

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

HAVE THE CUBAN PEOPLE BEEN SOLD DOWN THE RIVER?

Mr. HELMS. Mr. President, at noon today, Attorney General Reno made a formal announcement that has dismayed the Cuban people.

The Attorney General, speaking for the President, announced that effective immediately the Cubans interdicted at sea will be forcibly returned to face the wrath of Fidel Castro.

Mr. President, of course, Mr. Castro has said he will take no punitive action against Cubans forcibly returned to his tyranny. But the Cuban people, many of whom died before firing squads, and others who languished for years as political prisoners in Castro's prisons, learned the hard way the value of Mr. Castro's word.

Mr. President, there has been another sad and tragic moment involving the Clinton administration's dealings with the Cuban people. I am already receiving in my office an endless stream of telephone calls and faxes from Cuban-Americans who feel they have again been betrayed by the administration.

For more than 35 years, Mr. President, the United States has been a safe haven for Cubans fleeing Castro's repressive Communist dictatorship. Last year, Mr. President, the Clinton administration began a reversal of this policy. Cuban Americans now appropriately fear that the administration has joined hands with the Castro regime in an effort having the continuing effect of enslaving the people of Cuba.

Today's announcement, described as the result of secret negotiations between the administration and the Castro regime, is seen as a sign that the United States will now work in partnership with Castro's brutal security apparatus by intercepting and capturing escaping Cuban refugees and turning them over directly to Castro's thugs. How sad it is, Mr. President, that the United States is now viewed as an accomplice in Castro's repression of the Cuban people.

Mr. President, if the United States wants to send naval vessels to surround Cuba, it should not be done to cooperate with the Castro regime. It should be done to blockade and strangle his brutal dictatorship once and for all. This development is another reason why Congress must pass the Cuban Liberty and Democratic Solidarity Act. In the face of this vacillation, the Congress must reaffirm that United States policy is to isolate and replace Fidel Castro, not to keep the Cuban people imprisoned in Castro's tropical gulag.

I ask unanimous consent the full text of the statement issued at noon by the Attorney General, Ms. Reno, be printed in the RECORD at the conclusion of my remarks.

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

STATEMENT OF ATTORNEY GENERAL JANET RENO REGARDING CUBAN MIGRATION

I would like to make an announcement regarding Cuban migration.

It has long been the policy of the United States that Cubans who wish to migrate to the United States should do so by legal means. The U.S. Interests Section in Havana accepts and processes requests for visas, and it also operates an in-country program for those Cubans who seek refugee status for entry into the United States.

Pursuant to this policy, last August I announced that Cubans attempting irregular means of migration to the United States on boats and rafts would not be allowed to enter this country, but rather would be brought to the United States Naval base at Guantanamo Bay, where they would be offered safe haven.

Last September, following negotiations with representatives of the Cuban government, the United States announced that it would increase Cuban migration to the United States to permit 20,000 legal entrants per year. This program, which includes immigrant visas, refugee applications, and a Special Cuban Migration Program designed to broaden the pool of potential entrants, is on target, and we expect to continue legal Cuban migration at this level in the years to come. This year alone, we expect to bring 7,000 Cuban refugees to the United States through our in-country program in Havana.

Following recent diplomatic exchanges with the Cuban government, the United States is now prepared to take another important step towards regularizing Cuban migration between Cuba and the United States.

First, with respect to Guantanamo:

We will continue to bring to the United States those persons who are eligible for special humanitarian parole under the guidelines announced by the President last October and December.

The government of Cuba has agreed to accept all Cuban nationals in Guantanamo who wish to return home, as well as persons who have previously been deported from the United States and persons who would be ineligible for admission to the United States because of criminal record, medical, physical, or mental condition, or commission of acts of violence while at Guantanamo.

All other Cubans in the safe haven will be considered for entry into the United States on a case-by-case basis as "Special Guantanamo Entrants", bearing in mind the impact of paroles on state and local economies and the need for adequate sponsorships. As has been true for all Cubans and Haitians previously paroled into the United States from Guantanamo, sponsorship and resettlement assistance will be obtained prior to entry. The number of these "Special Guantanamo Entrants" admitted to the United States will be credited against the 20,000 annual Cuban migration figure, beginning in September of this year, at the rate of 5,000 per year (regardless of when the Special Guantanamo Entrants are admitted).

Second, with regard to future irregular migration:

Effective immediately, Cuban migrants intercepted at sea attempting to enter the United States, or who enter Guantanamo illegally, will be taken to Cuba, where U.S. consular officers will assist those who wish to apply to come to the United States through already established mechanisms. Cubans must know that the only way to come to the United States is by applying in Cuba.

All returnees will be permitted to apply for refugee status at the U.S. Interests Sections in Havana. Cuba is one of only three countries in the world in which the United States conducts in-country processing for refugees.

