, that this plan has come into question.

### DAVID AND GOLIATH AUCTIONS

Some believe that broadcasters should have to pay for this spectrum—rather than receive it on a loan basis. If the spectrum is placed up for auction, there is very little chance that local broadcast stations will have the resources to compete with the giant telecommunications corporations that want the spectrum for subscriber-based services. The proposals talked about up to this point will permit anyone to bid for the spectrum. Thus, the telecommunications giants like AT&T, MCI, the RBOC's, Microsoft, and others will be competing against local television stations for the spectrum. The fact is, up-front auctions mean that broadcast stations will not have a chance at the digital spectrum, and therefore, will never have the opportunity to compete in a digital world.

Everyone needs to realize how the cards will be stacked in this kind of auction. When we talk about broadcasters having to compete in an auction for this spectrum, we are talking about little Davids going up against Goliath telecommunications corporations. The auctions will be between small, locally owned stations bidding against large, national corporations. The vast majority of broadcast stations in this country are small, locally owned stations and many of these stations have well under $1 million in pretax revenues. Local broadcast stations cannot successfully compete against other interests vying for the spectrum. The other interests who plan to use the spectrum for more profitable subscriber-based services will simply overwhelm the local broadcasters' efforts.

Even if we assume that broadcasters would win the licenses at an auction, this would not ensure that broadcasters will have the opportunity to compete with other digital-quality services. A costly fight for the spectrum could make digital conversion financially prohibitive. We are told that local broadcast stations are going to have to invest nearly $10 million per station to convert to digital. Investing in digital equipment and technology for small locally owned stations such as those in my home state of North Dakota is going to be challenging enough. Add on top of the equipment costs a sizable fee for the spectrum, and digital conversion for broadcasters will never become a reality. Tomorrow's TV will be like today's AM radio when the rest of the video world goes digital.

### ANALOG VERSUS DIGITAL AUCTIONS

The administration has a different and equally troublesome proposal to auction the analog broadcast spectrum. Under the administration's proposal, broadcasters would have to accelerate the giveback of the analog spectrum after completing the conversion to digital. A 15–20 year process would be crammed in a 10-year window under this approach. While I strongly support the notion that broadcasters should have to give back the analog spectrum after converting to digital, and I further support the notion that this should be auctioned, the administration's proposal is seriously flawed because the acceleration is totally unrealistic. Under this approach, broadcasters would be required to vacate the analog spectrum they are currently using by the year 2005.

The consequences under this approach fall largely on the American consumer. When the broadcasters stop sending analog signals, existing television sets will be useless. Thus, under this approach, the administration is asking that all Americans replace all existing television sets with new, yet to be manufactured digital sets, within 10 years. The cost to the American consumer will likely exceed any revenue gained from this accelerated auction.

As I stated earlier, there really should be no question about whether or not broadcast spectrum should be auctioned. The timing of the auction is the question. It seems to me that the best

policy approach should guide this timing—not budget pressures. If we ask ourselves what is the best policy—what is best for the public interest and American consumers—we must conclude that broadcasters ought to be given the opportunity to convert to digital television. Once that conversion has been successfully completed, then the analog spectrum that is currently being used should be made available through an auction. If this process cannot realistically be completed within the arbitrary 7-year budget cycle we have created for ourselves, then we should not force ourselves into making a serious policy mistake.

CONCLUSION

Broadcast television is the universal video service in this country. In many rural and remote areas, where cable is not available, it is the only video service. Currently, a little more than one-third of Americans do not subscribe to cable. That's 33 million TV households that have no choice but to rely upon broadcast television. In addition, over 60 percent of all the TV sets in the United States—close to 138 million—are not hooked to cable.

If the FCC is permitted to move forward with its plan to allocate the needed spectrum for digital conversion, consumers will continue to have access to free television. Converting to digital will not give broadcasters a leg up—it is a necessity in the new digital age. Rather, it is consumers that will lose if this conversion does not occur. I am convinced that up front auctions for this spectrum will result in fewer choices for consumers. In areas where cable is available—and in homes where it is affordable—it will mean fewer choices. But for one-third of the population, it will mean no choice.

In my judgment, this is too high a price to pay for the short-term revenue gain in up front auctions. My concern is the future of free over-the-air television—not a financial giveaway to the broadcast industry. I urge my colleagues to examine this issue carefully. It is not the corporate welfare as some have claimed. Rather, it is a question of the survival of our local television stations and the universal service that only they can provide. I urge my colleagues to oppose the proposal of up front auctions and the unrealistic acceleration of auctioning the analog spectrum. Let's not be tempted by the revenue, instead carefully examine the policy implications behind spectrum auctions.●

## SENATE QUARTERLY MAIL COSTS

● Mr. WARNER. Mr. President, in accordance with section 318 of Public Law 101–520 as amended by Public Law 103–283, I am submitting the frank mail allocations made to each Senator from the appropriation for official mail expenses and a summary tabulation of Senate mass mail costs for the first quarter of fiscal year 1996 to be printed in the RECORD. The first quarter of fiscal year 1996 covers the period of October 1, 1995, through December 31, 1995. The official mail allocations are available for frank mail costs, as stipulated in Public Law 104–53, the Legislative Branch Appropriations Act for fiscal year 1996.

The allocations follow:

