

Mr. DURBIN. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. DURBIN].

The motion was agreed to.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs: SKEEN, MYERS, of Indiana, WALSH, DICKEY, KINGSTON, RIGGS, NETHERCUTT, LIVINGSTON, DURBIN, Ms. KAPTUR, Mr. THORTON, Mrs. LOWEY, and Mr. OBEY.

There was no objection.

#### GENERAL LEAVE

Mr. SKEEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks, and that I may include tabular and extraneous material on the conference report on H.R. 1976.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

#### CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY ACT OF 1995

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 225 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

##### H. RES. 225

*Resolved*, That at any time after the adoption of this resolution, the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 927) to seek international sanctions against the Castro government in Cuba, to plan for support of a transition government leading to a democratically elected government in Cuba, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(1)(2)(B) of rule XI are waived. General debate shall be confined to the bill and shall not exceed two and one half hours equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment recommended by the Committee on International Relations now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of H.R. 2347. That amendment in the nature of a substitute shall be considered as read. Points of order against that amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI are waived. Before consideration of any other amendment it shall be in order to consider a further amendment in the nature of a substitute by Representative Hamilton of Indiana or his designee. Such a further amendment in the nature of a substitute shall be considered as read, shall be debatable for one hour equally divided and

controlled by the proponent and an opponent, and shall not be subject to amendment. If such a further amendment in the nature of a substitute is rejected or not offered, then no further amendment shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each further amendment may be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for twenty minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment. The Chairman of the Committee of the Whole may reduce to not less than five minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall be not less than fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida [Mr. DIAZ-BALART] is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. BEILENSEN], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

(Mr. DIAZ-BALART asked and was given permission to include extraneous material.)

Mr. DIAZ-BALART. Mr. Speaker, House Resolution 225 is a structured rule providing for the consideration of H.R. 927, the Cuban Liberty and Democratic Solidarity Act of 1995.

House Resolution 225 provides a very generous 2½ hours of general debate, increased from the standard 1 hour to accommodate various views on both sides of the aisle, equally divided between the chairman and the ranking minority member of the Committee on International Relations. The rule makes in order as an original bill for the purpose of amendment in the nature of a substitute the text of H.R. 2347. House Resolution 225 provides that prior to consideration of any other amendment, it shall be in order to consider a further amendment in the nature of a substitute, if offered by the gentleman from Indiana [Mr. HAMILTON] or his designee, which would be debatable for 1 hour equally divided between a proponent and an opponent. It

also provides that the amendment shall be considered as read and that the amendment shall not be subject to amendment.

House Resolution 225 makes in order the amendments printed in part one of the Committee on Rules report and debatable for 20 minutes for each amendment equally divided between a proponent and an opponent and provides that the amendment shall be considered as read.

In addition, Mr. Speaker, the rule permits the Chairman of the Committee of the Whole to postpone and/or to cluster votes on amendments and, finally, provides for one motion to recommit with or without instructions.

Now, Mr. Speaker, in order to accommodate the differences of opinion on both sides of the aisle, we agreed, as I stated earlier, to increase the general debate time from 1 hour to 2½ hours. I believe that the debate will be important, and I look forward to its commencement.

At this time I would like to commend the gentleman from New York [Mr. SOLOMON], the gentleman from New York [Mr. GILMAN], the gentleman from Indiana [Mr. BURTON], the gentleman from New Jersey [Mr. TORRICELLI], the gentleman from New Jersey [Mr. MENENDEZ], my dear friend, the gentleman from Florida [Ms. ROS-LEHTINEN], the gentleman from Florida [Mr. DEUTSCH], and the many others who are too countless to name for their exemplary efforts in bringing this bill forward.

I would also like to publicly thank the leaders of our House, the gentleman from Georgia, Speaker GINGRICH, the gentleman from Texas, Mr. ARMEY, and the gentleman from Texas, Mr. DELAY, for finding time in the House's schedule this week and for all the assistance they have provided in ensuring its consideration in a timely manner.

Mr. Speaker, this legislation constitutes a powerful and very effective mechanism for accelerating the liberation of the Cuban people from the oppression that the dictatorship there has been carrying out against the Cuban people for over three decades.

Mr. Speaker, the Cuban people are facing an avalanche of collaborationism by governments and investors in the international community who are seriously considering, and in a few instances, accepting, the Cuban dictator's invitation to come in and partake of his oppression of Cuban workers, his guaranteed denial of all labor rights, and his fire sale of the island at dirt cheap prices to foreign capitalists who agree to collaborate with him by purchasing commercial property, property that in many instances was stolen from U.S. citizens.

This bill will stop the flow, Mr. Speaker. This bill will stop the flow of foreign capital to Castro. His last lifeline after the collapse of the Soviet Union is creating a cause of action in United States courts for United States

citizens against foreigners who traffic in property that Castro stole from those United States citizens. In other words, and I would like to quote the Speaker of the House on this: "If anyone else in the world buys expropriated American property from Castro and they have property here in the United States, we can then sue them in American courts to make them pay the money they just gave Castro for the property that was expropriated by Castro from American citizens."

In effect, this will end Castro's possibility of obtaining the cash that he needs to keep his repressive machinery going, Mr. Speaker.

With this legislation, the American people's Representatives will be saying very clearly to those who are dealing in property stolen from Americans by the Cuban dictator: Do not do it, it is morally wrong, and if you nonetheless traffic in property stolen from American citizens, you will have to suffer consequences in the United States for your actions.

We will hear during the process of this debate many arguments, I am sure, that we have already heard at length during actually 3 days of debate, seemingly never-ending, on just a handful of amendments in the Committee on International Relations and again in the Committee on Rules yesterday. We will hear of course that this rule is unfair from our colleagues on the other side of the aisle, though we are providing, Mr. Speaker, about six times more time for debate with this rule than the last time that a bill regarding Cuba was brought to the floor of the House 3 years ago under a majority from the Democratic side of the aisle.

We are also providing about 500 percent more of an opportunity to amend the legislation than when the Democrats were in the majority. As we will recall, Mr. Speaker, they brought the Cuban Democracy Act to the House floor under a suspension calendar. So we are providing for what is, when you count up the amount of time that we are providing for debate on this important issue, about 6 hours of debate.

Mr. Speaker, in the context of the debate, we will probably hear things said like, for example, that constructive engagement is the way to treat the Cuban dictatorship. Interestingly enough, many people who were the leaders against constructive engagement with regard to the dictatorships in South Africa or the dictatorship in Haiti or the dictatorship in Chile, many of the people who were against so-called constructive engagement

with regard to those dictatorships will probably be advocating for constructive engagement with regard to the dictatorship in Cuba.

They will probably say that it was constructive engagement that freed the peoples of Eastern Europe, when the fact Eastern Europe was freed when the Soviet empire could not compete with the United States as it attempted to maintain military parity with us, and superpower status, and we denied them the political legitimacy that they sought with MFN in contrast to the prior policy of so-called detente.

And then we will hear, I am sure, Mr. Speaker, that the United States is acting alone, that we are standing by the Cuban people, but the rest of the world, whether it is the Europeans or our NAFTA partners, are busy trying to collaborate and trade with the Cuban dictatorship. We will hear that we are standing alone. We will hear, for example, of the Canadian company, I am sure, Sherritt Mining, the largest publicly held Canadian mining company that has worked out a deal with the Cuban dictator by which they mine nickel, that mineral, in eastern Cuba. They take it to Canada for processing, and then the chemical waste, the chemical waste from that process, Castro agrees that Sherritt Mining consented, back to Cuba to be dumped on Cuban soil and Cuban waters. We will probably hear of that as an example of constructive engagement and one way to help bring freedom and democracy to the Cuban people.

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We will rebut each and every allegation with regard to arguments that I am sure will be made that the time has come to treat Castro nicely, that the time has come to treat Castro like we are treating the communist Chinese or the Vietnamese.

The last argument that came to my attention, Mr. Speaker, was that this bill was going to cost a lot of money, because there would be many, many lawsuits brought by Americans in U.S. courts to defend their properties stolen by Castro.

I want to make clear from the very outset that all residential property in Cuba is excluded from even possible consideration for the Federal courts under this legislation, and I want to make very clear that the CBO, and I have the letter here, Mr. Speaker, the Congressional Budget Office, points out that the fiscal impact of this legislation is virtually zero. That is very important to point out, because we have heard in the Committee on Inter-

national Relations and the Committee on Rules many distortions with regard to that.

One other distortion is, I am sure, the bill is different than the bill reported in the Committee on International Relations. There were very minor changes requested by the chairman of the Committee on Ways and Means, and the significant change was the deletion of the fiscal impact, which is important to bring out from the very beginning.

I think of all the arguments, though, that I have heard against a firm policy by the United States on behalf of the Cuban people and against the dictatorship, we will hear it I am sure over and over again, everybody seems to say that they want Castro to go, that they want democracy for Cuba, but that they are against anything to achieve it. In fact, some of our colleagues on the other side will be arguing that the way to achieve a democratization in Cuba is by giving Castro cash, giving Castro access to credits.

One thing that I think is particularly insidious, and I would say ethically objectionable, is when the same leaders who spearheaded sanctions against dictatorships in South Africa, and even in this hemisphere, in Haiti, call for help for Castro, trade for Castro, credits for Castro, that double standard is particularly, as I say, Mr. Speaker, insidious, hypocritical, and objectionable.

So we will debate this openly. The bill is fair. It provides, as I say, for approximately 6 hours of debate, and the gentleman from New York [Mr. SOLOMON], chairman of the Committee on Rules, in a communication in writing, as well as verbally to the Members of this House, stated a very firm deadline for amendments to be presented before the Committee on Rules for consideration, and the amendments that came in at that time that were timely were permitted for consideration.

I must say that I was one who had an amendment, it did not come in pursuant to the guidelines set by the chairman of the Committee on Rules and that amendment was not made in order and I accept responsibility and I commend the gentleman from New York [Mr. SOLOMON] for setting such a fair way of managing our committee. So I want to commend the gentleman for that.

Mr. Speaker, we look forward to debate on this rule. I believe that the rule for this legislation is fair, and I urge its adoption.

