

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

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

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

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

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

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

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

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

site of what we were told was going to happen with Mexico.

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

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

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

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

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

Mr. President, I yield the floor.

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

CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY [LIBERTAD] ACT OF 1995

The Senate continued with the consideration of the bill.

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

today is whether this legislation is the best means of advancing that goal.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. President, I yield the floor.

Mr. THOMPSON addressed the Chair. The PRESIDING OFFICER. The Senator from Tennessee.

AMENDMENT NO. 2915

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

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

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

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

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

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

We came into the U.S. Congress with a little different view. We thought that service in the U.S. Congress should not necessarily be a career, but that it should be an interruption to a career. We thought it was good for people coming to Congress to have done other things, and that they would do some other things in their life later on. This

was based on the proposition, not that newer faces were necessarily better than faces that had been around for a while, but that in the long run we would have a better chance of doing the things we are going to have to do in this Nation. Members would make the tough decisions, if we had more citizen legislators who came in being able to take risks, and not having their entire livelihood and their entire fate wrapped up in the next election.

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

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

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

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

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

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

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

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

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

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

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

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

I think the answer is the latter. Reasonable people can disagree. Some people can say, well, we ought to make folks vote on it now; we know we are going to lose; make folks vote on it so we can go to their States later on and say they voted against it and put the pressure on them to change their votes.

Others say let us wait because if a person is not likely for the issue, it might be better for the person to vote with us later on.

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

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

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

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

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

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

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

Thank you.

Mr. DOLE addressed the Chair.

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

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

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

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

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

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

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

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

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

Mr. ROCKEFELLER addressed the Chair.

The PRESIDING OFFICER. Will the Senator from Arizona withhold?

Mr. KYL. Yes.

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

FORGETTING THE DISABLED

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

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

Now, there is no doubt about what happened. For one, I was among the committee that was there. Second, I am a coauthor of the amendment that

was involved. And there is also a transcript of the proceedings of the Senate Finance Committee markup. And there was a rollcall vote. Seventeen Republicans and Democrats voted for the Chafee-Rockefeller amendment in committee.

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

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

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

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

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

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

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

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

The record itself in this discussion, one Senator is saying, "What it would

do would be to guarantee health care coverage to low-income pregnant women and children and individuals with disabilities," in explaining the amendment before the Finance Committee members before the vote.

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

Very clear to members of the Finance Committee.

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

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

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

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

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

The clerk: "Mr. DOLE."

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

"Mr. Packwood."

No by proxy.

"Mr. CHAFEE."

Aye by proxy.

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

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

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

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

I thank the Chair, and I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.