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING DEC. 31, 1995

| Senators | Total pieces | Pieces per, capita | Total cost | Cost per capita | FY 96 Official mail allocation |
|---|---|---|---|---|---|
| Abraham | 0 | 0.00000 | 0.00 | $0.00000 | $160,875 |
| Akaka | 0 | 0.00000 | 0.00 | 0.00000 | 48,447 |
| Ashcroft | 0 | 0.00000 | 0.00 | 0.00000 | 109,629 |
| Baucus | 0 | 0.00000 | 0.00 | 0.00000 | 46,822 |
| Bennett | 0 | 0.00000 | 0.00 | 0.00000 | 56,493 |
| Biden | 0 | 0.00000 | 0.00 | 0.00000 | 44,754 |
| Bingaman | 0 | 0.00000 | 0.00 | 0.00000 | 56,404 |
| Bond | 0 | 0.00000 | 0.00 | 0.00000 | 109,629 |
| Boxer | 1,000 | 0.00003 | $247.60 | 0.00001 | 433,718 |
| Bradley | 0 | 0.00000 | 0.00 | 0.00000 | 139,706 |
| Breaux | 0 | 0.00000 | 0.00 | 0.00000 | 92,701 |
| Brown | 9,300 | 0.00268 | 3,152.24 | 0.00091 | 86,750 |
| Bryan | 0 | 0.00000 | 0.00 | 0.00000 | 56,208 |
| Bumpers | 0 | 0.00000 | 0.00 | 0.00000 | 69,809 |
| Burns | 0 | 0.00000 | 0.00 | 0.00000 | 46,822 |
| Byrd | 0 | 0.00000 | 0.00 | 0.00000 | 59,003 |
| Campbell | 0 | 0.00000 | 0.00 | 0.00000 | 86,750 |
| Chafee | 0 | 0.00000 | 0.00 | 0.00000 | 48,698 |
| Coats | 0 | 0.00000 | 0.00 | 0.00000 | 112,682 |
| Cochran | 0 | 0.00000 | 0.00 | 0.00000 | 69,473 |
| Cohen | 0 | 0.00000 | 0.00 | 0.00000 | 52,134 |
| Conrad | 7,091 | 0.01115 | 5,748.14 | 0.00904 | 43,403 |
| Coverdell | 0 | 0.00000 | 0.00 | 0.00000 | 131,465 |
| Craig | 0 | 0.00000 | 0.00 | 0.00000 | 49,706 |
| D'Amato | 0 | 0.00000 | 0.00 | 0.00000 | 262,927 |
| Daschle | 0 | 0.00000 | 0.00 | 0.00000 | 44,228 |
| DeWine | 0 | 0.00000 | 0.00 | 0.00000 | 186,314 |
| Dodd | 0 | 0.00000 | 0.00 | 0.00000 | 80,388 |
| Dole | 0 | 0.00000 | 0.00 | 0.00000 | 70,459 |
| Domenici | 1,050 | 0.00066 | 254.20 | 0.00016 | 56,404 |
| Dorgan | 5,900 | 0.00928 | 1,091.59 | 0.00172 | 43,403 |
| Exon | 0 | 0.00000 | 0.00 | 0.00000 | 57,167 |
| Faircloth | 0 | 0.00000 | 0.00 | 0.00000 | 134,344 |
| Feingold | 0 | 0.00000 | 0.00 | 0.00000 | 102,412 |
| Feinstein | 1,737 | 0.00006 | 547.83 | 0.00002 | 433,718 |
| Ford | 0 | 0.00000 | 0.00 | 0.00000 | 86,009 |
| Frist | 0 | 0.00000 | 0.00 | 0.00000 | 106,658 |
| Glenn | 0 | 0.00000 | 0.00 | 0.00000 | 186,314 |
| Gorton | 0 | 0.00000 | 0.00 | 0.00000 | 109,059 |
| Graham | 0 | 0.00000 | 0.00 | 0.00000 | 259,426 |
| Gramm | 0 | 0.00000 | 0.00 | 0.00000 | 281,361 |
| Grams | 650 | 0.00015 | 542.74 | 0.00012 | 96,024 |
| Grassley | 0 | 0.00000 | 0.00 | 0.00000 | 73,403 |
| Gregg | 0 | 0.00000 | 0.00 | 0.00000 | 50,569 |
| Harkin | 0 | 0.00000 | 0.00 | 0.00000 | 73,403 |
| Hatch | 0 | 0.00000 | 0.00 | 0.00000 | 56,493 |
| Hatfield | 0 | 0.00000 | 0.00 | 0.00000 | 78,163 |
| Heflin | 0 | 0.00000 | 0.00 | 0.00000 | 89,144 |
| Helms | 0 | 0.00000 | 0.00 | 0.00000 | 134,344 |
| Hollings | 0 | 0.00000 | 0.00 | 0.00000 | 85,277 |
| Hutchison | 0 | 0.00000 | 0.00 | 0.00000 | 281,361 |
| Inhofe | 0 | 0.00000 | 0.00 | 0.00000 | 82,695 |
| Inouye | 0 | 0.00000 | 0.00 | 0.00000 | 48,447 |
| Jeffords | 12,700 | 0.02228 | 2,747.97 | 0.00482 | 42,858 |
| Johnston | 0 | 0.00000 | 0.00 | 0.00000 | 92,701 |
| Kassebaum | 0 | 0.00000 | 0.00 | 0.00000 | 70,459 |
| Kempthorne | 0 | 0.00000 | 0.00 | 0.00000 | 49,706 |
| Kennedy | 0 | 0.00000 | 0.00 | 0.00000 | 117,964 |
| Kerrey | 0 | 0.00000 | 0.00 | 0.00000 | 57,167 |
| Kerry | 0 | 0.00000 | 0.00 | 0.00000 | 117,964 |
| Kohl | 0 | 0.00000 | 0.00 | 0.00000 | 102.412 |
| Kyl | 0 | 0.00000 | 0.00 | 0.00000 | 93,047 |
| Lautenberg | 0 | 0.00000 | 0.00 | 0.00000 | 139,706 |
| Leahy | 6,004 | 0.01053 | 2,798.18 | 0.00491 | 42,858 |
| Levin | 0 | 0.00000 | 0.00 | 0.00000 | 160,875 |
| Lieberman | 0 | 0.00000 | 0.00 | 0.00000 | 80,388 |
| Lott | 0 | 0.00000 | 0.00 | 0.00000 | 69,473 |
| Lugar | 3,600 | 0.00064 | 877.65 | 0.00016 | 112,682 |
| Mack | 0 | 0.00000 | 0.00 | 0.00000 | 259,426 |
| McCain | 0 | 0.00000 | 0.00 | 0.00000 | 93,047 |
| McConnell | 0 | 0.00000 | 0.00 | 0.00000 | 86,009 |
| Mikulski | 0 | 0.00000 | 0.00 | 0.00000 | 101,272 |
| Moseley-Braun | 0 | 0.00000 | 0.00 | 0.00000 | 184,773 |
| Moynihan | 5,250 | 0.00029 | 1,283.37 | 0.00007 | 262,927 |
| Murkowski | 0 | 0.00000 | 0.00 | 0.00000 | 42,565 |
| Murray | 0 | 0.00000 | 0.00 | 0.00000 | 109,059 |
| Nickles | 0 | 0.00000 | 0.00 | 0.00000 | 82,695 |
| Nunn | 0 | 0.00000 | 0.00 | 0.00000 | 131,465 |
| Pell | 0 | 0.00000 | 0.00 | 0.00000 | 48,698 |
| Pressler | 0 | 0.00000 | 0.00 | 0.00000 | 44,228 |
| Pryor | 0 | 0.00000 | 0.00 | 0.00000 | 69,809 |
| Reid | 0 | 0.00000 | 0.00 | 0.00000 | 56,208 |
| Robb | 19,645 | 0.01084 | 6,092.98 | 0.00336 | 121,897 |
| Rockefeller | 0 | 0.00000 | 0.00 | 0.00000 | 59,003 |
| Roth | 0 | 0.00000 | 0.00 | 0.00000 | 44,754 |
| Santorum | 0 | 0.00000 | 0.00 | 0.00000 | 199,085 |
| Sarbanes | 0 | 0.00000 | 0.00 | 0.00000 | 101,272 |
| Shelby | 0 | 0.00000 | 0.00 | 0.00000 | 89,144 |
| Simon | 0 | 0.00000 | 0.00 | 0.00000 | 184,773 |
| Simpson | 0 | 0.00000 | 0.00 | 0.00000 | 41,633 |
| Smith | 0 | 0.00000 | 0.00 | 0.00000 | 50,569 |
| Snowe | 0 | 0.00000 | 0.00 | 0.00000 | 52,134 |
| Specter | 0 | 0.00000 | 0.00 | 0.00000 | 199,085 |
| Stevens | 951 | 0.00204 | 241.79 | 0.00052 | 42,565 |

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING DEC. 31, 1995—Continued

| Senators | Total pieces | Pieces per, capita | Total cost | Cost per capita | FY 96 Official mail allocation |
|---|---|---|---|---|---|
| Thomas | 1,300 | 0.00026 | 349.06 | 0.00007 | 41,633 |
| Thompson | 0 | 0.00000 | 0.00 | 0.00000 | 106,658 |
| Thurmond | 0 | 0.00000 | 0.00 | 0.00000 | 85,277 |
| Warner | 0 | 0.00000 | 0.00 | 0.00000 | 121,897 |
| Wellstone | 0 | 0.00000 | 0.00 | 0.00000 | 96,024● |

## RECENT DEVELOPMENTS TOWARD PEACE IN NORTHERN IRELAND

● Mr. LEAHY. Mr. President, much has happened since the Irish Republican Army broke its cease-fire with two bloody bombings in London. Those cowardly acts cast doubt on the viability of the entire peace process. But the people rose up en mass, as I had a feeling they would. Tens of thousands demonstrated in the streets of Dublin and elsewhere, demanding that the perpetrators of the violence give them back their peace.

Responding to the will of the people, the Irish and British Governments reached agreement on a way forward, including a date of June 10 for full-party talks. The peace process is back on track and moving ahead, and Sinn Fein and the IRA should waste no time in seizing this opportunity. Their participation is needed if lasting peace is to be achieved. As Irish Foreign Minister Dick Spring said in an eloquent speech to the Dail Eireann on February 29, the ''fixed date surely now offers the basic assurances that the republican movement has sought. Given the intolerable human cost, and the grave political damage caused by the violence to date, how can the IRA explain the continuation, for one more day, of its renewed campaign?''

Mr. President, Foreign Minister Spring has been on a relentless quest for peace in Northern Ireland for much of his distinguished career. I know his hopes were dashed when the IRA ended its cease-fire, as were all of ours. But he did not lose hope. He persevered, and we all owe him and Prime Minister John Bruton our support and admiration for their determination, their fairness, and their commitment to a better life for all the people on that island.

I ask that Foreign Minister Spring's February 29 speech be printed in the RECORD.

The speech follows:

STATEMENT BY TANAISTE AND MINISTER FOR FOREIGN AFFAIRS DICK SPRING, DAIL EIREANN, 29 FEBRUARY 1996

The British and Irish Governments have long shared a common analysis and a common objective: a comprehensive political settlement based on consent. We have also been united in agreement that this objective can only be attained through all party negotiations addressing comprehensively all the relevant relationships and issues in an interlocking three-stranded process. The necessity for all-party negotiations is also appreciated by all parties in Northern Ireland.

Where they, and we, have differed, has been on how to proceed into such negotiations. Was it possible to ensure that, on the one

hand, all parties could enter into such negotiations freely, on a basis of equality, and without prejudice to their fundamental aspirations, and, on the other hand, that all could negotiate in full confidence that there was a basic commitment all round to exclusively peaceful methods and to the democratic process?

This conundrum has dominated discussions between the two Governments, and wider debate, for the last year. It has been a difficult and frustrating period. Disputes over a wide range of complex and interconnected, but ultimately secondary, issues have been permitted to obscure the fundamental point, that there is an overwhelming consensus for peace, and for agreement between the people who share this island. Debate about questions of substance has been crowded out by debate about questions of procedure.

The appalling prospect that the peace process might run into the sands has loomed before us. In their mass demonstrations last Sunday, the people underlined their determination that this could not be allowed to happen. Even before yesterday's Communique was written, the wider Irish public had demonstrated that the peace does indeed belong to all the people.

The two Governments agreed at the end of November that is was their firm aim to launch all-party negotiations by the end of February—that is, today. A clear and unalterable timetable leading to negotiations on 10 June has now been put in place. The timescale now envisaged is consistent with the implications of an elective process, the possibility of which was signalled in the November communique.

The essential point agreed at the summit is that there is a fixed date on which all-party negotiations will begin. This is a firm and unambiguous commitment. Neither Government has sought to enter any qualifications, to hedge or to equivocate.

We now see a definite commitment that the two Governments and the Northern parties will sit down together to begin to fashion that lasting settlement which is required to underpin peace and to allow for a new beginning in all three core relationships.

The need for negotiations has been acknowledged on all sides. We want them because, objectively, they are necessary. They would be necessary even if the paramilitary organizations had never existed, because there is a political conflict that must be resolved.

Nor can the will of the people for negotiations leading to an agreement founded on consent be thwarted by violence. The Taoiseach and the Prime Minister resolved that neither violence, nor the threat of violence, would be allowed to influence the course of negotiations, or preparations for negotiations. They also agreed that the IRA's abandonment of its cessation of violence was a fundamental breach of the declared basis on which both Governments had engaged Sinn Fein in political dialogue. They reiterated what has already been stated more than once in this House, that the resumption of full political dialogue with Sinn Fein requires the restoration of the ceasefire.