I include the following information from the Committee on Rules:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,<sup>1</sup> 103D CONGRESS V. 104TH CONGRESS

[As of September 20, 1995]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open <sup>2</sup>	46	44	47	74
Modified Closed <sup>3</sup>	49	47	15	23
Closed <sup>4</sup>	9	9	2	3

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,<sup>1</sup> 103D CONGRESS V. 104TH CONGRESS—Continued

[As of September 20, 1995]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Totals:	104	100	64	100

<sup>1</sup> This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.  
<sup>2</sup> An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.  
<sup>3</sup> A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.  
<sup>4</sup> A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of September 20, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350-71 (1/19/95)
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255-172 (1/25/95)
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95)
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95)
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95)
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95)
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95)
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95)
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95)
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95)
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95)
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PO: 229-100; A: 227-127 (2/15/95)
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PO: 230-191; A: 229-188 (2/21/95)
H. Res. 91 (2/21/95)	MO	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95)
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282-144 (2/22/95)
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252-175 (2/23/95)
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253-165 (2/27/95)
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95)
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271-151 (3/2/95)
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95)
H. Res. 105 (3/6/95)	MO			A: 257-155 (3/7/95)
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95)
H. Res. 109 (3/8/95)	MC			PO: 234-191; A: 247-181 (3/9/95)
H. Res. 115 (3/14/95)	MC	H.R. 1159	Making Emergency Supp. Approvs.	A: 242-190 (3/15/95)
H. Res. 116 (3/15/95)	MO	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95)
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95)
H. Res. 119 (3/21/95)	MC			A: 217-211 (3/22/95)
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423-1 (4/4/95)
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95)
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228-204 (4/5/95)
H. Res. 130 (4/5/95)	MO	H.R. 483	Medicare Select Expansion	A: 253-172 (4/6/95)
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95)
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95)
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414-4 (5/10/95)
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95)
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95)
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95)
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PO: 252-170; A: 255-168 (5/17/95)
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233-176 (5/23/95)
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PO: 225-191; A: 233-183 (6/13/95)
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PO: 223-180; A: 245-155 (6/16/95)
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PO: 232-196; A: 236-191 (6/20/95)
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PO: 221-178; A: 217-175 (6/22/95)
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95)
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PO: 258-170; A: 271-152 (6/28/95)
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps.	PO: 236-194; A: 234-192 (6/29/95)
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PO: 235-193; D: 192-238 (7/12/95)
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PO: 230-194; A: 229-195 (7/13/95)
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PO: 242-185; A: voice vote (7/18/95)
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PO: 232-192; A: voice vote (7/18/95)
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95)
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PO: 217-202 (7/21/95)
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95)
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95)
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230-189 (7/25/95)
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95)
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409-1 (7/31/95)
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255-156 (8/2/95)
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323-104 (8/2/95)
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95)
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95)
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95)
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: 414-0 (9/13/95)
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 388-2 (9/19/95)
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	PO: 241-173; A: 375-39-1 (9/20/95)
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; D-defeated; PO-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

Mr. DIAZ-BALART. Mr. Speaker, I reserve the balance of my time.

Mr. BEILENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Florida, [Mr. DIAZ-BALART], for yielding the customary 30 minutes of debate time to me.

Mr. Speaker, we oppose this rule in the strongest possible terms. It is an unfair and an unreasonable rule for the consideration of a major piece of legis-

lation that would, if enacted, have serious effects on our foreign and domestic policy interests.

Procedurally, Mr. Speaker, this rule and the bill it makes in order have been handled in a most unfair and unusual manner. First, the rule itself: Last Thursday, September 14, the gentleman from California, [Mr. DREIER] made an announcement on the floor for the Committee on Rules describing the proposed treatment of amendments for H.R. 927. That was Thursday afternoon,

when I remind my colleagues, Members were getting ready to leave or had already left Washington to return to their homes and to their districts.

At that time Mr. DREIER informed Members, and I quote him, "A preprinting option will likely be included," in the rule for the Cuban liberty bill. He went on to inform us, "It is not necessary for Members to file their amendments with the Committee on Rules or to testify." VerDate 20-SEP-95 07:02 Sep 21, 1995

That was the information that Members had and accepted in good faith when they left Washington on Thursday to return before votes on Tuesday, at which time, according to Mr. DREIER, who was speaking for the leadership, Members should not expect votes before 11 a.m.

Mr. Speaker, we were not privy to the discussions that led to the reversal of this policy that had been stated on the House floor, but an extreme reversal it was nonetheless.

On Monday, September 18, when most Members had not returned to Washington from their work in the districts they represent, since we were to have no votes that day here in Washington, the distinguished gentleman from New York [Mr. SOLOMON], our good friend, the chairman of the Committee on Rules, and a motion fair and decent gentleman he is, sent out a "Dear Colleague" letter announcing the postponement of the Committee on Rules hearing scheduled for Monday on H.R. 927 and rescheduling it for 2 p.m. on Tuesday, September 19. We were told the letter was not delivered in the morning mail, so Members could not have received it before 2 p.m. on Monday, and it was undoubtedly delivered to many offices much later.

His letter also contained a stunning reversal, Mr. SOLOMON, of the original leadership announcement of September 14. According to this new policy, the House would consider H.R. 927 under a structured rule, making in order only amendments prefiling by the Committee on Rules. Moreover, Members who wished to offer those amendments were required to file those amendments by 1 p.m. on Tuesday, September 19, less than 24 hours after the receipt of the letter.

Mr. Speaker, while we object in principle to the prefiling requirement, our objection would have been relatively constrained. It is usable, and properly so, I think, under some circumstances. What we strongly protest, however, is the fact that Members had been given such short notice of this extremely restrictive requirement.

Not only that, Mr. Speaker, but perhaps even more unfairly, if I may say so, the majority of our friends on the Committee on Rules, who should have known full well that many Members would be unable to quite meet this deadline, refused to give any leeway or grace at all to Members who filed their amendments even a few minutes beyond the 1 p.m. deadline. We were, to put it bluntly, astounded that a majority on the committee refused to extend this courtesy, which has been a customary practice in the past on the Committee on Rules, even though members were already operating under severe and unreasonable time constraints.

Several Members who drafted and then prefiling their amendments with the Committee on Rules have in fact been shut out of the amendment process on this very significant and con-

troversial piece of legislation. And if those Members who learned somehow of the change in the rule and were attempting to comply with it are being denied the right to offer their amendments, we can only assume that others who would have wished to take part in this important debate were also denied that right because of the unexpected and untimely prefiling announcement which arrived when they were out of town.

In any event, Mr. Speaker, this is the situation: Because of this unreasonable restriction, the gentleman from Colorado [Mr. SKAGGS], whose two amendments on the importance of ultra high frequency capable television and the Television Marti service were received in the Committee on Rules only 15 minutes after the 1 p.m. deadline; the gentleman from Florida [Mr. DIAZ-BALART], our good friend over there, whose amendment on U.S. telecommunications payments to Cuban governments, was received 20 minutes after 1 o'clock; and the gentleman from Washington [Mr. McDERMOTT], whose amendment making an exception to the trade embargo for medical supplies and staple foods and other emergency supplies was filed 40 minutes late, these gentleman will be unable to have their amendments debated separately during this historic debate.

Mr. Speaker, with respect to how the bill itself was considered, the ranking member of the Committee on International Relations, the gentleman from Indiana, [Mr. HAMILTON], testified very convincingly of his concerns with not only the substance of the bill but also in the manner in which the bill moved from his committee to the Committee on Rules. We think we should all be concerned about those procedures, which are being used more and more frequently and are in effect subverting the committee process.

First of all, we are rushing to judgment on an important bill that is not time sensitive in any way that we can know about. The original intention was to bring this bill to the floor in October. It has now appeared suddenly on the House Calendar this week, giving Members little warning that the legislation had been put on the fast track.

But more important, more important by far, the committees which have jurisdiction over the bulk of this bill, the committees with the real expertise on the questions of import policy, visa exclusions, and, most importantly, Federal Court jurisdiction, which is touched upon to some great degree in this bill, abdicated their responsibility to even consider this bill. That means that the Committee on Ways and Means and the Committee on the Judiciary, who have jurisdiction, have not considered, have never considered, have never considered, some very complicated and controversial legislative provisions that will be found in this bill. The House clearly generally would have benefited greatly from the work

of those committees on a bill of this importance and of this magnitude.

So, Mr. Speaker, we have a modified closed rule, and we have major committees waiving consideration of the substantive bill. That means we have lost contribution of too many Members who have the expertise to monitor a bill of this nature, and we are, with the prefiling requirement, preventing them from contributing their knowledge and expertise to improving the bill on the floor.

The report of the Congressional Budget Office on this bill is highly unusual as well. CBO wrote that the bill as reported, "could have a significant budgetary impact through its authorization of discretionary appropriations."

Appropriations, it said, could exceed \$1 billion. But amazingly, CBO goes on to say, "We understand from committee staff that a committee amendment would be offered on the House floor that would strip the bill of an open-ended authorization of appropriations, and that would make certain other provisions subject to further authorization and appropriations action. Such an amendment would reduce the bill's budgetary impact to relatively small amounts."

In other words, Mr. Speaker, CBO ignored the committee reported bill. That is a practice we hope will not become customary. Members deserve to know the accurate estimates for action that was actually taken by committee, and not for amendments that might or in fact will be offered on the floor.

Mr. Speaker, we might not be so strongly opposed to this modified closed rule with its restrictive prefiling requirements on amendments if the legislation itself did not mark such a radical shift in U.S. policy, especially foreign policy. Some of us, probably not the majority certainly, believe that we should be loosening the American economic embargo on Cuba, not tightening its restrictions even further. But that will be debated in the times to come.

But as the New York Times editorialized in opposing this legislation, and I quote from them, too, briefly if I may, "Cuba has kept its commitments to the United States on immigration. With the end of the Cold War, it posts no security threat to the United States, yet the restrictions on Havana are tighter than those imposed on Iraq."

The President, to his credit I think, has sensibly threatened to veto this bill. It is a bill that should alarm our allies, and apparently has, and the business interests of this country. The way we consider a bill of this magnitude, whatever our differences of opinion may be with respect to it, a bill which would have such far-reaching and serious consequences, should be open and fair and reasonable. Instead, we are being asked to take up a measure under a closed rule and to rush it

through in just a day and a half. We do not support this procedure.

Mr. Speaker, we urge that the rule for H.R. 927 be defeated.

Mr. Speaker, I reserve the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, at this time it is my privilege to yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules, a great ally of freedom throughout the world and specifically of the Cuban people in their quest for democracy.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Florida for yielding me the time. I want to congratulate him for his tireless effort in bringing this very, very important piece of legislation to the floor. Let me also commend the Committee on International Relations for the bipartisan spirit in which they have carried this bill to where it is today, along with the gentleman from Florida [Ms. ROSLEHTINEN], a member of the Committee on International Relations, who has played such an important role, and the gentleman from Indiana [Mr. BURTON], the chairman of the Subcommittee on the Western Hemisphere.

Mr. Speaker, let me just say that while this is a structured rule, it does provide for a very thorough debate of the major issues associated with this bill, the Cuban Liberty and Democratic Solitary Act of 1995. As the gentleman from Florida [Mr. DIAZ-BALART] has said, the House will be provided a full 2½ hours of general debate on this legislation in which to discuss the provisions of this bill, and it is a narrowly focused bill, so that is, believe me, more than ample time. This will allow Members from both sides of the aisle to engage in what I would consider to be a meaningful discourse on this issue. We have allowed exactly the time that was requested from those that would be in opposition to the bill.

Furthermore, the ranking minority member of the Committee on International Relations, the gentleman from Indiana [Mr. HAMILTON], an opponent of the bill, is granted the opportunity to offer an entire substitute bill in which he could address all of his issues of disagreement and those issues that were brought up by the distinguished gentleman from California [Mr. BEILENSEN]. That amendment will then be subject to another full hour of debate, which is more than ample and agreed to by both sides of the aisle.

In addition to these 3½ hours of debate, the rule also makes in order three other amendments, each debatable for 20 minutes, to focus the House's attention on three specific elements of the bill, and 20 minutes each was agreed to by both sides of the aisle. No one wanted more time than the 20 minutes. Therefore, this rule is fair, it is very reasonable.

Mr. Speaker, in reference to the bill itself, I would like to voice my strong support for two areas of the bill in par-

ticular. First, the bill would prohibit support for Cuba from international organizations or countries that receive funding from the United States. That means U.S. taxpayers' dollars. This prohibition is crucial to prevent the re-occurrence of foreign countries, and even foreign international organizations that we give U.S. taxpayer dollars to, exporting totalitarian rule and communism to this hemisphere.

Second, the bill would require the President to reduce United States assistance to the states of the former Soviet Union by an equal amount to any assistance or even credits provided by that state to the Castro regime in Cuba.