The Government of Cuba has committed to the Government of the United States that on one will suffer reprisals, lose benefits, or be prejudiced in any manner, either because he or she sought to depart irregularly or because he or she has applied for refugee status at the U.S. Interests Section. The Cuban Government made a similar commitment in the context of the September 1994 agreement, and we are satisfied that it has been honored. Moreover, the Government of Cuba will permit monitoring by U.S. consular officers of the treatment of all returnees.

Migrants intercepted at sea or in Guantanamo will be advised that they will be taken back to Cuba, where U.S. consular officials will meet them at the dock and assist those who wish to apply for refugee admission to the United States at the Interests Section in Havana. They will be told that the Government of Cuba has provided a commitment to the United States Government that they will suffer no adverse consequences or reprisals of any sort, and that U.S. consular officers will monitor their treatment. They will also be told that those persons who seek resettlement in the United States as refugees must use the in-country refugee program.

Measures will be taken to ensure that persons who claim a genuine need for protection which they believe cannot be satisfied by applying at the U.S. Interests Section in Havana will be examined before return.

Cubans who reach the United States through irregular means will be placed in exclusion proceedings, detained, and treated as are all illegal migrants from other countries.

The United States Government reiterates its opposition to the use of violence in connection with departure from Cuba and its determination to prosecute cases of hijacking and alien smuggling.

These new procedures represent another important step towards regularizing migration procedures with Cuba, finding a humanitarian solution to the situation at Guantanamo, and preventing another uncontrolled and dangerous outflow from Cuba.

The United States policy towards Cuba remains the same. We remain committed to the Cuban Democracy Act and its central goal—promoting a peaceful transition to democracy in Cuba. We will continue to enforce the economic embargo to pressure the Cuban regime to reform. We will continue to reach out to the Cuban people through private humanitarian assistance and through the free flow of ideas and information to strengthen Cuba's fledgling civil society. And we remain ready to respond in carefully calibrated ways to meaningful steps toward political and economic reform in Cuba.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I ask unanimous consent to proceed for up to 10 minutes as in morning business.

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

THE ATTORNEY GENERAL'S ANNOUNCEMENT ON CUBAN MIGRATION

Mr. GRAHAM. Mr. President, it had not been my intention to speak at this moment but I happened to be on the floor and heard the Senator from North Carolina. I would like, if I could, to put in context what the Attorney General announced at noon today.

The first component of the announcement was that the United States would adopt a new policy relative to those detainees who are currently being held at the naval station at Guantanamo Bay. For some background, in the late summer and early fall of 1994, a large exodus of Cubans commenced from that island and were interdicted by United States Coast Guard and some military vessels. The decision was made by the U.S. Government at that time to establish a safe haven at Guantanamo Naval Station, to which in excess of 30,000 persons who had been interdicted at sea were subsequently taken.

In September 1994, the United States Government, as part of what has been a continuing negotiation with the Cuban Government, held negotiations on the specific and limited and singular topic of immigration. As a result of that, an agreement was reached. Parts of that agreement provided that the United States would provide no less than 20,000 visas per year for Cubans wishing to come legally to the United States, and would do so through a process administered by the United States interest section in Havana. Also, as part of that agreement, the Cuban Government agreed to undertake those steps which would be necessary in order to prevent a continuation or restart of a mass exodus from Cuba.

Over time, the U.S. Government determined that there were three categories of persons at Guantanamo who deserved to be granted parole in the United States, those three being families with children, the elderly, and those who had serious medical problems. Under those three categories of parole, approximately 7,000 to 8,000 persons have been paroled into the United States thus far. There are another 2,000 to 3,000 to be paroled into the United States. That will leave at Guantanamo a population of approximately 15,000, plus or minus, which will be composed largely of single males, older adolescents, and young adults.

Over the past several months, there has been growing concern about what will happen at Guantanamo when we end up with that population. Recently, first privately and increasingly publicly, the representatives of the U.S. military—including General Sheehan, who is the Commander, Atlantic Command, which has responsibility for the U.S. military interests in the Caribbean—indicated that they felt it would be a very serious situation with potential for riots or other major unrest.

I personally have visited Guantanamo twice since it has been a principal safe haven for at one time Haitians, then mixed Haitians and Cubans, and now primarily Cubans. I concur, as a lay person, in what I observed at Guantanamo: It is a very stark environment. Many would think Guantanamo would look like their vision of a Caribbean island. It is not. It is a very formidable, rocky, dry, arid place where cactus is more prominent than palm trees. There is great concern

about the potential of having a large number of persons of a young male status, without any hope or expectations for their future, being detained for an extended period under those circumstances.