The vast majority of the people of Ireland, North and South, who utterly repudiate the use of violence for any purpose whatever, can be assured that there will be no bending of the principle that violence has no place in any political process.

Equally, the Governments have emphasized that they are determined to press on in the search for political agreement, irrespective of whether the republican movement makes it possible for Sinn Fein to rejoin that quest or not.

Nevertheless, a fundamental objective of the peace process has always been to offer a meaningful political alternative to violence. Negotiations conducted on a fully inclusive basis, and in the absence both of violence and of security counter-measures, have always seemed more likely in the long run to produce a stable agreement in which all could acquiesce. It is the hope of the two Governments, accordingly, that the negotiations will be fully inclusive, with all parties being able to participate in them. We call on Sinn Fein, and the IRA, to make Sinn Fein's participation in the process of such negotiations possible.

On 15 February, the President of Sinn Fein said that ''the absence of negotiations led to the breakdown. The commencement of negotiations therefore provides the way forward. Any new process must contain copperfastened and unambiguous public assurances that all party talks will be initiated by both Governments at the earliest possible date.''

All-party negotiations will begin on 10 June. While many would have wished for an earlier date, we wanted to be sure that the appointed date was realistic and could be fixed without doubt. This fixed date surely now offers the basic assurances that the republican movement has sought. Given the intolerable human cost, and the grave political damage caused by the violence to date, how can the IRA explain the continuation, for one more day, of its renewed campaign? It is up to it to decide its own course. I cannot pretend to know how the minds of its leaders work. But I expect that all those with influence upon it will do what they can to point out to it the straightforward and positive implications of agreement on a fixed date and timetable for negotiations.

The Taoiseach and the Prime Minister both recognized that confidence building measures will be necessary in the course of all-party negotiations. Negotiations are a dynamic process, depending on the interplay of personalities and arguments, and not a matter of static calculation. As one such measure, all participants would need to make clear at the beginning of negotiations their total and absolute commitment to the principles of democracy and non-violence set out in the Mitchell Report. These principles offer essential guarantees that negotiations will not be affected by violence or by the threat of violence, and that they will address and, as part of their outcome, achieve, the total and verifiable decommissioning of all paramilitary weapons.

All parties will also have to address, as a high priority, the Report's proposals on decommissioning. Negotiations must, in a nutshell, deal fully and satisfactorily with this issue.

But decommissioning is by no means the only item on the agenda, nor should the commitments we seek be exploited to avoid serious negotiation on the many other questions to be addressed. The two Governments have been at pains to stress that confidence is required all round if the negotiations are to gain the momentum necessary for their success. The parties must have reassurance that a meaningful and inclusive process of negotiations is genuinely being offered to address the legitimate concerns of their traditions, and the need for new political arrangements with which all can identify. Negotiations must be for real, and must be undertaken in good faith. Every participant has the right to expect that every other participant will make a genuine effort to understand opposing perspectives and to seek accommodation.

A heavy onus will rest on all of us. For all to gain, each must be prepared to change. A flexible and accommodating approach will be essential. For example, I was heartened by the fact that the Ulster Unionist Party's recent paper, *The Democratic Imperative*, displayed some understanding of the basis of the nationalist requirement for meaningful North/South links. I hope that all parties, including the Unionists, will feel able, both before and throughout the negotiations, to prove to others their determination to forge a new and all-embracing accord.

The Unionist parties have stressed that for them an elective process is of crucial importance in enabling them to go to the table. Both Governments are of the view that such a process would have to be broadly acceptable and would have to lead immediately and without further pre-conditions to the convening of all-party regotiations with a comprehensive agenda.

As is reflected in the Communigué, the details of an elective process are primarily a matter for the Northern Ireland parties, which will be the participants in any such process, and for the British Government, which will have to introduce the necessary legislation, and to ensure that it is speedily processed. The question of how elections are to be integrated into the launch of negotiations, on the other land, is one in which we have entirely legitimate interest, as one of the participants in those negotiations. The Irish Government is prepared to support any process which satisfies the criteria set out by the International Body; it must be broadly acceptable to the Northern parties, have an appropriate mandate, and be within the three stranded structure. It is on this basis that the Government has agreed with the British Government on the approach outlined in the Communiqué.

It is no secret that the Northern parties continue to disagree on the form of any elective process, and on the precise function of that process. There are significant disagreements even between those who have advocated such a process from the beginning. There is a range of possible options consistent with the requirement that elections lead directly and without pre-conditions into three-stranded all party negotiations.

There are also numerous other significant details which need to be resolved in advance of the launch of negotiations. These are broadly grouped together under the rubric of ''the basis, participation, structure, format and agenda'' of such negotiations. Both Governments have had useful discussions with the parties during the series of preparatory talks which were initiated after last November's Summit. Nevertheless, there is still much work to be done. For example, we need to ensure that, irrespective of the form and outcome of any elective process, there will be a way for all the relevant players in the situation, including the loyalist parties, which have played so crucial and constructive a role, to be involved in resolving the conflict. There are several other key points, and myriad lesser details on which it will be necessary to be clear in advance.

It seemed to me for some time that the only practical way to hammer out agreement on these issues, given both their complexity and the number of participants involved, would be through some form of concentrated and accelerated dialogue, which would allow us all to bounce ideas off one another and to explore common ground.

The Prime Minister and the Taoiseach have now agreed that the two Governments will conduct intensive multi-lateral consultations on these lines with the relevant Northern Ireland parties, in whatever configuration, or indeed configurations, are acceptable to those concerned. These consultations will begin on Monday next, 4 March. Preparations at official level are already underway. The Secretary of State for Northern Ireland and I will meet in Belfast on that day to launch the consultations and to agree

on how we will make the best use of the time available, to ensure that every effort is made to secure widespread agreement among the parties on elections and the organisation of negotiations, and to allow us to come to a view on the question of a referendum. I would appeal to all parties to cooperate fully in that process.

These consultations are to be strictly time-limited. They will end on Wednesday 13 March. They will not be allowed to drag on inconclusively, and in so doing to threaten the timetable set out for the launch of negotiations. The existence of a deadline will focus the minds of participants.

After 13 March, the two Governments will immediately review their outcome. The British Government will bring forward legislation for an elective process, based on a judgement of what seems most broadly acceptable. Decisions will also be announced as appropriate on the other matters relating to the negotiating process which are to be addressed by the consultations. The two Governments are of the shared view that the parties must be given every opportunity to shape these matters in an agreed fashion, but ultimately we are prepared to make judgements and where appropriate to take the necessary decisions on the basis of what we have learned in the consultations.

In essence, we have mapped out a clear path to the negotiating table. This combination of steps offers to all parties a balanced and honourable way forward. It guarantees negotiations, and it also guarantees that those negotiations will be conducted on the basis of the principles of democracy and nonviolence. There is no reason for any party to refuse to participate in negotiations. Equally, there is no reason for the IRA, through a refusal to restore its ceasefire, to deny Sinn Fein the possibility of full participation in political dialogue and entry into the negotiations on a basis of equality.

Negotiations are a necessary means to an essential end. We must never forget what it is that we seek to attain through them. It is important to remind ourselves of the ultimate prize we seek to gain.

Political violence could be eradicated forever through a draining of the swamp of inherited distrust and incomprehension. Through partnership in agreed institutions, unionism and nationalism could learn to respect one another and to work together for the common good. Nationalists could feel secure and valued within Northern Ireland: Unionists could feel secure and valued on the island of Ireland. We could achieve permanent agreement on the rules which would order our relationships, through matching and reciprocal guarantees which would transcend disputes about sovereignty. The last ghosts which haunt the relationship between Britain and Ireland would be laid to rest.

It is long past time that we began to work out together how to reach this destination. Now we know when negotiations will begin, and we must prepare ourselves for the task ahead. The Irish Government, working on the foundations and with the commitments of yesterday's communiqué, will approach that task with the utmost urgency and resolve.●

## THE BLACK REVOLUTIONARY WAR PATRIOT'S COMMEMORATIVE COIN ACT

● Mr. BINGAMAN. Mr. President, I rise today to cosponsor S. 953, the Black Revolutionary War Patriot's Commemorative Coin Act. This legislation, sponsored by Senators CHAFEE and MOSELEY-BRAUN, would allow the minting and sale of commemorative coins to finance the construction of a memorial in our Nation's Capital, honoring those African-Americans who fought for our Nation's independence.

Mr. President, our Nation owes those African-American patriots who fought in the American Revolution a deep debt of gratitude. All together, over 5,000 African-American men and women served as guides, spies, teamsters, and sailors in pursuit of a free nation. These African-Americans accounted for over 2½ percent of the total American force. They served with distinction and honor.

In this month, designated as Black History Month, it is appropriate to remind ourselves of the service African-Americans have given to this Nation's armed services. African-American service men and women have left an indelible mark upon our Nation's history.

In researching the role of African-Americans in the American Revolution, I was surprised to learn that many of those patriots who served were, indeed, slaves. How ironic it is that many of the patriots serving to found a nation based on the ideals of freedom were unable to enjoy this very freedom. We as a nation have struggled, and continue to struggle today, to ensure that all Americans can enjoy the fruits of living in a nation dedicated to democracy and freedom for all.