□ 1730

Mr. SOLOMON. You know, we watch what is happening in Bosnia and we give the United States aid, again United States taxpayers' dollars to the former Soviet Union, the country of Russia in particular. They in turn take those dollars we are giving them. They manufacture weapons, they give it to the Serbs, to the country of Serbia who then in turn gives it over, in spite of the sanctions and embargoes, they give it to the Bosnian Serbs to carry on the genocide that has been happening in that country there. That is just plain outrageous.

The provision in this bill would prevent that. This even tighter restriction on the former Soviet Union will send the message that the days of Soviet meddling in the affairs of fledgling Central and South American nations is over. It is over and done with. We will not and we cannot stand by and continue to send billions of dollars of taxpayers' money to the newly independent states of the former Soviet Union, only to have these taxpayers' dollars rerouted to this despicable Communist regime of Castro for use against the very democratic pillars of our own Nation and against his own people which he persecutes in his country.

Mr. Speaker, I would just urge my colleagues to support this fair rule and to support this very important piece of legislation so that our Nation can take a firm stand against the last bastion of communism in this hemisphere, and that is Cuba.

I really do thank the gentleman and commend him for all his tireless work on this effort.

Mr. BEILENSEN. Mr. Speaker, I yield 7 minutes to the distinguished gentleman from Indiana, [Mr. HAMILTON].

Mr. HAMILTON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to both H.R. 927, the Cuban Liberty and Democratic Solidarity Act, and to the rule which is now before the House.

Many Members remain quite unfamiliar with the details of this bill. I will speak during the general debate about why I think this bill represents the wrong approach to U.S. policy toward Cuba.

I am not concerned only with the substance of this bill. I am deeply concerned that this bill has been and will today be considered in a manner that subverts appropriate processes in the House. This statement is not one I make lightly or easily.

TIMING: RUSHED TO THE FLOOR

I was informed only last Thursday that this bill would be scheduled for consideration on the House floor this week. We had asked repeatedly over the last month and were told repeatedly that it would not be considered by the House until October.

I do not understand the sudden rush to place this serious piece of legislation before the House this week. Those of us who oppose the bill would have liked a little more notice about its rapid jump to the top of the legislative calendar.

OTHER COMMITTEES BYPASSED

Let me describe the process by which this bill comes before the House.

The great bulk of the bill lies in the jurisdiction of the Ways and Means and Judiciary Committees—committees with real expertise that the International Relations Committee cannot claim on questions of import policy, visa exclusions, and Federal court jurisdiction. Titles III and IV of the bill—more than 50 percent of its content—are almost entirely within the jurisdiction of the Judiciary Committee. These titles contain very complicated provisions that will have a tremendous impact on the federal court system.

Yet both Judiciary and Ways and Means waived consideration of the bill. Now I understand that is well within the prerogative of a committee chairman, but I believe that waiving consideration on a bill of this magnitude is, to put it gently, not appropriate.

Let's be clear: when you combine waiving consideration with a closed rule—like the one we are considering now which makes only 4 amendments in order—you have shut out those Members of the House with the greatest ability to improve the legislation.

Additionally, the bill being considered before the House is not the bill reported by the International Relations Committee, the only committee to act. The text made in order by this rule include changes requested by another committee chairman, without any committee action. The bill reported to the House by the only committee to consider it included a section further regulating sugar imports. The bill to be considered under this rule does not contain that provision.

The bill before the House also makes significant changes in title II, the only title exclusively in the jurisdiction of our committee. The bill reported out of the Committee contained an authorization for assistance to a Cuba in transition. The bill that we will consider on the floor has no authorization. In fact, the bill before the House includes changes almost identical to those contained in an amendment offered in VerDate 20-SEP

committee that was rejected by the Committee.

The changes made to title II appear to result directly from the cost estimate submitted by the Congressional Budget Office. That estimate itself is proof of the extent to which the role of committee consideration and the weight of a reported bill are being ignored.

The CBO letter states that appropriations for the bill as ordered reported "could exceed \$1 billion" but prior to providing this estimate, it states that

CBO understands from Committee staff that a Committee amendment will be offered on the House floor that would strip the bill of an open-ended authorization of appropriations and would make certain other provisions subject to further authorization and appropriations action. Such an amendment would reduce the bill's budgetary impact to relatively small amounts.

CBO apparently no longer even accords committees enough respect to provide a cost estimate specifically on the action the committee has taken.

These changes represent nothing short of a rewriting of the bill between the committee vote and floor consideration. In my view, changing the bill as it was reported from the committee in this manner is unacceptable.

#### THE RULE ITSELF

With respect to the Rules process, Members were first told last Thursday that it was "likely" that amendments pre-printed in the CONGRESSIONAL RECORD would be accorded preference in floor consideration. Mr. DRIER stated at that time that there was no need for Members to file their amendments with the Rules Committee.

It was also announced that amendments should be drafted to a substitute that Mr. BURTON had included in Thursday's CONGRESSIONAL RECORD. This announcement implied that most Members would have the ability to amend the bill.

Then, at noon on Monday—a day when no votes were scheduled—Chairman SOLOMON announced that Members should expect that the Rules Committee might report a structured rule, that amendments now had to be filed with the committee by 1 pm on Tuesday, and that those amendments should be drafted not to the Friday substitute, but to a bill that Mr. BURTON introduced that day. Effectively, this meant that Members—most of whom did not arrive back in Washington until Tuesday morning—were given only a few hours to submit their amendments to this new bill, all 79 pages worth.

Several Members were actually able to get amendments to the Rules Committee by Tuesday afternoon, prior to the start of the Rules hearing on this bill. And yet, not all amendments that the Rules Committee received were made in order. In fact, Mr. SKAGGS and Mr. MCDERMOTT were shut out entirely because their amendments arrived at Rules after 1 pm.

However, it is my understanding that Mr. BURTON's three amendments were

late as well. But one of those amendments was made in order by the rule, giving special treatment to the Member that wrote the bill—the Member who needs special treatment the least.

The Rule does make a Hamilton substitute in order. Now that's fine. But I never requested that the Rules Committee make in order such a substitute and I do not intend to offer a substitute. I simply do not understand why the committee would make in order a substitute that they know I do not have while denying other Members the ability to offer amendments that they had drafted and ready to go.

At the Rules Committee hearing, several of my colleagues stated that this very restricted rule was acceptable on this bill, because all the elements of the bill had been considered many times before. I take issue with that statement. To the best of my knowledge, easily one half of the bill—all the property and visa provisions—are without precedent. We are creating new rights of action, we are creating new reasons to exclude entry to the United States. And we are doing so under an exceedingly restrictive process.

#### CONCLUSION

I think I have made clear the extent of my deep concerns about the process by which this bill comes before the House.

I urge a "no" vote on this rule.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

I would like to take issue very briefly with the distinguished gentleman from Indiana with regard to his analysis of how the bill has reached the floor and specifically his analysis of the changes that were made after the bill as reported from the Committee on International Relations and its arrival at the Committee on Rules where it was reported favorably yesterday.

As I attempted to state earlier, the chairman of the Committee on Ways and Means made some minor recommendations that (a) make certain that the bill does not violate international agreements; (b) made discretionary some of the bill's recommendations for assistance to a post-Castro democratic Cuba; and, as been stated by the CBO letter, ended the bill's fiscal impact.

Mr. Speaker, I yield 4 minutes to my distinguished colleague and dear friend, the gentlewoman from Florida [Ms. ROS-LEHTINEN].

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in strong support of the rule. This legislation is critical if we are to help the Cuban people break the chains that have denied them the most basic freedom for 36 years. Today the situation in Cuba seems to belong in the pages of a novel of terror. The millions of people who inhabit the island have no civil or human rights. They do not have the opportunity to freely elect their rep-

resentatives. Instead, they are forced to belong to a failed Communist party which controls all activities. While tourists and foreigners enjoy lavish foods and amenities, the Cuban people are left to struggle daily for simple sustenance. Castro feeds the tourists. He starves the natives.

The people hunger for the truth. He feeds them lies. Dissidents are systematically persecuted, harassed and arrested. All this to satisfy the thirst for power of one man, Fidel Castro. For 36 years, this dictator and his Communist thugs have turned a once prosperous and developing nation into what analysts called an "undeveloping nation." The roads which were once filled with new cars are now invaded by inferior bicycles. The soil, once plentiful with food, is now desolate and barren, a tragic symbol of Castro's failed Marxist ideology. In Cuba today, the repression of the regime remains unabated in all sectors of society. Religious persecution has increased in recent months.

One of the most notable victims is Reverend Orson Vila Santoyo, a prominent evangelical leader who was arrested and sentenced to 2 years in prison for allowing religious services in his home. He was simply one of the victims in a large-scale harassment of religious institutions in that island. And persecution and harassment against journalists have also increased in Cuba. July saw a crackdown by the Castro dictatorship on independent journalists. During the first 2 weeks of that month, it was reported that Rafael Solano Morales, the founder of a clandestine independent news agency, Havanas Press, and Jose Rivero Garcia, of the Cuban Council of Independent Journalists, were arrested by Castro's police state. Solano Morales stated, "This is harassment and attempted intimidation of the free press in Cuba, but it will not have the desired effect." He is one of the 47 dissident leaders inside Cuba who have publicly endorsed this bill.

In a letter which JESSE HELMS received from Elizardo Sampedro Marin, and I quote,

We support the alternative you propose. Its approval will mean a definite turn in our favor. We thank you sincerely for what you are doing and we are sure that those who criticize you today will congratulate you tomorrow for your contribution to the process of democratic transformation in Cuba.

It is valiantly signed by 47 dissidents of 30 groups at great personal risk to these individuals. We know that more groups would like to come out and more voices would like to be heard but, similarly, harassment against human rights activists has also increased. Last May we saw a nationwide harassment and detainment of these activists and this crackdown was described by the Human Rights/American Watch organization as "a kind of serious crackdown. It seems they, the Castro regime, is trying to scare them into leaving the country."

Mr. Speaker, it is clear that Castro will not change voluntarily. He will

not reform himself if it means reducing his absolute power. Castro has to be eliminated, not by redundant dialogue but through swift and firm policies against him as embodied in this bill.

Today we will hear from opponents of this legislation that Castro is reforming. We may hear about foreign investments in Cuba and how these investors are gaining a windfall from these investments and how us in the United States, we are losing millions. But what you will not hear from them is who benefits from these investments or the conditions under which the Cuban people must work in order to satisfy these unscrupulous and immoral investors.

The reality is that Cuba today has brought back serfdom to our hemisphere. This is the best way to describe the slave-like conditions of the Cuban worker, for while Castro obtains the hard currency he needs from foreign investors, he pays the Cuban worker, at his whim, sometimes less than 5 percent of this money. Moreover, Castro is attracting foreign investors by promoting the repression that subjugates the Cuban worker. And that is why, Mr. Speaker, we must pass this rule and we must pass this bill today, in order to affirm the rights of these individuals, to say we are against this repression, and we dedicate this bill in their memory tonight.

Mr. BEILENSON. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New York [Mr. RANGEL].

(Mr. RANGEL asked and was given permission to revise and extend his remarks.)

□ 1945

Mr. RANGEL. Mr. Speaker, I rise in opposition to this rule, but before I state my reasons, I just want to make it abundantly clear that I have the utmost respect for those Members of Congress that seek to find democracy, as probably all of the Members of this Congress would want to see. I must admit that many of them have stronger ties to Cuba and therefore their feelings would be a lot more emotional.