I might say, this Senate spoke to that issue itself just a few weeks ago when the Department of Defense requested a supplemental appropriation of over \$50 million in order to enhance the conditions at Guantanamo—things like putting in permanent showers and bathroom facilities where currently portable facilities are being utilized. The Senate elected not to fund that supplemental appropriation and expressed in its declination to do so the need for the United States to determine what its long-term policy was going to be relative to the detainees at Guantanamo.

So we have had the opportunity as a Senate to speak on this issue, and what we said to the administration was: Come up with a policy of how to deal with this situation before we commit an additional \$50 million on top of the \$1 million a day we are spending in order to maintain the population which is currently at Guantanamo.

Another part of this very unfortunate situation was the fact that there is great concern in the United States about the increasing number of immigrants. What seemed to be a strategy that would try to maximize the positives and minimize what are inherently going to be negatives in this situation was a policy that said let us take some of those 20,000 visas a year we are committed to offer through the interest section in Havana, and let us shift those to Guantanamo and assign those to those persons who, on a case-by-case basis, can meet the standards of entry to the United States. That has seemed to me for a number of months to be a rational policy, one not without risk or problems, but better than a set of unhappy other alternatives that face the United States.

I am pleased the administration did not wait until we had a riot at Guantanamo in order to act; that the administration essentially took the direction which this Senate had given, to state what our long-term policy was going to be vis-a-vis Guantanamo. That policy will be that over the next 3 years, we will shift visas from the interest section in Havana to Guantanamo, to begin the process of depopulating Guantanamo. Those who meet our standards will receive one of the visas for entry to the United States. Those who do not meet our standards will be sent back to Cuba.

The major concern about that policy was the concern that is referred to as remagnetizing Guantanamo. If you depopulate Guantanamo through this process but in the course of that you create such a strong impetus for people to go to Guantanamo and it refills, then you are back to where you are today.

The Cuban Government has restated its commitment of last September;

that is, that it will enforce against mass exodus from the island. The United States, now having said we will not take people to Guantanamo as a safe haven, the policy which the Attorney General announced today is that those persons who are interdicted at sea will be given an on-board screening at sea to determine if they have a legitimate claim of political asylum.

If they have such a legitimate claim for political asylum, they will be given a special processing commensurate with that status and with our history of humanitarian outreach to political asylees and our obligations under international law.

If they do not meet that standard, then they will be returned directly to Cuba. That is a provision of this which causes great concern to many people, including myself. I recognize the long history that the United States has had relative to a special relationship with the people of Cuba. This policy was taken as what was considered to be a necessary backstop to the steps to depopulate Guantanamo without, in the process of depopulating, creating the very impetus that would repopulate it.

Mr. President, I am a cosponsor of the legislation that the Senator from North Carolina has introduced. I was the principal Senate sponsor of the Cuban Democracy Act, which today represents the basis of United States policy toward Cuba. That policy, as the President stated, is unchanged. That policy is one of economic and political isolation of Cuba as the most appropriate United States policy for purposes of closing down the 35-year nightmare which Fidel Castro has represented to the people of Cuba.

It is a policy that says we will outline with specificity and with compassion what our policy will be toward the people of Cuba during this reign of terror of Fidel Castro, and we will stipulate what our policy will be upon Castro's fall, to reintegrate a democratic and free Cuba into the international family of peace-loving nations and eliminate the one blotch that remains on the map of democracies of the Western Hemisphere, which is Cuba.

That was the essence of the Cuban Democracy Act. The legislation which I am cosponsoring with the Senator from North Carolina extends those principles toward the same goal of a rapid, hopefully peaceful transition of Cuba from the tyranny that exists today to a free and democratic government.

The decision the President made today was a difficult one. It represents a selection among a series of difficult choices. I respect the fact he did not wait for a crisis to make the decision. He has made it firmly. He has done what will achieve, I think, the maximum national security benefits to the United States in terms of our military base at Guantanamo.

The U.S. Department of Defense supported this proposition. It will allow Guantanamo to return to its role as an important part of our hemispheric security. It will not serve as a magnet for future buildup and diversion from its military use. It will stop almost \$1 million a day of expenditure that we have been making at Guantanamo.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GRAHAM. Mr. President, I ask unanimous consent for an additional 2 minutes.

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

Mr. GRAHAM. Mr. President, there were some difficult decisions that had to be made around that core judgment. The result of the series of decisions will be: First that there will be no increase of total Cuban immigration into the United States, legal Cuban immigration, beyond that to which the United States was already committed.

Second, that immigration will now come from two streams, partially from Havana and partially from those persons who are at Guantanamo.

Third, the American people will be assured that only people from either place—Havana or Guantanamo—who will enter the United States will be those who meet our standards for entry.

Fourth, steps have been taken to demagnetize Guantanamo for further population buildup.

Within that policy, the American principle of recognition of political asylum and provision for those persons who seek freedom to make the case that they are seeking freedom out of the basis of a legitimate fear of political persecution will be maintained. They will be afforded that opportunity. The Attorney General outlined in summary form today what those steps will be.

