

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

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

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

I yield the floor.

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

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

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

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

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

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

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

commitment to bring democratic change to Cuba.

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

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

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

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

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

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

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

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

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

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

#### ORDER FOR RECESS

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This provision will provide an unfunded mandate on our Federal courts.

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

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

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

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

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

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

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

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

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

Under existing law there are some 6,000 claimants—legitimate claimants—under law that has existed for four decades in this country, that says in order to be a bona fide claimant

where there has been an expropriation of property in a foreign country and noncompensation for that property, then those people have a right to go to the U.S. claims court.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. SIMON. Would my colleague yield?

Mr. BINGAMAN. I am happy to yield.

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

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

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

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

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

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

I do not like Castro's government. In the area of human rights their record is miserable. But I have to say, so is the record of China. We are working

with China. We are cuddling up to China a little more than I like, frankly.

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. That is correct.

Mr. DODD. Let me briefly say that we are going to be on this matter, ap-

parently. I, last night, spoke for an hour or so. The Presiding Officer spoke on this issue last evening. Several have.

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

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

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

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

I yield the floor.

#### RECESS

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

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

#### CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY [LIBERTAD] ACT OF 1995

The Senate continued with the consideration of the bill.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.