We have a long way to go to meet that ideal. It is my sincere hope that the construction of the memorial to be built from the proceeds of the sale of these commemorative coins, will inspire us to continue this fight for democracy and equality. We owe the patriots who fought in the American Revolution no less.●

## TRIBUTE TO DIANE KASEMAN

● Mr. D'AMATO. Mr. President, I am pleased to take the opportunity to acknowledge the 43 years of dedicated service of Diane Kaseman, upon her retirement. A native of Rochester, NY, Diane began her distinguished career on March 27, 1953. Diane began her tenure here on Capitol Hill as a receptionist for Representative Kenneth Keating. She then moved to the Senate and worked for Senator John Sherman Cooper and has since served under the administrations of 11 separate Senate Sergeants at Arms, where she has worked with the service and computer facilities staff of the U.S. Senate.

Diane's accomplishments have not been limited to her professional career, as she has endlessly devoted herself to volunteer activities benefiting not only her colleagues, but also many charitable organizations. In 1953, Diane actively sought and obtained approval from the Senate Rules Committee for the establishment of the Senate Staff Club. Founded in 1954 with 150 members as a social organization for all Senate employees, the club has sponsored a variety of social, civic, and charitable activities. Under the capable and dynamic leadership of Diane, the club's first treasurer, the Staff Club has grown to over 3,000 members.

The organization has been responsible for a number of variety shows, dances, and dinners, however, an integral part of the club has been charitable activities. Diane Kaseman has been instrumental in the success of these efforts. In 1955 Diane helped to form a Senate hospitalization plan, which is still active under the jurisdiction of the Secretary of the Senate. The Staff Club was asked by the Red Cross to become part of its blood donor drive in 1978 and has continued this support. Diane has been a driving force behind this noteworthy campaign and has dedicated many hours of hard work to ensure that the Senate blood drive meets its goal. As a result of her efforts, the Senate Staff Club has received four Outstanding Merit Awards for its contributions.

Diane won the 22d Annual Roll Call Congressional Staff Award in 1953 as one of the founders of the Senate Staff Club. In 1981, Diane Kaseman received the Sid Yudain Award in recognition of ''her dedication to the well-being of her coworkers and for the generous expenditure of her time, talent, and personal resources in the service of the congressional community.'' Diane was also commended by U.S. Capitol Chief of Police James M. Powell for her unending assistance and patience during a special 5-week assignment in 1984 with the U.S. Capitol Police in establishing a system for providing security badges for all employees of the Senate.

Diane's contributions have been vast and effectual. She enjoys volunteering her time and special talents in helping others and has contributed to the Red Cross, Children's Hospital, Walter Reed Hospital, Saint Joseph's food drive, Hungary relief, Mexico's earthquake relief, and Help for Retarded Children, among others.

As U.S. Senator from New York, I am particularly pleased to congratulate Diane Kaseman for her outstanding contributions and dedicated service of the past 43 years and wish Diane continued success in all her future endeavors.●

## RUNAWAY AND HOMELESS YOUTH REAUTHORIZATION ACT

● Mr. LEAHY. Mr. President, I ask that the tape of S. 1582, a bill to reauthorize the Runaway and Homeless Youth Act and the Missing Children's Assistance Act, introduced by myself and Senator SIMON on Thursday, February 29, be printed in the RECORD.

The text of the bill follows:

S. 1582

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION. 1. SHORT TITLE.**

This Act may be cited as the ''Runaway and Homeless Youth Reauthorization Act of 1996''.

**SEC. 2. JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974.**

(a) RUNAWAY AND HOMELESS YOUTH.—Section 385 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5733) is amended to read as follows:

''AUTHORIZATION OF APPROPRIATIONS

''SEC. 385. (a)(1) There are authorized to be appropriated to carry out this title (other than part B and section 344) $75,000,000 for each of the fiscal years 1997, 1998, 1999, and 2000.

''(2) Not less than 90 percent of the funds appropriated under paragraph (1) for a fiscal year shall be available to carry out section 311(a) in such fiscal year.

''(3) After making the allocation required by paragraph (2), the Secretary shall reserve for the purpose of carrying out section 331 not less than $911,700 for each of the fiscal years 1997, 1998, 1999, and 2000.

''(4) In the use of funds appropriated under paragraph (1) that are in excess of $38,000,000 but less than $42,600,000, priority may be given to awarding enhancement grants to programs (with priority to programs that receive grants of less than $85,000), for the purpose of allowing such programs to achieve higher performance standards, including—

''(A) increasing and retaining trained staff;

''(B) strengthening family reunification efforts;

''(C) improving aftercare services;

''(D) fostering better coordination of services with public and private entities;

''(E) providing comprehensive services, including health and mental health care, education, prevention and crisis intervention, and volcational services; and

''(F) improving data collection efforts.

''(5) In the use of funds appropriated under paragraph (1) that are in excess of $42,599,999—

''(A) 50 percent may be targeted at developing new programs in unserved or underserved communities; and

''(B) 50 percent may be targeted at program enhancement activities described in paragraph (4).

''(b)(1) Subject to paragraph (2), there are authorized to be appropriated to carry out part B of this title $25,000,000 for each of the fiscal years 1997, 1998, 1999, and 2000.

''(2) No funds may be appropriated to carry out part B of this title for a fiscal year unless the aggregate amount appropriated for such fiscal year to carry out part A of this title exceeds $26,900,000.

''(c) There is authorized to be appropriated to carry out section 344 of this title $1,000,000 for each of the fiscal years 1997, 1998, 1999, and 2000.

''(d) The Secretary (through the Administration on Children, Youth and Families which shall administer this title) shall consult with the Attorney General (through the Administrator of the Office of Juvenile Justice and Delinquency Prevention) for the purpose of coordinating the development and implementation of programs and activities funded under this title with those related programs and activities funded under title II of this Act and under the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3701 et seq.).

''(e) No funds appropriated to carry out the purposes of this title—

''(1) may be used for any program or activity which is not specifically authorized by this title; or

''(2) may be combined with funds appropriated under any other Act if the purpose of combining such funds is to make a single discretionary grant or a single discretionary payment unless such funds are separately identified in all grants and contracts and are used for the purposes specified in this title.''.

(b) MISSING CHILDREN'S ASSISTANCE.—Section 408 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5777) is amended to read as follows:

''AUTHORIZATION OF APPROPRIATIONS

''SEC. 408. To carry out the provisions of this title, there are authorized to be appropriated $6,000,000 for each of the fiscal years 1997, 1998, 1999, and 2000.''.

(c) INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS.—Section 506 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5785) is amended to read as follows:

''AUTHORIZATION OF APPROPRIATIONS

''SEC. 506. To carry out this title, there are authorized to be appropriated $30,000,000 for each of the fiscal years 1997, 1998, 1999, and 2000.''.

**SEC. 3. ANTI-DRUG ABUSE ACT OF 1986.**

(a) DRUG EDUCATION AND PREVENTION RELATING TO YOUTH GANGS.—Section 3505 of the Anti-Drug Abuse Act of 1986 (42 U.S.C. 11805) is amended to read as follows:

**''SEC. 3505. AUTHORIZATION OF APPROPRIATIONS.**

''To carry out this chapter, there are authorized to be appropriated $16,000,000 for each of the fiscal years 1997, 1998, 1999, and 2000.''.

(b) PROGRAM FOR RUNAWAY AND HOMELESS YOUTH.—Section 3513 of the Anti-Drug Abuse Act of 1986 (42 U.S.C. 11823) is amended to read as follows:

**''SEC. 3513. AUTHORIZATION OF APPROPRIATIONS.**

''To carry out this chapter, there are authorized to be appropriated $16,000,000 for each of the fiscal years 1997, 1998, 1999, and 2000.''.

**SEC. 4. CRIME CONTROL ACT OF 1990.**

Section 214B of the Crime Control Act of 1990 (42 U.S.C. 13004) is amended to read as follows:

**''SEC. 214B. AUTHORIZATION OF APPROPRIATIONS.**

''(a) SECTIONS 213 AND 214.—There are authorized to be appropriated to carry out sections 213 and 214 $15,000,000 for each of the fiscal years 1997, 1998, 1999, and 2000.

''(b) SECTION 214A.—There are authorized to be appropriated to carry out section 214A $5,000,000 for each of the fiscal years 1997, 1998, 1999, and 2000.''.●

## ORDER FOR RECESS

Mr. LOTT. Mr. President, I ask unanimous consent that at 3:30 p.m. today the Senate immediately stand in recess until 9:30 a.m. on Wednesday, March 6.

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

## ORDERS FOR TOMORROW

Mr. LOTT. Mr. President, I ask unanimous consent that at 9:30 a.m. on Wednesday, March 6, immediately following the prayer, the Journal of proceedings be deemed approved to date, the time for the two leaders reserved, and there be a period for morning business until the hour of 11 a.m. with Senators permitted to speak for up to 5 minutes each, with the following exceptions: Senator FEINSTEIN for 15 minutes, Senator DORGAN for 15 minutes, Senator BINGAMAN or his designee for 30 minutes, and Senator THOMAS for 30 minutes.

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

## AUTHORITY FOR THE RULES COMMITTEE TO FILE LEGISLATION

Mr. LOTT. Mr. President, I further ask unanimous consent that the Rules Committee have until 6 p.m. this evening to file the Whitewater legislation.

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

## PROGRAM

Mr. LOTT. Mr. President, for the information of all Senators, the Senate will recess, then, today at 3:30 until 9:30 a.m. tomorrow. At 11 a.m. it will be the majority leader's intention to turn to the legislation concerning the Whitewater investigation, therefore votes could occur during this session of the Senate.

We will have no further votes today, Mr. President, for the information of all Senators.

With that I thank the Senator from Vermont and the Senator from Washington for allowing me to get this in the RECORD, to get these approvals, and I yield the floor.