So, Mr. President, I appreciate the leadership which the President has taken in making a difficult decision. I believe this Senate should appreciate the fact that he has responded to our request for leadership on this matter; that the U.S. Department of Defense will now be able to return its personnel and facilities to their intended purpose of security of the United States; and that we will be able to say that our policy of respecting human rights, and particularly respecting the rights of those claiming political asylum, will be maintained.

They are difficult choices, but in my judgment, choices that had to be made.

The PRESIDING OFFICER. The Senator from North Carolina.

MOTION TO RECONSIDER VOTE ON AMENDMENT
NO. 603

Mr. HELMS. Mr. President, was a motion to reconsider the vote on amendment No. 603 made?

The PRESIDING OFFICER. The motion was not made.

Mr. HELMS. I make such a motion and I move to table the motion.

The motion to lay on the table was agreed to.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I ask unanimous consent I may speak for 5 minutes as in morning business.

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

THE NOMINATION OF DR. HENRY FOSTER

Mr. SPECTER. Mr. President, I have sought recognition to urge the Senate to consider the nomination of Dr. Henry Foster to be Surgeon General, to consider that nomination ultimately on the Senate floor. I urge that this be done for two reasons: First, out of basic fairness to Dr. Foster and, second, as an important sign that men and women can place themselves up for nomination for important positions without fear of being, in effect, railroaded out of town without having an opportunity for their positions and their cases and their records to be heard.

This morning, Dr. Foster testified before the Committee on Labor and Human Resources and the preliminary reports are that Dr. Foster has been an impressive witness on his own behalf. After Dr. Foster's name was submitted for the position of Surgeon General, I met with him extensively to discuss his record, after having reviewed his educational record, his record as a practicing physician, the work that he had done against teenage pregnancy, the work he had done for poor people, and the work he had done in a community context.

Let us strip away the facade, Mr. President. What has really occurred on Dr. Foster's nomination is an objection to his having performed abortions, and it seems to me that when Dr. Foster has performed abortions, however many, a medical procedure permitted by the U.S. Constitution, that ought not to be a reason for his disqualification.

Before any other consideration had arisen as to issues about performing hysterectomies or an issue about syphilis in studies of African-Americans or the question about how many abortions he had performed, there was an immediate cry that Dr. Foster was disqualified because he had performed abortions.

I think that is totally inappropriate, that is just wrong, to disqualify a nominee for Surgeon General because that person has performed a medical procedure which is permitted by the U.S. Constitution.

With respect to the issue of how many abortions he had performed and what information had come from the White House—and it appears at one point the White House made a representation of only one abortion; that was not what Dr. Foster had represented—that ought not to be held against him and ought not to be a smokescreen or a red herring for saying that he is disqualified. Whatever

Dr. Foster has said about the number of abortions, that ought to be a question for the full Senate to consider. And whatever the contentions are about the performance of hysterectomies or about the syphilis testing on African Americans, that again is a question for consideration by the full Senate.

Now, I know, Mr. President, there have been statements by some that they are going to filibuster the nomination. Well, if they choose to filibuster the nomination, so be it. Let us have it out on the Senate floor. And there are some who say that if the nomination is voted out by committee, and it is not brought to the floor, they are going to tie up the Senate. I do not think we need those kinds of threats for the Senate to consider its business and decide whether Dr. Henry Foster is qualified to be Surgeon General.

It is my hope that the committee will report Dr. Foster to the floor for consideration by the Senate, and that can be done in a variety of ways. It can be done on an affirmative vote by a majority saying he is qualified, it could be done on a vote by the committee saying that he ought to be considered without recommendation, or it can even be done if the committee votes Dr. Foster down, as we have had with nominees. Judge Bork was voted down by the committee but it was voted to the Senate floor. Or Judge Thomas, later Justice Thomas, was a tie vote in the committee and was voted to the Senate floor.

It seems to me, in fairness to Dr. Foster, he ought to be considered by the full Senate, and in fairness to the system where we are asking people to come to Washington under very difficult circumstances as a matter of precedent somebody ought not to be, in effect, railroaded out of town without having the Senate consider his nomination.

So as this matter is being considered today by the committee, I wanted to make these comments because the core question here, Mr. President, stripped away from all the subterfuge, stripped away from all the smoke, stripped away from all the red herrings is whether Dr. Foster ought to be disqualified for performing abortions, however many, a medical procedure authorized by the U.S. Constitution. I think the Senate ought to face up to that squarely. If the balance of the testimony shows qualification, as I think it will, based upon my examination of the record and my detailed conversations with Dr. Foster in questioning of him, then I think he ought to be confirmed.

I thank the Chair and yield the floor.

RECESS UNTIL 2:15 P.M.

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