By saying that, however, it does not mean that I have any lesser feelings for democracy. Certainly I am the beneficiary of the democracy of this great Nation, and I have fought when my country has asked me to preserve democracies in other countries, specifically South Korea.

I too have stood up in seeking to change dictatorships and hostile governments that oppressed the rights of people, yes, in Haiti and South Africa, and suggested the tools of using embargoes when the family of nations thought that this was an adequate thing to do in order to bring down those people who have a complete disregard of the rights of other people.

When I thought it was not working in Haiti, and before the President made up his mind that he was going to send in troops, I shared with the President

of the United States that I thought it was time for us to review our embargo against the people in Haiti.

Certainly in South Africa there were nations all around the world who jointed with us. As a result of the initiatives that we have taken, and even the small role that I played in the Committee on Ways and Means to deny tax deductions to U.S. companies in South Africa that were deducting the taxes they paid to the fascist government of South Africa from their taxes, when that was denied I supported it, and democracy ultimately came.

If I thought for 1 minute that the family of nations thought the embargo was the way to go, and that 34 years of an embargo could ultimately lead to democracy in Cuba, I would be standing with my colleagues saying, yes, let us tighten it. Not only do I think the embargo is not working, but I think that we are now trying different ways to see how we can just show who is more for democracy, who is more against communism.

We do not find this feeling on the floor when we are talking about Communist China. We do not find this sense of being against communists when we talk about North Vietnam. We do not find this sense of communism when we talk about the people in North Korea. No, then we hear that America has to free people through trade.

I sit on the Committee on Ways and Means, which has some jurisdiction as it involves trade. I am there, and I am led to understand that the North American Free Trade Agreement is going to be good for America, that it is going to create jobs as we tear down the barriers of trade between nations.

I hear in the Caribbean Basin Initiative, these poor countries, that we should not give them fish, we should teach them how to fish, they should be able to trade with us. Trade, not aid.

Except for this little island there called Cuba. They are excluded from that. They are excluded from the North American Free Trade Agreement, not by other nations.

So we are being asked right here to say that we want to trade with everybody. We are the leaders in promoting free trade, except we say we are prepared to punish our trading partners if they see fit, in their national interest, to trade with Cuba.

How arrogant. How outrageous. Who is the United States of America to tell other people, people that we are begging to sit down at the negotiating table to trade with us and other countries, that they should not trade?

But why do I oppose this rule? I do not care how you cut it, something in here deals with trade.

I am on the Committee on Ways and Means. I have worked here a quarter of a century in the Congress and the Committee on Ways and Means. Now for the first time I am on the Subcommittee on Trade. Better than that, I am the senior Democrat on the Subcommittee on Trade in the Committee

on Ways and Means. Even though I am not nearly as important as I used to be, trade issues come by my committee, unless Republican chairman talk with Republican chairmen and change certain things.

So along comes this bill, and where would they send the bill? To a lot of committees, but one of them was the Committee on Ways and Means. I could not wait for the bill. I could not wait for it, until I found out that the Republican chairman of the Committee on Ways and Means got together with the Republican chairman of the Committee on Foreign Affairs and said, can we take out anything that would allow us to have any interest at all in your trade bill?

Sure enough, they did it, and without a meeting, without discussion. Chairman ARCHER sends a letter to Chairman GILMAN, and therefore ranking member RANGEL never sees the bill. So we got a rule to tighten the trade screws on this Communist nation, Cuba. We have got to make certain anyone that trades with her is punished. If anybody, foreign, American, it does not make any difference, believes that Castro took any property, come to the U.S. courts and sue.

God forbid if other people start suing America in foreign courts and expect to get a return on it, but distinguished chairman of Judiciary Committees and things like that would straighten out those little international law matters, I am certain. Because in this Congress you do not need a lot of hearings, you do not need a lot of debate. All you need is a lot of votes, and the majority has got it.

Let me say this. This bill has nothing to do with this mean-spirited dictator Castro. It has nothing to do with punishing our trading partners who we beg to come to the Uruguay round, to come to the North American Free-Trade Agreement. All this bill has to do is to see how mean you can be in showing who likes democracy best.

May the record indicate, Mr. Speaker, when it comes to supporting democracy in this country around the world, I want to stand up with those fighters. But this is a bad bill at the wrong time. It is not in our national interest. The President is begging that you do not put it on his desk. He is going to veto it, and everybody who has worked in any State Department, Republican or Democrat, liberal or conservative, knows that this is not in the national interest of the United States of America.

I ask that we oppose this rule and that we defeat this rule and get on with our Nation's business.

Mr. DIAZ-BALART. Mr. Speaker, I yield 1 additional minute to the gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules.

Mr. SOLOMON. I thank the gentleman for yielding me the time.

Mr. Speaker, I just want to say that my good friend, the gentleman from VerDate 20-SEP



New York [Mr. RANGEL], was eloquent as usual. He is always.

I just want to say one thing to the gentleman. He talks about it being arrogant, trying to dictate trade policy from other countries. But there is a big difference, and I mentioned it in my remarks. When we are giving them U.S. tax dollars, we then have an in to tell them what they ought to be doing. If we do not want to give them the tax dollars, the gentleman is right, then we should not be trying to dictate to them.

Another thing is, he talked about the NAFTA, whether or not that was good. That is bad in my opinion. It has been bad for upstate New York. It has been disastrous. We are losing jobs every single day.

He talked about North Korea. He talked about China. There are some Republicans on this side of the aisle that do not think we ought to be doing business with China because of their terrible human rights record. The same thing with North Korea. The same thing with Vietnam and other countries. I just wanted to point that out to my good friend.

Mr. BEILENSEN. Mr. Speaker, I yield 30 seconds to the gentleman from New York [Mr. RANGEL].

Mr. RANGEL. Mr. Speaker, the gentleman from New York [Mr. SOLOMON] is my dear friend and I know his strong feelings about protecting democracies, wherever they are, and, using trade to do it.

I would just like to say that I share those feelings, but I think that we only have one President at a time. I do not care whether it is Republican or Democrat. When it comes to trade and our international interests, I think we ought to give this President a chance, as we did President Bush and President Reagan. Our President asked at this time, do not put this on his desk, and I think he should be respected.

Mr. BEILENSEN. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. DEUTSCH].

(Mr. DEUTSCH asked and was given permission to revise and extend his remarks.)

Mr. DEUTSCH. Mr. Speaker, if the debate was just about the Torricelli bill, the Cuban embargo bill, then I think some of the comments that the gentleman from New York [Mr. RANGEL] made would be quite relevant. But what I ask my colleagues to do is to at least read part of the bill or at least go through the index of the bill, the table of contents or the committee report on the bill. Because as the bill is now in front of us as a substitute, this bill is relatively narrow.

Let us talk about the specifics of what it does. It only deals with foreign companies, non-U.S. companies that have in some way ascertained, purchased, illegally confiscated property in Cuba. That is all that it deals with in its present form in front of us. That is the bill. That is the issue in front of the United States Congress.

Let us just again talk about what that means, the specifics. It is a factory in Cuba, a refinery in Cuba that was owned by an American citizen—someone has left Cuba, now in America, or maybe even an American citizen prior to the change in government—that was expropriated illegally by the Castro government and then sold to a company, sold to a non-United States company. That company now is producing in that factory and getting the benefits of the production of that facility, and an injustice is occurring.

What this bill says is there is a way to right that wrong. The way to right that wrong is to say and use some pretty strong sanctions, and I agree that there are strong sanctions.

My colleagues have mentioned some of the strong sanctions: giving access to the United States courts to the person or, for that matter, the company that has had their property illegally expropriated and then sold to a foreign, non-U.S. company. One of the sanctions deals with visa rights of non-U.S. citizens to even come to the United States of America. There are some strong sanctions in this bill to prevent this from happening, but what I would say is those are needed.

What we have seen, and again I point out to my colleagues, the gentleman from New York [Mr. RANGEL] as well, that the Cuban embargo is really the Torricelli bill that has been in effect several years, not 35 years. The changes that we have seen, and I know Members speak to people in Cuba and I have the opportunity to speak to people, as well, who are visiting the island, who have seen the island, the reality is that Castro is holding on by his fingernails, barely holding on by his fingernails.

I urge the adoption of the rule and urge the support of the bill.

Mr. DIAZ-BALART. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York [Mr. GILMAN], the chairman of the Committee on International Relations.

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in support of House Resolution 225, the rule making in order consideration of H.R. 927, the Cuban Liberty and Democratic Solidarity Act.

I thank the gentleman from Florida [Mr. DIAZ-BALART], the gentlewoman from Florida [Ms. ROS-LEHTINEN], the gentleman from Indiana [Mr. BURTON], the gentleman from New Jersey [Mr. MENENDEZ], and the gentleman from New Jersey [Mr. TORRICELLI] for their decisive leadership on this important issue.

Mr. Speaker, House Resolution 225 is a fair rule that permits the House to take decisive action on one of the most important foreign policy issues in the Americas. This rule provides ample

time for general debate—2½ hours—which will be evenly divided between proponents and opponents of the measure.

I welcome the decision of the Rules Committee to provide for a rule that allows us to act on H.R. 927 despite the crush of business at the end of the fiscal year.

Our committee held a lengthy markup on this bill, affording the minority ample time to offer and debate amendments fully. In fact, we acted on a dozen amendments that dealt with all of the key issues in this legislation. The bill, as amended, won a strong bipartisan vote of 28 to 9.

In response to concerns raised by several other committees of jurisdiction, substantial modifications are reflected in the final text coming to the floor.

H.R. 927 is a sound and important bill. I ask my colleagues to support the rule so we can bring this important issue to the floor

□ 2000

Mr. BEILENSEN. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. MENENDEZ].

(Mr. MENENDEZ asked and was given permission to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, I thank the gentleman from California [Mr. BEILENSEN], the distinguished member from the Committee on Rules, for yielding, especially since I rise to support the rule and the legislation. I appreciate him yielding time.

Mr. Speaker, I want to strongly support H.R. 927, the Cuban Liberty and Democratic Solidarity Act. I have worked tirelessly on this legislation since its introduction and written significant parts of it.

Mr. Speaker, this legislation strongly endorses the proposition that our policy toward the Cuban dictatorship must address the hard and disturbing realities of Castro's tyranny, not the unwarranted hopes for this dictatorship that some will maintain. It just as strongly rejects the notion that we must formulate policy toward Cuba's dictatorship as if it were not a dictatorship, as if it were a civilized member of the international community. It is not. There is no debate about Cuba's horrendous human rights record, its refusal to allow free and democratic elections, and its wanton disregard for the well-being of its people.

I support a structured rule on this vital piece of legislation. The reason that I support a structured rule in relation to this legislation is simple. Unlike other far reaching legislation, which covers a broad scope of issues—this legislation is issue specific and narrowly tailored to produce a designed result. It can be accepted or rejected on the House floor. I believe it will receive broad bipartisan support.

Do we want to be positive agents for democratic change in Cuba or do we want to squander the opportunity to promote democratic institutions and



free markets? I am concerned that misplaced good intentions will delay the establishment of important transitional organizations that will promote freedom in this much oppressed country. I hope that the debate and amendments on this carefully crafted language will present constructive steps to promote democratization and not rehash cold war rhetoric.