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

Mr. GORTON. I thank the Chair.

(The remarks of Mr. GORTON pertaining to the introduction of S. 1589 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. GORTON. I yield the floor.

Mr. LEAHY. Mr. President, I do not see others seeking recognition. So I ask unanimous consent that upon the conclusion of my remarks, the Senator from California [Mrs. BOXER] be recognized for 5 minutes.

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

## AMERICAN LANDMINE CASUALTIES IN BOSNIA

Mr. LEAHY. Mr. President, I have spoken on this floor many times about the danger of antipersonnel landmines. In fact, I find that this is an issue on which I get thousands of letters and comments on my web page and over the Internet and telephone calls from all over the country and all over the world from people urging the ultimate banning of antipersonnel landmines and applauding steps that we took in this body to vote to ban them.

Mr. President, the NATO peacekeeping operation has been underway in Bosnia for less than 12 weeks. During that period, at lest 40 IFOR soldiers have been wounded or killed by landmines. The first American killed in Bosnia, Sgt. Donald A. Dugan, may have died from a landmine. He was apparently trying to disarm it, when it detonated in his hand.

Sargent Dugan was 38 years old. He died trying to help end the most brutal war in Europe in 50 years. He died so others, many of whom have lost parents, children, or brothers and sisters, could live.

The first American wounded in Bosnia was also the victim of a landmine. Another American lost part of his foot from a mine. Three British soldiers were among those killed by landmines.

In the 3 years that the United Nations force was there, 204 U.N. soldiers were injured by mines, and 25 died. As the snow melts and the ground thaws, there will be more landmine casualties.

Since 1990 when the war started, thousands of civilians have been injured and killed by landmines, and they will continue to suffer casualties long after the NATO troops leave. The Army's advice is ''if it's not paved, don't step on it.'' That's great. That means that 99 percent of the land in Bosnia is too dangerous to walk on. The landmines in Bosnia, like many other countries, will be cleared an arm and a leg and a life at a time for generations.

Mr. President, I have spoken often on this subject and I will continue to do so. Today I want to make just one point.

If there ever was an opportunity for American leadership to make the world a safer place, this is it. On February 12, President Clinton—and I applaud him for it—signed the foreign operations bill which contains my amendment to halt, for 1 year, U.S. use of antipersonnel landmines.

Some in the Pentagon have complained that since they use landmines responsibly they should not have to stop using them.

Mr. President, no one is more proud than I am of our Armed Forces. Our men and women in uniform, whether they are in Bosnia, Korea, or here in Washington, make every American proud for what they stand for, and their unmatched professionalism. I have voted for just about every defense appropriations bill since I came to the U.S. Senate.

If I thought for a minute that getting rid of antipersonnel landmines would put our troops or our national security in jeopardy, I would not be speaking here today. On the contrary, I believe we have far more to gain. Antipersonnel landmines cannot be justified on military grounds or on moral grounds.

I have received calls and letters from combat veterans from every part of this country who experienced the horrors of landmines, and who agree with me that they made their job more dangerous, not safer. Some were wounded by mines. Some saw troops under their command killed by mines, even by their own minefields when the battle changed direction.

I know landmines have some military use. But consider the cost. Over 24,000 Americans were injured or killed by mines in World War II. There were over 2,400 recorded landmine casualties in Korea, and over 7,400 in Vietnam. Twenty-one Americans died in the Persian Gulf from mines—20 percent of all our casualties there. Twenty-six percent of our casualties in Somalia were from mines.

No matter how or what type of landmines are used, they are indiscriminate. They are triggered by the victim, and usually it is a civilian. Our mines, and the mines of countless other nations, are killing and maiming hundreds of innocent people each week.

Mr. President, we have a tremendous opportunity. The law signed by the President will halt, in 3 years, our use of antipersonnel landmines except in very limited areas. We will not be alone. Canada and Belgium have unilaterally halted their production, use, and export of these weapons, and 20 other nations have declared support for an immediate, total ban.

During the next 3 years, we can lead other nations to join with us in repudiating this weapon. If the Congress, the President, the Vice President, the Secretary of Defense, the Chairman of the Joint Chiefs, the Secretary of State, our U.N. Ambassador, all our Ambassadors in posts around the world—if we all speak loudly and with one voice, the message will be heard.

Mr. President, a recent Washington Post article entitled ''A Global Bid To Ban Landmines,'' described how the Serbs used minefields in their campaign of ethnic cleansing, by forcing their Moslem captives to walk through minefields, triggering the mines.

That many sound appalling, and it is. But it is little different from what millions of people are forced to do each day, in countries where survival means tilling the land, and the land is a minefield.

So Mr. President, we remember Sgt. Donald Dugan for his sacrifice for peace in Bosnia. Let us also remember him by renouncing these cowardly weapons that have claimed the lives of so many innocent people.

## BOMBINGS IN ISRAEL

Mr. LEAHY. Mr. President, each one of us has been horrified at what we have seen on our television sets with the tragedies in Israel. I was at my home and reading the recent account—what I thought was the most recent account of bombing in Israel—when I got a call from somebody in my office who started referring to the terrible bombing in Israel. I said, ''I am reading about it right now.'' He said, ''No; not the one that is in this morning's paper, the one that happened within the last few minutes.''

The shock that fell on everybody in my office, on everybody in my family, and on the family members of those in my office—one of whom lives with his wife and daughter in Israel.

I believe that we are witnessing a determined, relentless suicidal attempt to destroy the peace process in the Middle East. It may be predictable. We have seen these attempts before. Fanatical extremists have tried time and again to intimidate and destroy the forces for peace; unfortunately, on both sides. But so far they have failed.

I think that Israel today faces its greatest challenge with the handshake on the White House lawn. When Prime Minister Rabin was assassinated by a Jewish fanatic I thought we had reached the low point. But the situation has only deteriorated since then. At least 60 people, innocent civilians, have been killed in the past 9 days alone. The people responsible in an almost obscene perversion seem to take pride in claiming responsibility for the slaughter of men, women, and children.

So our sympathies—and I believe this can be said of all Americans—and our prayers are with the victims and their families.

The White House has said that they will provide counterterrorism assistance to Israel, and the Palestinian authority—and the Congress, of course—is going to support whatever can be done to stop these atrocities. But we know there are no guarantees. If someone is prepared to sacrifice his life to commit murder, there are real limits on what we can do to prevent that.

Prime Minister Peres has said he will take all necessary steps to fight back. He has no alternative. To stand by and not do whatever he can would be inconceivable, and I know the Prime Minister's determination is to do all that is possible that he, his government, and his great country can do.

Chairman Arafat has condemned the attacks and has pledged to fight back, as he should have done long, long ago. He should be taking all necessary measures to track these people down and stop them before they strike again. Those who would urge Prime Minister Peres to turn his back on the peace process should also understand that is exactly what the terrorists want. They want the war to go on because they know that if peace prevails—as we all pray it will—then they lose.

Real opportunities for peace come rarely. It took great courage and years of patient work to get to this point. Prime Minister Rabin gave his life for it, as have dozens of others. There is no other way than to search and continue searching for peace.

So I express my sorrow and my horror at what has happened to this brave country. I hope that now steps can be taken to stop terrorists from striking again and stop those who would plan even more terrorism but also let the peace process go forward.

Mr. President, I yield the floor.

Mrs. BOXER addressed the Chair.

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

Mrs. BOXER. Thank you very much, Mr. President.

I thank the Senator from Vermont for his eloquence. We come to the Senate floor all too often to talk about tragedy and needless loss of life. The Senator talked about the tragedy in Israel; needless tragedy. We see it in England. We see it here at home. We saw it in Oklahoma City, in New York City. Terrorism must be—and will be—

stopped because people in this world want peace, and they want life as they choose to live in peace.

Tragedy also comes too often in the course of our lives here in America in our hectic life. I am here to talk about one such tragedy that occurred in California.

## BRIAN OHLEYER

Mrs. BOXER. Mr. President, I want to pay tribute to a young man named Brian Ohleyer, who was killed yesterday in a tragic automobile accident in northern California. Brian was in his twenties. He was a light in every life that he touched, in every community that he was a part of, in every school that he went to, and in every job he had. And he brought light to my life. He was my friend.

Brian's future was as bright as you could imagine—a wife, Elle, whom he adored; a career that he loved; a mom and dad, brother and sister, nephews and nieces whom he treasured, which made up the happiest and warmest of families. Brian was blessed, and he blessed everyone that he touched.

And then came yesterday, a truck crashing into all his dreams and the dreams of everyone who loved him. The news was like a stab in the heart. News like this strikes too many Americans. And when it happens, we have to reach out to one another. In the days ahead, we will reach out to this family.

I talked to Michael Luckhoff, the general manager of KGO Radio in San Francisco, Brian's employer. He said Brian was a shining star, a wonderful, polite young man—a superstar, he said. He said he was the future, a gem among gems, liked by everyone, a pacesetter, a breath of fresh air.

I am here to say that when we lose someone like this, all we can do is pray that this tragedy does not happen to anyone we love. All we can do is remember the best and brightest memories. And what I am going to do, because this young man was a model of what a young person should be, full of life and expectation, playing by the rules, just the best, I am going to name my internship program after Brian, and all the interns that come in my office will learn about him and they will be Brian Ohleyer interns. Maybe in that small way I can do my part in keeping his spirit alive.

I thank the Chair. I yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. I thank the Chair.

I am moved by the remarks of the junior Senator from California. Let me follow with just a few remarks about recent events in the Middle East.

