

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.

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

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

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

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

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

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

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

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

(See exhibit 1.)

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

No one should believe that Castro will change willingly. No one should

believe that Castro will respond to eased pressure. After 30 years of totalitarian rule and support for terrorism, it is not the United States that should change its policy—it is Cuba that should change. And Cuba will only change if the United States, the leader of the free world, keeps the pressure on Fidel Castro. I urge my colleagues to oppose the filibuster of this bill, and support democratic change in Cuba.

EXHIBIT 1

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

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

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

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

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

The Dole-Helms substitute contains no similar provision.

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

The Dole-Helms substitute contains no similar provision.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Administration claims to share these concerns.

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

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

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

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

The Dole-Helms substitute contains no similar provision.

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

This provision is not in the Dole-Helms substitute.

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

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

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

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

The substitute contains a list of additional factors that the President is asked to take into account when determining whether a

transition or democratic government is in power in Cuba. Except for the requirements outlined above, these are not "requirements" that have to be fulfilled before aid can go to a transition or democratic government.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Dole-Helms substitute contains no similar provision.

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

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

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

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

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

BUDGET RECONCILIATION

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

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

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

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

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

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

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

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

serving because it works for our seniors.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

So I guess what I need to sum up with is this: I represent more senior citizens than anyone else in the Senate, except for the senior Senator from California, Senator FEINSTEIN. Why? Because we have 32 million people in our State and they are worried. And

they are worried. The average woman over 65 in this country who is on Social Security lives on \$8,500 a year, and she is already spending \$3,000 out of pocket on her medical care. Is this the way we honor our seniors? Is this the kind of legacy we want to leave?

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

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

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

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

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

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

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

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

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

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

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

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY [LIBERTAD] ACT OF 1995

The Senate continued with the consideration of the bill.

AMENDMENT NO. 2915

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

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

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

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

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