This is not the time to abandon the bipartisan policy behind which the Nation united for 50 years and led to the ultimate defeat of totalitarianism. Ten Presidents have waited for the opportunity to bring freedom to America's only neighbor that suffers under dictatorship. It is time to render this regime to the dustbin of history and welcome a new neighbor to the fraternity of free nations.

Mr. BEILENSEN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida [Mrs. MEEK].

(Mrs. MEEK of Florida asked and was given permission to revise and extend her remarks.)

Mrs. MEEK of Florida. Mr. Speaker, I rise in support of H.R. 927. I am from Miami, FL, and for the past 36 years I have supported the Cuban people. They live in Miami, a lot of them do. They are excellent citizens. They work very hard. I have bled with them, I have wiped their tears, I have listened to their pleas, and for many years I have represented them on the floor of the Florida House, even when there were no Cubans on the floor of the Florida House.

Mr. Speaker, I represent them now on the floor of this Congress, and say to my colleagues that this particular rule should be supported tonight, if for no other reason but for humanitarian reasons; if for no other reasons than to say we do not need a dictator in Cuba; if for no other reason to say that if one particular facet of our country is bleeding, the Cuban people in Miami and all over this country, then all of us are bleeding.

Mr. Speaker, Castro is the last remaining dictatorship in the Western Hemisphere and it is a brutal place. The Cuban people will tell us. Do they need freedom? I say yes. And why this rule? By whatever means necessary. By whatever means necessary to get Castro out of Cuba and to free Cuba for the Cuban people, instead of for him.

Mr. Speaker, my colleagues' vote will hasten final removal of Castro from power. We must use some action other than talk against Castro. So by whatever means necessary, let us remove him.

Mr. BEILENSEN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, in closing may I simply say, especially to my Democratic colleagues and especially to those amongst this side of the aisle who support the bill, everyone obviously is free to vote as he or she may desire. But however my colleagues feel about the bill, the rule does not deserve their support.

Mr. Speaker, not only is it not a fair rule, but many Members were actively misled as to what the provisions of the rule would be and what would be required of them if they were to have their wish to have their amendments made in order.

There are perfectly fair ways, there were and still would be perfectly fair ways in which to handle this controversial and difficult piece of legislation in the same amount of time. We did not need to close down the rule this way and in this particular manner. It is unfair to many who are interested in it.

Mr. Speaker, I would urge Members, however they feel about the bill, to vote against this rule so that in the least we might have a fair rule under which to discuss the bill.

Mr. DIAZ-BALART. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. HASTINGS].

(Mr. HASTINGS of Florida asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Florida. Mr. Speaker, I rise in strong favor of the proposed rule.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I tell my colleagues from New York, Mr. RANGEL, that I dream of the day when 2 members of parliament who disagree as deeply and as passionately on an issue, that obviously is very close to my heart, will be able to have discussions like we have in this Chamber in a free and Democratic Cuba.

Mr. Speaker, the question before us is what can we do as representatives of the great American people to accelerate the inevitable liberation of the people of Cuba from the dictatorship that for over three decades has tortured them and oppressed them. Now, after losing the subsidy of the Soviet Union, it is clinging on to power, holding on to power with that last card available to the dictator, foreign investment with his fire sale at dirt-cheap prices of the entire island.

Mr. Speaker, the action we are taking today in passing this rule and debating and passing this legislation will, without any doubt, accelerate the liberation of the Cuban people. One issue that the gentleman from New York brought up, I think, is very important to end with.

The issue is that we are acting alone at this time in supporting the Cuban people. But throughout history, it is not the first time that the United States has acted alone and it is not the first time that a great power has stood alone in the world in support of an oppressed people.

Mr. Speaker, I remember reading the history of the American War of Independence. At that time, Great Britain was the great superpower and most of the world was aligned with Great Britain against the struggle of the American people for freedom and independ-

ence, and it was basically France and the Cubans at that time, who were forming as a nation and who were still under the flag of colonial Spain, who came to the help of the American people.

Here we have in this Chamber the picture, the portrait of Lafayette, that great French general, who along with other countrymen of his, and Spanish people, people under the Spanish flag in the forming Cuban nation, helped this Nation.

So, Mr. Speaker, we do not have to be ashamed that we are alone standing with the Cuban people. On the issue of Cuba, we only have to be concerned about standing with one people. On the issue of Cuba, we have to be concerned with standing with the Cuban people. We will be proving that we are with the Cuban people, and that is enough for the great American people for their conscience and their history that will reaffirm the greatness of this Nation, that in the 19th century alone stood with the Cuban people after the Cubans fought Spanish colonialism for half a century.

Again, in this era it is telling the international community if they go in there and try to prolong the ruthless dictatorship of Castro, they are going to have consequences against them in the United States of America.

Mr. Speaker, let us support this rule and pass it and let us pass this legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TORKILDSEN). Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BEILENSEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 304, nays 118, not voting 12, as follows:

[Roll No. 681]  
YEAS—304

Ackerman	Bentsen	Browder
Allard	Bereuter	Brown (CA)
Andrews	Berman	Brown (FL)
Archer	Bevill	Brown (OH)
Armey	Bilbray	Brownback
Bachus	Bilirakis	Bryant (TN)
Baessler	Bishop	Bunn
Baker (CA)	Bliley	Bunning
Baker (LA)	Blute	Burr
Ballenger	Boehrlert	Burton
Barcia	Boehner	Buyer
Barr	Bonilla	Callahan
Barrett (NE)	Bono	Calvert
Bartlett	Borski	Camp
Barton	Boucher	Canady

Castle  
Chabot  
Chambliss  
Chapman  
Chenoweth  
Christensen  
Chrystler  
Clement  
Clinger  
Clyburn  
Coble  
Coburn  
Collins (GA)  
Combust  
Condit  
Cooley  
Cox  
Cramer  
Crane  
Crapo  
Cremeans  
Cubin  
Cunningham  
Davis  
Deal  
DeLay  
Deutsch  
Diaz-Balart  
Dickey  
Dooley  
Doolittle  
Dornan  
Dreier  
Duncan  
Dunn  
Edwards  
Ehlers  
Ehrlich  
Emerson  
Engel  
English  
Ensign  
Everett  
Ewing  
Fawell  
Fields (TX)  
Flanagan  
Foley  
Forbes  
Fowler  
Fox  
Franks (CT)  
Franks (NJ)  
Frelinghuysen  
Frisa  
Frost  
Funderburk  
Gallegly  
Ganske  
Gekas  
Geren  
Gilchrest  
Gillmor  
Gilman  
Goodlatte  
Goodling  
Gordon  
Goss  
Graham  
Green  
Greenwood  
Gunderson  
Gutierrez  
Gutknecht  
Hall (TX)  
Hancock  
Hansen  
Hastert  
Hastings (FL)  
Hastings (WA)  
Hayes  
Hayworth  
Hefley  
Heineman  
Herger  
Hilleary

## NAYS—118

Abercrombie  
Baldacci  
Barrett (WI)  
Becerra  
Beilenson  
Bonior  
Bryant (TX)  
Clay  
Clayton  
Coleman  
Collins (IL)

Hobson  
Hoekstra  
Hoke  
Horn  
Hostettler  
Houghton  
Hunter  
Hutchinson  
Hyde  
Ingليس  
Istook  
Jacobs  
Johnson (CT)  
Johnson (SD)  
Johnson, Sam  
Jones  
Kasich  
Kelly  
Kennedy (MA)  
Kennedy (RI)  
Kildee  
Kim  
King  
Kingston  
Klecza  
Klink  
Klug  
Knollenberg  
Kolbe  
LaHood  
Largent  
Latham  
LaTourette  
Laughlin  
Lazio  
Leach  
Lewis (CA)  
Lewis (KY)  
Lightfoot  
Linder  
Lipinski  
Livingston  
LoBiondo  
Longley  
Lucas  
Manton  
Manzullo  
Martini  
Matsui  
McColum  
McCrery  
McDade  
McHale  
McHugh  
McInnis  
McIntosh  
McKeon  
McNulty  
Meek  
Menendez  
Metcalf  
Meyers  
Mica  
Miller (FL)  
Molinari  
Montgomery  
Moorhead  
Morella  
Murtha  
Myers  
Myrick  
Nethercutt  
Neumann  
Ney  
Norwood  
Nussle  
Ortiz  
Orton  
Oxley  
Packard  
Pallone  
Pastor  
Paxon  
Peterson (FL)  
Peterson (MN)  
Petri

Pickett  
Pombo  
Porter  
Portman  
Pryce  
Quillen  
Quinn  
Radanovich  
Rahall  
Ramstad  
Harman  
Regula  
Richardson  
Roberts  
Roemer  
Rogers  
Rohrabacher  
Ros-Lehtinen  
Roth  
Roukema  
Royce  
Salmon  
Sanford  
Saxton  
Scarborough  
Schaefer  
Schiff  
Scott  
Seastrand  
Sensenbrenner  
Shadegg  
Shaw  
Shays  
Shuster  
Skeen  
Skelton  
Smith (MI)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Solomon  
Souder  
Spence  
Spratt  
Stearns  
Stenholm  
Stockman  
Stump  
Stupak  
Talent  
Tanner  
Tate  
Tauzin  
Taylor (NC)  
Tejeda  
Thomas  
Thompson  
Thornberry  
Thornton  
Thurman  
Tiahrt  
Torkildsen  
Torrice  
Traficant  
Upton  
Vucanovich  
Waldholtz  
Walker  
Walsh  
Wamp  
Watts (OK)  
Weldon (FL)  
Weldon (PA)  
Weller  
White  
Whitfield  
Wicker  
Wilson  
Wolf  
Wynn  
Young (AK)  
Young (FL)  
Zeliff  
Zimmer

Foglietta  
Ford  
Frank (MA)  
Furse  
Gedjenson  
Gephardt  
Gibbons  
Gonzalez  
Hall (OH)  
Hamilton  
Harman  
Hefner  
Hinchey  
Holden  
Hoyer  
Jackson-Lee  
Jefferson  
Johnson, E. B.  
Johnston  
Kanjorski  
Kaptur  
Kennelly  
LaFalce  
Lantos  
Levin  
Lewis (GA)  
Lincoln  
Lofgren  
Lowey

## NOT VOTING—12

Bateman  
Dicks  
Hilliard  
Martinez

## □ 2030

Messrs. WISE, POMEROY, GEP-HARDT, FAZIO of California, and HOYER changed their vote from "yea" to "nay."

So the resolution was agreed to.  
The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## □ 2031

The SPEAKER pro tempore (Mr. TORKILDSEN). Pursuant to House Resolution 225 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 927.

## IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 927) to seek international sanctions against the Castro government in Cuba, to plan for support of a transition government leading to a democratically elected government in Cuba, and for other purposes, with Mr. DUNCAN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Indiana [Mr. BURTON] and the gentleman from Indiana [Mr. HAMILTON] each will be recognized for 1 hour and 15 minutes.