## MIDDLE EAST PEACE PROCESS

Mr. FEINGOLD. On September 13, 1993, the world watched with hope and fear when Israeli Prime Minister Yitzhak Rabin and Palestinian leader Yasser Arafat signed the Declaration of Principles on the White House lawn and began a new era in the Middle East. As much as we hoped there would be an end to terrorism, bloodshed, and occupation, I think just about everyone knew the road to peace would not be that simple.

We had reason to cheer though because now the battle lines would be drawn differently. Rather than Arab versus Jew, the peace process created a new alliance, moderate versus extremism, where Israelis, Palestinians, and others were joined to pursue a peaceful and prosperous Middle East.

While there were some very tenuous periods during 1994—continued terrorist attacks, such as the disastrous bombing in the center of Tel Aviv, and the bomb attack in Beit Leid where over 20 soldiers were killed, the massacre of 28 Palestinians in Hebron by an extremist Israeli named Baruch Goldstein—nonetheless, Mr. President, the peace process was progressing. By late 1995, in fact, it seemed relations between Arafat and Rabin were warming.

Israelis themselves, Mr. President, were becoming more confident that this was the path to take. On November 4, 1995, 150,000 Israeli supporters attended a Tel Aviv peace rally to demonstrate their depth of commitment to the peace process.

Then, of course, as we all sadly know, extremism struck again. This time a Jewish radical gunned down Prime Minister Rabin in an effort, of course, to kill the peace process.

I think it is important to note that this, too, was a terrorist attack, an attack in the vein of a new Middle East where extremism and violence of any stripe lashes out against any sign of peace and tolerance.

Of course, with the assassination of Prime Minister Rabin, the world lost one of its great leaders and great men. He possessed so many attributes that made him an extraordinary figure. As a soldier, he helped build Israel, and as Prime Minister, he paved the way for a peace that can only come from Israel's strengths. With this, he earned the trust and confidence of Israelis who knew that Rabin would not take risks for peace that outweighed the dangers of continued war.

He recognized the day had passed when one people in the Middle East can really think seriously about dominating another people; when most Israelis, Palestinians, Jordanians, and others saw that they must co-exist if there is to be any security or prosperity in the region.

Rabin put his full weight behind the peace process as the only way to protect Israel's security. His achievements were illustrated again, sadly, during the funeral, an event that in itself helped solidify the process the assassin had tried to stop. The huge United States delegation, which I was fortunate to be part of, testified to the depth of support that the United States has and will offer Israel. The fact that President Mubarak and King Hussein not only set foot in Jerusalem but also eulogized Prime Minister Rabin at his funeral spoke to the commitment for peace with a strong Israel. The more than 40 heads of State and representatives from over 80 countries who were there also signaled international investment in the peace process as well as the tremendous personal tribute to Rabin that it represented.

I think Prime Minister Peres has been equally determined in this quest. He has continued implementation of the Oslo II Agreement, expanded relations with Jordan, pursued preliminary peace talks with Syria and he has also cemented ties with other countries.

We had hoped that the extremists in the Middle East would have been weakened. But as their ranks have been withering, their hatred was intensifying. Israel, with some cooperation from Palestinian leader Yasser Arafat, has continued its war against terrorism, and it is widely assumed that that led to the January assassination of the engineer, the so-called engineer, Yahyia Ayash, the Hamas technician who masterminded the bus explosions in Israel.

Mr. President, in the last 9 days, we all know we have seen 4 devastating bombs, all delivered by fanatics on a suicide mission, explode during commuter rush hours in urban centers in Israel, murdering at least 59 people and injuring many more. The horrific images we see on television cannot even compare with the terror any Israeli must now feel when they get on a bus to go to work, pick up their shopping, send their kids to school. This is a real source of insecurity and pandemonium in Israel now.

What makes this problem so challenging is how does Israel stop a suicide bomber? There are young Hamas supporters who are willing to blow themselves up as long as they can take a few Israelis with them. At first they said the attacks were in retaliation for the killing of the engineer. Now it is because of Israel's announced war on Hamas. It is really a war against any kind of Western or modern presence in the Middle East and against the peace process. Prime Minister Peres has responded forcefully and decisively. He has pledged that Israel will take all measures necessary to fight the war against terrorism. Last night, they arrested a man from Ramallah who they believe orchestrated three of the last four attacks. A strict closure, a drastic effort to fully separate Israelis and Palestinians, will be in effect, I expect, until the election at the end of May.

I am also very proud of President Clinton's efforts and commitments to crack down on the supporters of terrorists. I feel confident the United States will continue to support Israel, be it through strict enforcement of the ban on contributions to Hamas or through more intelligence sharing with Israel to avert would-be attacks, or whatever. But the next steps are really with the

Palestinians. The protest demonstration by tens of thousands of Palestinians in Gaza against the bombers who struck on Sunday in Jerusalem was exactly the kind of support the peace process needs. While moderate Palestinians may feel their lives are in danger by openly opposing Hamas, the peace process could potentially fail if they do not speak out against extremism and demonstrate their investment in the process.

Mr. Arafat must do all he can in his power now to prevent further attacks. Political agreements, such as that which he made with Hamas 2 weeks ago, are simply and clearly insufficient. Hamas may now be splintered into several camps and Arafat must counter all of them. He must also recognize that merely arresting people, though a good first step, is hardly sufficient. There must be an aggressive policy of hot pursuit and follow-through in the Palestinian justice system if peace is to be sustained.

Mr. President, it is with great disappointment that I say it may be unrealistic to think that Arafat can control the extremists in the Hamas, even if he puts all of his efforts into it. For that reason, it is time again Israel not only join with Arafat in the fight, but also pursue its own means where necessary to protect its citizens.

The peace process is in danger. But, as Leah Rabin appealed to us yesterday, it is far from over. In the context of the bombings and atrocities of the last 9 days, there should be a suspension of implementation or further negotiations. Israel is in no position to be talking further peace when the current situation gives its citizens no security.

But that is the genius of the Oslo process which Rabin left: Israel can go at its own speed, and it should focus on the fight against terrorism now.

Mr. President, this has been a very difficult period and leaves the past and the future in a very confusing posture. But we do know that peace is the only alternative to this war and insecurity. I hope the forces of peace will prevail over the destructive and powerful—but minority—forces of hate.

Israel and the Palestinians are too invested in the peace to throw it away now. Even more compelling is that if they did throw it away, war will continue in this and many other forms. For that reason, they must put all their efforts into fighting these forces.

The United States also has a continued interest in Israel's security, and the world has a humanitarian interest in halting this mindless violence. I think and hope all parties will rise to the challenge. We must counter the horrific forces of extremism that took Prime Minister Rabin's life, and fight and extinguish the forces such as Hamas that undermine the future of the Middle East.

In Rabin's vision of the Middle East, one nation will not stand in opposition to the rights and dignity of another. To achieve this, and to carry on Rabin's lifelong work, violent extremism, such as that which killed Rabin—and President Sadat before him—must be confronted, condemned, and stopped. That, indeed, will continue to be the biggest obstacle to peace.

Mr. President, I yield the floor.

## RECESS UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 9:30 a.m. tomorrow, March 6, 1996.

Thereupon, the Senate, at 3:31 p.m., recessed until Wednesday, March 6, 1996, at 9:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate March 5, 1996:

### IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

*To be lieutenant general*

MAJ. GEN. RICHARD T. SWOPE, 000–00–0000

### IN THE ARMY

THE FOLLOWING U.S. ARMY NATIONAL GUARD OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTIONS 3385, 3392 AND 12203(A):

*To be major general*

BRIG. GEN. JEROME J. BERARD, 000–00–0000
BRIG. GEN. JAMES W. EMERSON, 000–00–0000
BRIG. GEN. RODNEY R. HANNULA, 000–00–0000
BRIG. GEN. JAMES W. MAC VAY, 000–00–0000
BRIG. GEN. JAMES D. POLK, 000–00–0000

*To be brigadier general*

COL. EARL L. ADAMS, 000–00–0000
COL. H. STEVEN BLUM, 000–00–0000
COL. HARRY B. BURCHSTEAD, JR., 000–00–0000
COL. JAMES E. CADLWELL III, 000–00–0000
COL. LARRY K. ECKLES, 000–00–0000
COL. WILLIAM L. FREEMAN, 000–00–0000
COL. GUS L. HARGETT, JR., 000–00–0000
COL. ALLEN R. LEPPINK, 000–00–0000
COL. JACOB LESTENKOF, 000–00–0000
COL. JOSEPH T. MURPHY, 000–00–0000
COL. WILLIAM T. NESBITT, 000–00–0000
COL. LARRY G. POWELL, 000–00–0000
COL. ROGER C. SCHULTZ, 000–00–0000
COL. MICHAEL L. SEELY, 000–00–0000
COL. LARRY W. SHELLITO, 000–00–0000
COL. GARY G. SIMMONS, 000–00–0000
COL. NICHOLAS P. SIPE, 000–00–0000
COL. GEORGE S. WALKER, 000–00–0000
COL. LARRY WARE, 000–00–0000
COL. JACKIE D. WOOD, 000–00–0000

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE U.S. ARMY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

*To be lieutenant general*

LT. GEN. JOHN G. COBURN, 000–00–0000

### IN THE MARINE CORPS

THE FOLLOWING-NAMED COLONEL OF THE U.S. MARINE CORPS FOR PROMOTION TO THE GRADE OF BRIGADIER GENERAL, UNDER THE PROVISIONS OF SECTION 624 OF TITLE 10, UNITED STATES CODE:

*To be brigadier general*

COL. GUY M. VANDERLINDEN, 000–00–0000

### IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR PERMANENT PROMOTION IN THE U.S. AIR FORCE, UNDER THE PROVISIONS OF SECTION 628, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE:

LINE OF THE AIR FORCE

*To be lieutenant colonel*

DOUGLAS W. ANDERSON, 000–00–0000
PAUL E. BISHOP, 000–00–0000
RAYMOND H. CAPLINGER, 000–00–0000
RONALD E. HARVEY, 000–00–0000
RICHARD K. SPRENGER, 000–00–0000

*To be major*

JEFFERY S. ANTES, 000–00–0000
STEVEN L. HACK, 000–00–0000
ALGER E. HASELRIG, JR., 000–00–0000
HAROLD D. HITES, 000–00–0000

### IN THE COAST GUARD

THE FOLLOWING REGULAR AND RESERVE OFFICERS OF THE U.S. COAST GUARD TO BE PERMANENT COMMISSIONED OFFICERS IN THE GRADES INDICATED:

*To be lieutenant*

GERALD E. ANDERSON
CHARLES D. DAHILL
NANCY R. GOODRIDGE
DOUGLAS I. HATFIELD
JAMES J. JONES
MARK A. WILLIS
STEPHEN E. SCHROEDER
TIMOTHY J. GILBRIDE
JAMES J. MIKOS
PAUL A. GUMMEL
EDWARD J. VANDUSEN
DAVID M. FLAHERTY
JOHN L. BEAMON
HEWITT A. SMITH III
MARCUS X. LOPEZ
SEAN D. SALTER
JAMES Q. STEVENS III
CHARLES H. SIMPSON, JR.
DANIEL J. MOLTHEN
ROGERS W. HENDERSON
SCOTT H. OLSON
BRIAN W. ROCHE
ROBERT T. HENDERICKSON, JR.
PAUL E. GERECKE
DAVID W. MOONEY
GERALD M. CHARLTON, JR.
KURT A. LUTZOW
GERALD A. WILLIAMS
JOSE A. SALICETI
TIMOTHY A. MAYER
TODD C. HALL
MICHAEL L. GATLIN
CHRISTINE R. GUSTAFSON
JAMES BORDERS, JR.
KEVIN R. SCHEER
THOMAS S. MAC DONALD
JAMES W. BARTLETT
PETER J. CLEMENS
JAMES A. STEWART
CARLA J. GRANTHAM
KEVIN A. JONES
SUSAN R. KLEIN
JEFFREY K. PASHAI
WESLEY K. PANGLE
KAREN L. BROWN
NEIL H. SHOEMAKER
BRIAN P. WASHBURN
KRISTIN K. BARLOW
LARA N. BURLESON
CHRISTEL A. DAHL
MARK A. EMMONS
JOSE M. ZUNICA
ANDRES V. DELGADO
GARTH B. HIRATA
DAVID E. HOTEN
GEORGE R. LEE
ROBERT L. SMITH
ROBERT C. GAUDET
MARK J. MORIN
JEFFREY A. BAILLARGEON
BARBARA N. BENSON
MICHELLE R. WEBBER
DARNELL C. BALDINELLI
MICHAEL H. DAY

*To be lieutenant (junior grade)*

JEFFREY R. MC CULLARS
PAUL E. DITTMAN
DANIEL H. MADES
CHRISTOPHER B. O'BRIEN
PETER V. NOURSE
DAVID R. SIMEUR II
DEAN J. DARDIS
PATRICK S. MC ELLIGATT
NANCY L. PEAVY
EDWARD A. WESTFALL
WILLIAM A. BIRCH
RANDALL G. WAGNER
DOUGLAS R. CAMPBELL
KARL D. DORNBURG
JOYCE E. AIVALOTIS
MELVIN WALLACE
ANDRE L. MC GEE
CHARLES G. ALCOCK
THOMAS J. SALVEGGIO
TONY M. CORTES
STEVEN E. VIGUS
MATTHEW X. GLAVAS
LISA A. RAGONE
RONALD K. GRANT
ERIC L. TYSON
WILLIAM R. TIMMONS
PETER A. YELLE
CLAUDIA C. GELZER
DANIEL D. UNRUH
MARK MARCHIONE
MATTHEW D. WOODWARD
JOHN A. DENARD
JOHN B. MILTON
JOHN A. CROMWELL
SCOTT A. HINTON
ORIN E. RUSH, JR.
MITCHELL A MORRISON
CHRISTOPHER B. HILL
ALAN L. BLUME
JEFFERY W. THOMAS
LARRY L. LITTRELL
CHRISTOPHER M. HOLMES
THOMAS N. THOMSON
BRYAN P. RORKE
DAVID H. ANDERSON
EDWARD W. PRICE, JR.
THOMAS J. ROBINSON II
RICHARD M. KLEIN
JERRY J. BRIGGS
WILLIAM G. LUTMAN
GREGORY N. DELONG
DAVID A. BULLOCK
TIMOTHY J. COTCHAY
BOB I. FEIGENBLATT
STEPHEN A. MC CARTHY
RAMON E. ORTIZVALEZ
THOMAS W. HARKER
KYLE A. ADAMS
DANIEL R. NORTON
BRUCE D. CHENEY, SR.
CHRISTOPHER K. BISH
KEVIN L. REBROOK
MARK P. DORNAN
KATHLEEN M. MC NULTY
BRENDAN C. BENNICK
WILLIAM E. RUNNELS
MICHAEL R. CHARBONNEAU
BRADLEY J. RIPKEY
MICHAEL SAKAIO
CHRISTINA M. BJERGO
JAMES E. ELLIOTT
BRETT A. TAFT
JOSEPH F. ROCK, JR.
JOSEPH M. FIERRO
CHARLES A. CARUOLO
KARL I. MEYER
MICHAEL A. BAROODY
ROBERT I. COLLER
ROBERT R. HARPER, JR.
JOSEPH PONSETI, JR.
GREGORY L. CARTER
ROGER A. SMITH
JAMES V. MAHNEY, JR.
KEVIN N. KNUTSON
DONNA G. URBAN
RAYMOND C. MILNE III
JOEL B. ROBERTS
DALE DEAN
DAVID J. WIERENGA
MARK J. BRUYERE
THOMAS J. GOLDBERG
MICHAEL F. TREVETT
JOHN G. WHITE
TIMOTHY A. TOBIASZ
Christopher S. Nicholson
Dale A. Bluemel
Lawrence A. Kiley
Whitney L. Yelle
James F. Blow
Edward W. Sandlin II
Scott D. Stewart
Ismal Curet
Michael A. Vanvoorhees
Lewis M. Werner
Charles A. Roskam II
James A. Nussbaumer
Kevin Y. Pekarek
Michael T. Lingaitis
Erich M. Telfer
CONSTANTINA A. STEVENS

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

*to be lieutenant commander*

MARK A. ADMIRAL, 000–00–0000
RUSSELL P. ASHFORD, 000–00–0000
VINCENT S. CROMER, 000–00–0000
KELLY C. DAWSON, 000–00–0000
CARL G. DECKERT, 000–00–0000

JOHN D. DEEHR, 000–00–0000
WILLARD E. DYURAN, 000–00–0000
GREGORY B. GALLARDO, 000–00–0000
JOHN P. GILLENWATER II, 000–00–0000
ERIC L. GOTTSHALL, 000–00–0000
FRANK M. HARRILL, 000–00–0000
STEPHANIE T. KECK, 000–00–0000
MERRILL F. KING, 000–00–0000
JOHN N. LEWIS, 000–00–0000
ROBERT W. MARSHALL, 000–00–0000
ISAAC H. MAY, 000–00–0000
MICHAEL H. MERRILL, 000–00–0000
GRETCHEN O. MERRYMAN, 000–00–0000
ADAM J. MOORE, 000–00–0000
JOHN R. MOORMAN, 000–00–0000
THOMAS G. MUNSON, 000–00–0000
DAVID D. PHELPS, 000–00–0000
RUSSELL H. PHELPS, III, 000–00–0000
TONY D. RYKKEN, 000–00–0000
BRETT R. SCHEXNIDER, 000–00–0000
JERRY D. SEAGLE JR., 000–00–0000
LARRY THOMAS, 000–00–0000
VINCENT D. TRAEYE, 000–00–0000
MICHAELPETER VASKE, 000–00–0000
DAVID M. WARNER, 000–00–0000
DANIEL E. ZIMBEROFF, 000–00–0000

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED IN THE MEDICAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

MEDICAL CORPS

*To be captain*

LAWRENCE, E. COOT, 000–00–0000
WILLIAM R. CORSE, 000–00–0000
RICHARD M. GILBERT, 000–00–0000
DAVONNE S. LOUP, 000–00–0000
WILLIAM R. SCHINDLER, 000–00–0000
RONALD L. SOLLOCK, 000–00–0000
JANE F. VIEIRA, 000–00–0000