The Chair recognizes the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, I yield 15 minutes to the gentleman from New Jersey [Mr. TORRICELLI], and I ask unanimous consent that he be allowed to yield time.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Rivers  
Ruybal-Allard  
Rush  
Sabo  
Sanders  
Sawyer  
Schroeder  
Schumer  
Serrano  
Skaggs  
Slaughter  
Stokes  
Studds  
Taylor (MS)  
Torres  
Towns  
Velazquez  
Vento  
Visclosky  
Ward  
Waters  
Watt (NC)  
Waxman  
Williams  
Wise  
Woolsey  
Wyden

Moakley  
Reynolds  
Riggs  
Sisisky

Stark  
Tucker  
Volkmeyer  
Yates

Mr. HAMILTON. Mr. Chairman, I yield 15 minutes of my time to the gentleman from New Jersey [Mr. TORRICELLI], and I ask unanimous consent that he be allowed to control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The CHAIRMAN. The gentleman from New Jersey [Mr. TORRICELLI] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we received a copy of a letter today from over 100 people in Cuba, not Cuban-Americans, but Cubans, and in that letter, they stated their support for what we are trying to accomplish here tonight. Some people in this Chamber have indicated that the Cuban people were not for the Burton-Helms or Helms-Burton bill, but the fact of the matter is, many, many, many are. I submit to you that a majority of the people of Cuba want freedom, democracy, and human rights and that is spelled out very vividly in this letter, and I would like to quote very briefly from this letter one paragraph.

Mr. Chairman, it says, "The economic embargo maintained by subsequent American administrations has begun to make its influence, felt not against the people, but against those who cling to power." And he is talking there about Fidel Castro, Raoul Castro and the rest of that Communist dictatorship down there.

Mr. Chairman, I would further like to say that I am very happy that a member of the Kennedy family, the gentleman from Rhode Island [Mr. KENNEDY], has chosen to endorse this piece of legislation, and I noted in the rule that just took place that both the gentleman from Rhode Island [Mr. KENNEDY] and the gentleman from Massachusetts [Mr. KENNEDY] supported the rule, and I would like to read from a statement by the gentleman from Rhode Island [Mr. KENNEDY], the nephew of one of our great Presidents, John F. Kennedy.

Mr. Chairman, he said, and I quote, "The bill is a clear statement that the American people stand arm in arm with the people of Cuba in their struggle against a repressive dictator, and that we will not back away from being partners in our common fight for freedom begun by my uncle, President Kennedy."

"We won the cold war because we never gave into communism. By standing firm, we brought down the iron curtain and saw communism collapse in Europe."

"The conditions which prompted President Kennedy to start the embargo have not changed."

"Now is not the time to offer relief to the Castro regime, especially relief at the expense of American citizens who had their property seized when Castro took power."

"This bill prevents the Castro regime and foreign corporations from profiting off the confiscated property of Americans. VerDate 20-SEP-95 07:02

"Let's be clear, foreign investment in Cuba means one thing, it is a lifeline to the Castro regime.

"It will legitimize an illegitimate government.

"It will offer protection to a man who must be brought down, just like the communist dictators of Eastern Europe.

"It will postpone the day that the people of Cuba will live in freedom and democracy.

"President Kennedy looked forward to the day Cubans would live in freedom. I share this hope for the future and this bill will help that day come soon."

I want to congratulate the gentleman from Rhode Island [Mr. KENNEDY]. I do not know if he is here tonight, but I want to congratulate him for that statement and for supporting what his uncle started back in the 1960s.

Mr. Chairman, our great Nation has always played a leading role in the promotion of freedom around the world. The inspiration of our Founding Fathers and the model of our Constitution are revered from Tokyo to Timbuktu, from Manila to Managua. Though our example is followed all over the globe, it is in our own hemisphere naturally that the American vision of freedom and democracy has had the most resonance.

Mr. Chairman, it is therefore a particular tragedy that the island of Cuba, so close to the shores of the United States and with which our Nation has such a long shared history and interaction, is still captive to the whims of a megalomaniacal dictator, Fidel Castro.

Freedom in Cuba is a concern not only for Cuban-Americans but for all Americans. Cuba is the last dictatorship in this hemisphere and the only holdout against a democratic tide. A free Cuba will benefit not only its own people, but the people of the Caribbean and Latin America.

The economic potential of Cuba is absolutely tremendous. Before the communist revolution, the Cuban people enjoyed one of the highest standards of living in Latin America, but today, after 36 years of Castro's mismanagement and communism, corruption, and the communist failure, the Cuban people suffer with the lowest per capita income in the Western Hemisphere, with the possible exception of Haiti. Let me restate that. They were the best economy in Latin America when Castro took power and now they are the absolute worst. That tells us what communism does.

The people of Cuba deserve to join the ranks of the millions of people around the world freed in recent years from the communist yoke. They yearn to be able to enjoy the benefits of the free market, of free trade, of investment and opportunity.

Mr. Chairman, with Castro in power, such dreams are impossible. Castro is determined to hold on to power no matter what the cost to his own people. His motto is still, and he said this just recently, socialism or death. That tells you he is in no mood to change. It is quite clear that he is not at all inter-

ested in reform, economic or political, for such a move would spell the end of his cruel and vicious dictatorship.

Oscar Arias said not too long ago, "There is no will to reform in the Castro regime." The changes that have been made in recent years by the Castro regime have been taken out of desperation and are only intended to perpetuate Castro's rule. The fall of the Soviet Union and the East Bloc, the so-called evil empire, meant the end of an annual \$6 billion in subsidies to Castro. This means that the Cuban economy is in free fall today, having declined by 60 percent since 1989.

Castro is increasingly desperate for foreign currency. The only thing that can keep his regime in power. This is precisely the reason that he has embarked on a campaign to encourage foreign investment at the expense of Americans who had their property confiscated. It is this very lifeline that we must deny to this cruel dictatorship. Our bill is the tool that will deny him his last hope for keeping his regime in power.

Let no one believe the silly argument that the continuation of the embargo harms American business. What kind of business opportunities exist in a pathetic dictatorship where no respect for property rights exists, where investment from the outside is tightly controlled, and where the economy is moving backward at a very rapid rate, I might add, a process that has been described as dedevelopment.

Mr. Chairman, Freedom House rated Cuba dead last, dead last, even behind Somalia in terms of economic freedom in the entire world. Cuba is dead last in the world as far as business opportunity is concerned. It seems to me that despite all the rhetoric and propaganda, Cuba is just not a good business risk as long as Castro is in power. This is especially so given his track record. This is the same guy who confiscated \$2 billion, that is 2,000 million dollars worth of U.S. property in 1962 dollars.

Even without these obvious risks, companies investing in Castro's Cuba today should remember that they will probably not be welcome in a Democratic Cuba tomorrow. I think that point needs to be made. Those who invest in Cuba today, who buy confiscated real estate and property, they are certainly not going to be welcome by those who are in a freely and democratically elected government in Cuba.

Mr. Chairman, besides the business dimension, there is a very serious moral dimension involved. Cuba, according to every single international human rights organization, every one without exception, is one of the worst violators in the world. Hundreds are still in prison for their political beliefs. Since Castro seized power, thousands have been imprisoned, killed, exiled and tortured.

Just last year, and this is very important—I hope my colleagues will pay attention to this—just last year, a tug boat called the March 13th, full of men,

women, and children, was purposely rammed and sunk by Castro's thugs. Over 70 innocent women and children and men drowned. They pulled their boat up, the navy of Castro, alongside this boat with women holding their children over their heads and they directed the hoses at them. When the women took the children down into the hold of the boat, they pulled up alongside, directed their hoses into the hold and drowned those innocent women and children just like rats.

Mr. Chairman, that is the kind of government we are talking about. The Cuban people continue to have their basic rights denied and there is no hope for change under Castro. He has made that very clear. He referred to Gorbachev as a traitor to communism. This is not a man who will ever reform.

Our bill, Mr. Chairman, is a beacon of hope for the people of Cuba. I have here a letter written by the leader of a major democracy movement I alluded to a moment ago and signed by well over 100 activists. They state very clearly once again that the Cuban people support what we are trying to do here and take comfort from it.

There are two major reasons to support our bipartisan bill, Mr. Chairman. First, it is in the U.S. interest to do so. Democracy in our hemisphere is beneficial to all of us and Cuba is today the skunk in the garden party of hemispheric democracy. Our bill will hasten democracy in Cuba. It is also in our interests because American citizens deserve the right, deserve the right, as was stated by the gentleman from New Jersey [Mr. MENENDEZ] a few moments ago, to sue to recover their stolen property. Our bill will give them that right.

The second major reason to support the bill is that morally it is the right thing to do and America always tries to do what is right and just. Our Founding Fathers firmly believed that freedom is the deserved legacy of all people wherever they may be around the world. In promoting freedom for the people of Cuba, our neighbors, our brothers, we do nothing less than follow in the hallowed footsteps of our own Founding Fathers.

Mr. Chairman, I reserve the balance of my time.

Mr. HAMILTON. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Florida [Mr. JOHNSTON].

Mr. JOHNSTON of Florida. Mr. Chairman, I rise to strongly support H.R. 927. I acknowledge the sponsor's intention in hastening Castro's downfall, which I would like also, yet I believe that both the premises and the specifics of the bill are fatally flawed.

I believe sincerely that the bill will backfire. First, the bill will give Castro the nationalist card again that he always plays. He has learned to thrive in the face of U.S. hostility.

□ 2045

Let us not give him another chance to rally his people around the American imperialist threat. The measures

in this bill will give Castro another chance to play the victim. Every time we have him on the ropes, we allow him to escape with another embargo. We are the only country in the world that has embargoed this nation. This dictator will again blame the United States for Cuba's economic problems and he will likely throw open his borders again for another boatlift across the Florida Straits, inundating South Florida.

As a representative of south Florida and a native there, I am very concerned about the strain of the boatlift again. This is like the Tale of Two Cities. It is the best of times and the worst of times. The best of times is the quality of the people who have come to the United States from Cuba, three of whom are in the Chambers tonight, the gentleman from Florida, LINCOLN DIAZ-BALART, the gentlewoman from Florida, ILEANA ROS-LEHTINEN, and the gentleman from New Jersey, BOB MENENDEZ.

The worst of times is the quantity of people who have come from Cuba to the United States. Over 10 percent of the Cuban population, 700,000 people, now reside in Dade, Broward and Palm Beach County. As they say, they are great citizens, but the strain of the infrastructure from any large immigration of that nature puts a great strain on the infrastructure. It has nothing to do with ethnicity. They could be Norwegian or Japanese or Germans, but 700,000, 10 percent, is too many, and I again am afraid it would open the doors.

I lived in south Florida in 1959 when Batista fell. I was in there in 1980 for Mariel, and I still live there. The provisions of this bill play right into his hands, and Cuba's communism will pass of a natural cause. It seems to me that every time he gets in trouble, we throw him a life jacket.

Let us not continue to prop up Castro with another self-defeating measure as this resolution. According to Carl Hiaasen, a respected columnist for the Miami Herald, and I quote, "The man has outlasted eight United States presidents and the trade embargo sits in Havana waiting for the next page of his script. He has been acting the same sorry play for 35 years because we keep giving him the material." Castro's material is the nationalist trump card, and let us not give it to him again.

Second, this legislation is based on a false premise that cutting off Cuba economically and politically will expedite his fall. To the contrary, I believe that a free flow of political and economic ideas is critical to the downfall of communism, just like it was in Eastern Europe when we allowed the Hungarians and the Rumanians and the Poles to look over the fence, they threw over communism and they threw over their dictator.

We have had this embargo in place now, as I said, eight presidents and now 33 years, and Castro is still with us. The way to get rid of him is, and I

quote now from Stephen Rosenfeld of the Washington Post, "We had reason for concern in the days of Soviet adventurism and Cuba revisionism and subversion. But now Cuba represents no threat and it is a failed revolution to boot. The embargo has been on for 33 years. Is not a third of a century a sufficient test of whether our policy is working?"