*To be commander*

JOSE A. ACOSTA, 000–00–0000
KIMBERLY AGEE, 000–00–0000
PHILIP P. ALFORD, 000–00–0000
SCOTT A. BILDSTEN, 000–00–0000
HAROLD D. BOYD, 000–00–0000
STEVEN E. BRAATZ, 000–00–0000
PAULETTE C. BRYANT, 000–00–0000
ROSE M. BULGER, 000–00–0000
DONALD J. CENTNER, 000–00–0000
COLIN G. CHINN, 000–00–0000
BRUCE R. CHRISTEN, 000–00–0000
EDWARD N. COHILL, 000–00–0000
GREGG J. COLLE, 000–00–0000
DAVID C. COMBEST, 000–00–0000
JOEL P. COOK, 000–00–0000
DENNIS M. CRUFF, 000–00–0000
MARK A. DAELEY, 000–00–0000
TERRENCE X. DWYER, 000–00–0000
WALTER ELIAS III, 000–00–0000
STEPHEN H. FLAX, 000–00–0000
DONALD J. FLEMMING, 000–00–0000
JOHN C. FORSYTH, 000–00–0000
DANIEL R. GACCIONE, 000–00–0000
TAMMY S. GERSTENFELD, 000–00–0000
LORRAINE J. GRIFFIN, 000–00–0000
RICHARD L. GRIFFIN, 000–00–0000
BEVERLY G. HARRELLBRUDER, 000–00–0000
STEPHEN L. HENDRIX, 000–00–0000
MARY J. HERDEN, 000–00–0000
BARRY E. HERMAN, 000–00–0000
JAMES C. HIGGINS, 000–00–0000
GREG W. HOEKSEMA, 000–00–0000
ERIC S. HOLMBOE, 000–00–0000
MARK P. HONIG, 000–00–0000
DENNIS L. HUFFORD, 000–00–0000
ROBERT B. HUNTER III, 000–00–0000
WILLIAM HURST, 000–00–0000
JOSEPH J. JANKIEWICZ, 000–00–0000
ROBERT L. KARL, 000–00–0000
KELLY S. KEEFE, 000–00–0000
DOUGLAS P. KEMPF, 000–00–0000
JOHN J. KNIGHTLY, 000–00–0000
TIMOTHY KOBERNIK, 000–00–0000
JEFFERY J. KUHN, 000–00–0000
CHARLES L. LAMB, 000–00–0000
JOHN I. LANE, 000–00–0000
JERRY T. LIGHT, 000–00–0000
ALAN LIM, 000–00–0000
RONALD LOCKE, 000–00–0000
ROBERT R. LOWE, JR., 000–00–0000
MARIAN L. MACDONALD, 000–00–0000
JAMES A. MARRON, 000–00–0000
ROBERT C. MARSHALL, 000–00–0000
LAURA M. MARTIN, 000–00–0000
JOHN R. MASCOLA, 000–00–0000
DANIEL L. MAXWELL, 000–00–0000
DERVILLA M. MCCANN, 000–00–0000
JOHN L. MCDONOUGH, 000–00–0000
ROBERT W. MCMAHON, 000–00–0000
ROSS MCQUIN, 000–00–0000
ROBERT A. MEVORACH, 000–00–0000
JOHN A. MICHALSKI, 000–00–0000
DAVID W. MINER, 000–00–0000
MICHAEL J. NOWICKI, 000–00–0000
THOMAS J. O'BRIEN IV, 000–00–0000
STEPHAN E. OOSTERMAN, 000–00–0000
RICHARD L. PARKER, 000–00–0000
ROBERT L. PARRY, 000–00–0000
DREW A. PETERSON, 000–00–0000
FRANK J. PINTO, JR., 000–00–0000
PABLO D. PIZARRO, 000–00–0000
PAUL POTTER, 000–00–0000
JEFFREY G. PROCTOR, 000–00–0000
GERARD S. REBAGLIATI, 000–00–0000
DAVID ROBERTS, 000–00–0000
WILLIAM P. ROBINSON, JR., 000–00–0000
MARCO A. ROSS, 000–00–0000
ANDREW K. SALTZMAN, 000–00–0000
JAMES J. SCHNEIDER, 000–00–0000
SCOTT R. SCHOEM, 000–00–0000
RUDY A. SEGNA, 000–00–0000
JAMES F. SMITH, JR., 000–00–0000
STEPHEN K. SOUTHER, 000–00–0000
RAYMOND G. SPAW, 000–00–0000
KIRTH W. STEELE, 000–00–0000
ERIC S. SUAREZ, 000–00–0000
WILLIAM J. SWARTWORTH, 000–00–0000
JAMES R. SWEGLE, 000–00–0000
RUDOLPH V. TACORONTI, 000–00–0000
STEVEN M. TEMERLIN, 000–00–0000
CORNELIUS W. THOMAS, 000–00–0000
MICHAEL L. TOBIN, 000–00–0000
GEORGE G. ULRICH, 000–00–0000
DANIEL V. UNGER IV, 000–00–0000
JAMES D. VALENTE, 000–00–0000
JONATHAN G. VUKOVICH, 000–00–0000
ROBERT S. WALL, 000–00–0000
AMY G. WANDEL, 000–00–0000
HOWARD C. WETSMAN, 000–00–0000
BRITT C. WILSON, 000–00–0000
JAMES S. WILSON, 000–00–0000
TIMOTHY J. WILSON, 000–00–0000
KENNETH A. WINGLER, 000–00–0000
JAMES J. WOYTASH, 000–00–0000
ROBERT P. YOUNG, 000–00–0000
MARK L. ZUKOWSKI, 000–00–0000

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED IN THE SUPPLY CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

SUPPLY CORPS

*To be lieutenant commander*

KIT A. DUNCAN, 000–00–0000
CEDRIC D. HENRY, 000–00–0000
THOMAS B. O'DOWD, 000–00–0000
TIMOTHY A. STARK, 000–00–0000

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED IN THE CHAPLAIN CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

CHAPLAIN CORPS

*To be commander*

CESAR V. BUENAVENTURA, 000–00–0000
DAVID G. KLOAK, 000–00–0000

CHAPLAIN CORPS

*To be lieutenant commander*

ROOSEVELT H. BROWN, 000–00–0000
STEVEN R. BROWN, 000–00–0000
JOSEPH T. DEVINE, 000–00–0000
STEPHEN A. GAMMON, 000–00–0000
MARK J. LOGID, 000–00–0000
KIERAN G. MANDATO, 000–00–0000
DEBORAH L. MARIYA, 000–00–0000
DAVID D. MITCHELL, 000–00–0000
NESTOR NAZARIO, 000–00–0000
DENNIS T. PINKNEY, 000–00–0000
JOHN O. REITZ, 000–00–0000
ROBBIE H. SCOTT, JR., 000–00–0000
MARK G. STEINER, 000–00–0000
PETER B. STMARTIN, 000–00–0000

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICER, TO BE APPOINTED IN THE DENTAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

DENTAL CORPS

*To be commander*

RICHARD L. SZAL, 000–00–0000

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

MEDICAL SERVICE CORPS

*To be lieutenant commander*

ELLEN M. ANDERSEN, 000–00–0000
MELISSA T. BERRY, 000–00–0000
CHARLENE C. COLON, 000–00–0000
JOSEPH D. DUPRE, 000–00–0000
RALPH L. HOWE, 000–00–0000
WILLIE R. HUNTER, 000–00–0000
KEVIN R. KENNEDY, 000–00–0000
THOMAS MOSZKOWICZ, 000–00–0000
CELIA A. QUIVERS, 000–00–0000
LEISA R. RICHARDSON, 000–00–0000
ANNE R. SHIELDS, 000–00–0000
STEPHANIE M. SIMON, 000–00–0000
ROBERT M. WAGNER, 000–00–0000
PATRICIA J. WATSON, 000–00–0000
RICKY A. WENNING, 000–00–0000
REVLON O. WILLIAMS, 000–00–0000
TOBY L. WILSON, 000–00–0000

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED IN THE NURSE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

NURSE CORPS

*To be lieutenant commander*

MARIA E. S. AGUILA, 000–00–0000
ANDREW R. BIEGNER, 000–00–0000
KAREN K. BIGGS, 000–00–0000
JULIA E. BOND, 000–00–0000
ELIZABETH N. BOULETTE, 000–00–0000
DEAN P. CARY, 000–00–0000
BRENDA A. CLARK, 000–00–0000
ROSEMARY COTA, 000–00–0000
MARK S. DAHLEN, 000–00–0000
CINDY L. DAVIS, 000–00–0000
JAMES P. FOWLER, 000–00–0000
DEBRA A. GAGNON, 000–00–0000
LAURIE GENTENE, 000–00–0000
EDWARD W. GREER, 000–00–0000
CAROL J. HADDOCK, 000–00–0000
KATHY A. HANSEN, 000–00–0000
JEANETTE S. HIRTER, 000–00–0000
GARY M. JACKSON, 000–00–0000
JOHN J. S. KANE, 000–00–0000
GAYLE S. KENNERLY, 000–00–0000
PATRICIA A. KISNER, 000–00–0000
RAYMOND B. LANPHERE, 000–00–0000
LORI A. MARTIN, 000–00–0000
LINDA S. V. MCCORD, 000–00–0000
MATTHEW L. MCCOUCHA, 000–00–0000
PATRICIA MCDONALD, 000–00–0000
SUSAN P. MCKEEFREY, 000–00–0000
SHARON A. MULLANEY, 000–00–0000
JOANN E. SERSLAND, 000–00–0000
CARLA J. STANG, 000–00–0000
TANYA STEVENSONGAINES, 000–00–0000
DEBRA A. TERRELL, 000–00–0000
MARY E. VERBECK, 000–00–0000
CLARENCE H. WAGONER, 000–00–0000
MARGARET S. WOOD, 000–00–0000
VICTORIA M. WOODEN, 000–00–0000
SHARRON L. YOKLEY, 000–00–0000
ALICE A. ZENGEL, 000–00–0000