I believe it is time to change. It is time to lift the embargo. We should seek a policy of positive engagement with the Cuban people, not with Fidel Castro, a policy which has demonstrated a track record in lessening and weakening the grip of communism. We share all the goals of encouraging a peaceful transition in Cuba, a transition with as little human suffering as possible.

I have talked to Cuban-Americans in south Florida who believe that if we had changed our policy earlier, Mariel would have never happened and Castro would have been long gone. Simply put, the embargo has failed. Clearly, my major objection to the bill is philosophical. Yet I have another one with somewhat more objective specifics. Several provisions of the bill call for extraterritorial reach of the United States law which is highly questionable under international law.

I strongly urge that this bill be defeated.

Mr. BURTON of Indiana. Mr. Chairman, I am very happy to yield such time as he may consume to the gentleman from New York [Mr. GILMAN], the very competent and fine leader of the Committee on International Relations.

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. I thank the gentleman for yielding time to me.

Mr. Chairman, the Cuban Liberty and Democratic Solidarity [LIBERTAD] Act does more than "stiffen sanctions" on Cuba. It has three constructive objectives:

To bring an early end to the Castro regime by cutting off capital that keeps the regime afloat;

To start planning now for United States support to a democratic transition in Cuba;

And, to help protect property confiscated from United States citizens that is being exploited today by foreign companies that are profiting at the expense of the Cuban people.

By passing this LIBERTAD Act with wide bipartisan support, Congress will force the Clinton administration to turn its energies to bringing about genuine, fundamental change that we all want in Cuba.

This legislation advocates a responsible course to encourage and support genuine, fundamental reforms in Cuba. And, in the meantime, it helps protect the property of U.S. citizens until they can reclaim it under a democratic government.

Mr. BURTON has worked with a strong bipartisan coalition. With the help of

Ms. ROS-LEHTINEN, Mr. DIAZ-BALART, Mr. MENENDEZ, and Mr. TORRICELLI, he has fashioned a sound piece of legislation.

The Burton bill will make a difference for the better in Cuba and advance one of our most critical foreign policy objectives in the Americas.

Some critics of this legislation have argued that we should abandon our embargo as a relic of the cold war. I disagreed with these activists when they advocated a softer line on Castro when he still had troops in Africa and surrogates in Latin America. And I disagree with those critics today.

However, we do agree that it is immoral to accept the status quo without taking new measures now to hasten definitive change in Cuba. Based on a fair reading of the facts, I believe the Burton bill leads in the right direction.

We must consider that Castro did not feel the brunt of our embargo until the \$4 to \$5 billion in annual Soviet support dried up in the last few years. To put the size of this Soviet support in perspective, total United States economic assistance to all of Latin America and the Caribbean, with 40 times Cuba's population, exceeded \$2 billion in only 7 of the last 35 years. Deprived of the Soviet subsidy, Cuba's economy has shrunk by 50 percent since 1989.

Those who have tried to cajole Castro toward reform have failed miserably. For decades he has flatly rebuffed the approaches of such friends as Mexico and Spain. And he has rejected the trend to democracy and respect for human rights in the Americas.

Despite their efforts to encourage reform through dialog, Castro's eager trading partners in Europe, Canada, and elsewhere are left to grumble about continued systematic, omnipresent repression in Cuba.

The 1994 report of the Inter-American Commission on Human Rights observed:

The human rights situation in Cuba is extremely serious \* \* \*. The deterioration in living conditions, the repressive control exercised by the state through the security agencies against individuals and groups who differ with the regime, and the extreme economic difficulties \* \* \* caused a mass exodus of persons who put out to sea on makeshift rafts in search of new horizons, despite the fact that they were taking their lives in their hands by doing so.

For those who are quick to blame Cuba's desperate condition on United States policy, the Commission, which is respected for its fierce independence, observed, "The Cuban crisis has, primarily, deep internal roots."

However, instead of adopting genuine reforms that would liberate an economy that flourished before his revolution, on September 5 Castro approved a foreign investment law in a desperate effort to raise capital.

His so-called reform does just enough to attract unscrupulous investors with the opportunity to exploit Cuban workers who are paid a slave's wages and forbidden to strike. These investors are also attracted by property that was illegally confiscated from Americans. VerDate 20-SEP

Ironically, even the corporate scavengers who have been looking to make a quick buck in Cuba have panned Castro's new foreign investment law:

The reason is that private property still does not exist in Cuba, so investors cannot take title to property. Castro retains absolute right to cancel all ventures, with the property involved reverting to the state. And, the regime will continue to control the labor supply and dictate contract terms.

These are not real reforms that benefit the Cuban people. By thwarting Castro's effort to hold on to power, we are sparing the Cuban people further exploitation and helping bring their dictator down.

How does the Cuban Liberty and Democratic Solidarity Act propose to break this tragic status quo?

First, it reaffirms longstanding United States policy toward Cuba, turning back efforts within the Clinton administration to warm relations with the regime.

Second, it requires the President to plan now to support a democratic transition, and it sets principled conditions under which the embargo will be suspended and certain types of U.S. assistance could be provided to a new government.

Third, it allows U.S. nationals to sue foreigners who exploit property stolen from them by the Castro regime. The simple purpose of this provision is to pose a stark choice between trading with Castro and trading with the United States.

Mr. Chairman, it simply makes no sense to lift our embargo just as the Castro regime is on the ropes like never before.

Normalizing relations without verifying fundamental political and economic reforms would merely resuscitate a fading dictator who is the chief obstacle to real reform. Trade with Cuba today only benefits the repressive ruling class, prolongs Cuba's anguish and structural poverty, and destroys United States credibility with the Cuban people.

Mr. TORRECELLI. Mr. Chairman, I am pleased to yield 2 minutes to my friend, the gentleman from New Jersey [Mr. ANDREWS].

Mr. ANDREWS. I thank my friend, the gentleman from New Jersey, for yielding time to me.

Mr. Chairman, I would like to rise in strong support for this legislation and to acknowledge the bipartisan support of the legislation by the gentlemen from Indiana, Mr. BURTON, and to thank my friends, the gentlemen from New Jersey, Mr. TORRICELLI and Mr. MENENDEZ, for their excellent leadership on this issue.

If we have learned anything in the last 10 years, we learned that America's greatest asset is not our military might or our industrial or economic strength. It is the power of our ideals and the impact that those ideals have on people around the world. Some people argue against this bill by saying

America should not be out there by ourselves. I was proud that we were the first to step forward in many ways and lead the effort to dismantle the apartheid regime in South Africa. We did things by ourselves in that effort that we should have done. On the day, Mr. Speaker, that I took office as a Member of Congress, Nelson Mandela was in prison. Today, he is president of his country in a free election.

There are those who say that the best policy is incremental change, negotiation with those who would suppress human rights, as Castro has done. There were those who said that about the Soviet Union, and I think that one of the lessons of the 1980s is that where you meet tyranny with appeasement, where you meet tyranny with incremental change, you get more tyranny, not more progress.

There are those, and this is the toughest argument, who would oppose this bill because they talk of the very real plight and very real suffering of the Cuban people. Certainly we are sympathetic to that but we have come to this conclusion. As we did with the people of Eastern Europe where there was suffering, when we stood firm against the tyranny of the former Communist rulers in Eastern Europe, when we took the side of freedom and human rights, we have today achieved a result where we are no longer worried about leaders exploiting the freedom of their people. We are worried about people exploiting their freedom to the best use of their countryman and countrywomen.

The time has come for us to once again take the lead on the international scene, to stand behind our principles with our actions and our dollars and to support this piece of legislation.

Mr. HAMILTON. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, our own enlightened self-interest ought to be our guide to a pragmatic policy with respect to Cuba. Instead, we have in this bill yet another iteration of an outdated, outmoded ideology, mindless isolation. What is the United States self-interest here? What should be our objective? It should be a peaceful transition to a Cuba with an open economic system and a democratic political system. What is the best way to achieve that objective? I submit that our recent experience is instructive here, our experience with the Soviet Union, our experience with Eastern Europe, our experience with China and even Vietnam, and that is an experience of engagement; engagement economically with trade and investment, showing the virtues of our economic system on the ground, in person, in their face.

Engagement ideologically with the free exchange of information and peo-

ple, unimpeded travel of human beings and ideas. Our engagement culturally, cultural exchange, humanitarian involvement.

What are we afraid of here? We should be so encouraged by the ultimate success that we have enjoyed with the former Communist world and that we will enjoy with the soon-to-be former Communist world that we should be itching to apply the same lessons, the same strategy in Cuba. What are we afraid of? A small island nation with no strategic allies and a failed economic and political system.

Only a few weeks ago this House accepted the wisdom of a strategy that began with Richard Nixon, a strategy of engagement with respect to China in extending MFN another year. As much as we despise the human rights abuses, the political tyranny and all the rest that is objectionable in China, we understand that it is in our self-interest to engage with them on a broad range of activities, just as we did with the Soviets.

□ 2100

Just as we did with the Soviets, we understand that with regard to China that ultimately poses much greater risks to this country than Cuba, and we acted on that understanding precisely because we know that engagement politically, economically, culturally, that engagement holds out the best hope of avoiding those very risks, economic or military.

Why is that strategy not just as valid for Cuba? Perhaps because U.S. policy with respect to Cuba has for too long been captive of a hard-line ideology, an ideology driven by a group that may be more interested in settling old scores than setting a new course.

This bill takes U.S. policy in Cuba in exactly the wrong direction. It is absolutely contrary to the long-term self-interests of the United States. It will increase the prospect of a violent change that could present a real security and immigration crisis for the United States.

Let us learn from recent history, Mr. Chairman. Have the courage to say "no" to narrow ideology, to say "no" to special-interest-group domination of U.S. policy toward Cuba, and "no" to this bill.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself 15 seconds.

We had an embargo against South Africa, against Haiti just recently, against Libya. My colleagues on the other side of the aisle, many of whom have spoken already, supported those embargoes. This is a more important embargo in my opinion than any of those.

Mr. Chairman, with that, I yield 3 minutes to the distinguished gentleman from Louisiana [Mr. LIVINGSTON], chairman of the Committee on Appropriations.

(Mr. LIVINGSTON asked and was given permission to revise and extend his remarks.) VerDate 20-SEP-95 07:02 Sep 21, 1995 Jkt 099006

Mr. LIVINGSTON. I thank my friend from Indiana for yielding me the time.

Mr. Chairman, I rise in strong support of the Cuban Liberty and Democratic Solidarity Act. I want to commend Chairman BURTON and Chairman GILMAN for moving this very important piece of legislation.

Perhaps the gentleman from Colorado does not recall, but I certainly do, that it was not engagement that collapsed the Soviet Union and the Soviet empire. It was containment. That is the policy that we are exercising in Cuba, especially with the passage of this act.

Cuba today continues under Fidel Castro to be an oppressive Communist relic of the Cold War. Castro retains his backward totalitarian regime only 90 miles from our shore. He continues to imprison his opponents and to imprison human rights activists and persecute them unmercifully in the country of Cuba.

Basic freedoms are routinely repressed. Cuban prisons are full of political prisoners. I have met them by the tens, almost hundreds. I have to say that some of them have stayed and lived for 10, 15, 17, perhaps as long as 20 years in single cubicles. I have been astounded by the tales of torture and imprisonment and abuse of human rights. Yet we see that his failed economic policies are collapsing the country. I cannot believe what I hear, that the opponents of this legislation say it is time to engage with Castro. The fact is it is time to tighten the sanctions and end Castro ruthless dictatorship.

Since the cutoff of Soviet assistance in 1991, he has launched a desperate campaign to lure foreign investment to Cuba, to generate hard currency to sustain his repressive apparatus. We must not allow Castro to prop up his failed government with foreign investment and properties which were confiscated from U.S. citizens. H.R. 927 permits American citizens to recover damages from foreign investors who are profiting from their stolen property in Cuba. This bill will block the foreign investment lifeline which still keeps Castro's regime alive and it will create a right for U.S. citizens to sue any individual or corporation which knowingly and intentionally trafficks in confiscated property of U.S. nationals. It also denies entry to the United States of any person who trafficks in such confiscated property. These are logical steps which compel international companies to confront a very fundamental choice. You can either ignore U.S. property rights to engage in business as usual with Castro or you can retain access to the world's largest market.

Only by ending Castro's access to foreign capital will we succeed in bringing his dictatorial rule to a halt.

While I strongly support the stick approach of increased economic sanctions to force Castro from power, I also support the carrots which are included in this legislation. I urge the adoption of

this bill. It is needed and Castro's rule must come to an end.

Mr. HAMILTON. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from New York [Ms. VELÁZQUEZ].

Ms. VELÁZQUEZ. Mr. Chairman, I rise to strongly oppose H.R. 927.

At this time in our history, when we take such pride in declaring the end of the cold war, we should be moving toward demilitarization, breaking down cultural, economic and social barriers, and extending a peaceful hand to our neighbors worldwide. Instead, with this bill, we are choosing to escalate economic war on a small country that poses absolutely no threat to our country.

The United States cut off trade and travel between the United States and Cuba in 1960, in retaliation against Fidel Castro and his Cuban revolution. Thirty-five years later, it is clear that the embargo has failed.

H.R. 927 now calls for even tighter restrictions. But let us take a closer look at the facts.

At the same time we are moving to establish diplomatic relations and open new markets with Vietnam, this bill will further restrict United States companies and loan institutions from trading freely with other countries and foreign companies. It will violate GATT and NAFTA by denying visas to people doing business with Cuba. And it will cost the taxpayers millions of dollars by committing our Federal court system to thousands of additional claims for expropriated Cuban-owned property.

The only tangible result of the embargo has been the resentment of average Cuban citizens. Rather than discrediting Castro, Uncle Sam has gotten the blame for the island's hardships. It is time to end the embargo, and bring this cruel legacy of the cold war to an end.

I urge my colleagues to vote against this bill.

Mr. BURTON of Indiana. Mr. Chairman, I yield 5 minutes to the very distinguished and helpful gentlewoman from Florida [Ms. ROS-LEHTINEN].

Ms. ROS-LEHTINEN. Mr. Chairman, the debate here tonight reminds me of the remarks by Benjamin Franklin, who once said, "There is nothing so tragic as the murder of a beautiful theory by a gang of brutal facts." What the opponents of this bill have is a beautiful theory: that Castro will reform if only you treat him nicely, that repression is easing in Cuba, and that economic liberalization is commencing.

But the brutal facts are that the repression is increasing, that worker exploitation in Cuba has returned serfdom to our hemisphere, and that the struggle for freedom for the Cuban people against the Castro dictatorship remains as difficult as ever.

But do not take my word for it. Listen to Castro's own spokesmen. Castro's Foreign Minister, Roberto

Robaina, who said just recently, "For our enemies, the ideal would be to see us multiseparated, multidivided, and for that, they demand that we return to a multiparty system. That will not happen."

Trabajadores, one of Castro's journalistic puppets, recently said about the new foreign investment law in the country, "There is nothing in the investment law which weakens the leading role of our communist party." Clearly, these new cosmetic steps by Castro are not toward political or economic liberalization, but toward the extension of his cruel regime.

Opponents of this legislation talk about investments in Cuba, the millions of American dollars that should be going out to the investment market in Cuba. However, such talk misses the point, for the bottom line is that the situation in Cuba is not about investment or profiteering. It is, and should be, about the lack of freedom and human rights for the people of that island nation just 100 miles from my community of Miami.

What is the reality of Cuba? Unfortunately, the answer to this question is quite simple. For Cuba, under the Castro dictatorship, instead of progressing is regressing, not only economically but in the development of freedoms and liberties for its people. The Castro regime attracts investment by highlighting its repression of their workers. A Castro economic minister recently said, "We are free from labor conflict. Nowhere else in the world could you get this tranquility."

Mr. Chairman, Cuba has become one of the last bastions of tyranny in the world. Amnesty International describes the human rights situation in Cuba as "Members of unofficial political, human rights and trade union groups continued to face imprisonment, short-term detention, and frequent harassment."

The State Department and Human Rights report states that, "The authorities were responsible for the extrajudicial killings of citizens fleeing the country. The government sharply restricts basic political and civil rights, including the rights of citizens to change their government; the freedom of speech, press, association, assembly and movement; as well as the right to privacy and various workers rights."

These are just 2 examples of the human rights situation on the island, but Castro's long list of dubious achievements does not stop here. We should not forget that Castro's regime remains listed by our State Department as a state that promotes terrorism, and the FBI has acknowledged that the tyrant holds dozens of fugitives from American justice.

For decades the United Nations and foreign nations have refused to hear the cries of the desperate Cuban people. Even some of our colleagues who have supported economic embargoes to help

the aspirations of freedom in other nations turn a blind eye toward Cuba.

This Congress, this country, should not engage in similar immoral conduct. This bill that we propose here today signals that the Congress of the United States will not sit idly by as unscrupulous investors and nations choose to make a quick dollar and conduct their dirty business with Castro, at the expense of the freedom and livelihood of the suffering people of Cuba.

As I have said, this legislation sends a clear and simple message. If you invest in Cuba by trafficking in confiscated American property, you can forget about doing business in the United States. Already, Mr. Chairman, this legislation even before it has been implemented is having the desired effect. The June 23 edition of the Miami Herald reported that investment in Cuba has been decreasing because of the threat that investors feel about this legislation.

No wonder that the Castro regime has mounted an unprecedented international propaganda campaign against this bill. The reason is because it threatens to cut its lifeline that maintains this evil regime in existence.

Mr. Chairman, it is highly cynical to believe that Castro and his henchmen, after more than three decades of absolute rule, will transform overnight into George Washingtons. This simply is not reality, it is a pure fantasy.

I urge my colleagues to support freedom and democracy in Cuba by supporting this legislation.

Mr. HAMILTON. Mr. Chairman, I yield 4 minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Chairman, I rise in opposition to this bill. This bill is not likely to lead to democratization or political or social reform in Cuba. What it will do is create tremendous legal, business, and foreign policy problems.

In terms of legal problems, the idea of settling foreign land settlements, claims, in our courts sets an unbelievably bad example. Not only will it clog up our courts, but the precedent it sets for other immigrant Americans who have had their property seized I think is a wrong one and one that we will live to regret.

Of course, most of those settlements will result in default judgments, but it is precisely the kind of thing that will strengthen Castro's hand. The threat of all these land claims being settled in favor of the claimant is just what Castro needs to stay in power. It will create business problems. Those American corporations that hold the key to advancing the free enterprise system in Cuba will be prevented from being able to deal with Cuba when a transitional government begins, as it inevitably will, in Cuba.

□ 2115

It will create tremendous foreign policy problems. In fact, just at the point when the President will need to be able to help a transitional government in

Cuba, it ties his hands with unbelievably rigid requirements.

It also completely undermines NAFTA that we just passed on the floor of this House. Our relationship with Mexico, with Canada, with our European allies, will all be undermined.

This bill does not advance the national interest of the United States. We ought to work on an approach to pressure Cuba on human rights and provide support to post-Castro Cuba. But this bill does just the opposite.

It would be better to support democratization in Cuba by encouraging the free flow of information and dialogue between the United States and Cuba and working with our allies and non-governmental organizations to pressure Cuba for human rights and Democratic reforms. That is how we have shown success in our dealings with other countries, the Soviet Union in particular. We know what works and we know what does not work.

Those who support the increased isolationism of Cuba should explain how and why they think this policy can work, after it did not with Eastern Europe and the Soviet Union. And, in fact it was that beginning of openness, that Perestroika, that enabled communism to go down to defeat, just as Castro's communism will go down to defeat one day if we play it smart.

Mr. Chairman, I should also say that it is the attitude on the part of some people promoting this bill that is precisely the same attitude that contributed to the rise of Fidel Castro in Cuba. The classism, the racism, the elitism, the greed. That is why we have Castro 90 miles from our shore.

This is not a bill that is in the interests of the United States. It is in contradiction to our foreign policy. It is in contradiction to our attempts to open trade with both our allies and with countries who have the potential to develop a free enterprise system.

Mr. Chairman, it is certainly not in the interests of our U.S. judicial system to create a precedent that will clog up our court inappropriately. I urge my colleagues to vote against this bill and to take the kind of constructive steps we have taken in the past to remove Castro and to establish a Democratic free enterprise system of government in Cuba.

Mr. TORRICELLI. Mr. Chairman, before yielding to the gentleman from Florida [Mr. DEUTSCH] I want only to say as a Member of this House who has given several years of my career to working against Fidel Castro and for freedom for Cuba, it is only out of profound respect for the gentleman of Virginia [Mr. MORAN] that I did not rise in opposition or, indeed, objection in having our motives questioned or being compared with the Bastista regime in our using this vehicle to fight for freedom in Cuba.

Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. DEUTSCH].

Mr. DEUTSCH. Mr. Chairman, I have sat here for about 2½ hours listening to a variety of debate about Cuba and free trade and about the cold war and what I would point out to my colleagues is that all of that is wonderfully interesting debate, but it just did not have a heck of a lot to do with this resolution that is in front of us.

This resolution deals with some very specific things. It does not deal with global cold war policy. What it does specifically is it deals with non-U.S. companies that have purchased illegally seized property and gives them a right to seek justice in American courts. That is what this legislation does. That is what it does.

Mr. Chairman, it does not deal, again, with the cold war, with big picture stuff. And there are plenty of issues that we can debate, and there may very well be other bills to debate those on. But I tell my colleagues, it is kind of hard to argue against what this bill does.

Think about it. Just simple justice for Americans who might have owned property in Cuba, or Cubans who left Cuba and became Americans, who are American citizens now. They owned a factory in Cuba, and they left because of the repressive regime. It could have been in the 50s or the 60s, or it could have been in the 80s for that matter, and then a non-U.S. company bought that factory or bought that refinery that was illegally seized from the government that illegally took that factory and is making money off of that factory.

Mr. Chairman, what this bill then says, if it is adopted into law, is that that U.S. citizen, or for that matter that U.S. company, has a right to seek justice, to seek compensation for what occurred. Yes, there are sanctions for those companies that bought illegally seized property and those sanctions are really somewhat severe. They deal with visa restrictions and a variety of other things. But for this to work, that is what we must do.

Again, I remind my colleagues that Castro is holding on by his fingernails in terms of his economy. He is using this expropriation and property thing even today. And for us not to pass this legislation is really effectively to support his regime. That is the effective result of failure to adopt this legislation would do.

Mr. Chairman, the message that it sends to Castro in particular is that he can seize property of Americans and get away with it. It is wrong. We need to adopt this legislation. We need to understand the specifics of it.

Mr. Chairman, I urge my colleagues to support the adoption of the legislation.

Mr. HAMILTON. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New York [Mr. RANGEL].

(Mr. RANGEL asked and was given permission to revise and extend his remarks.) VerDate 20-SEP-95 07:02 Sep 21, 1995 Jkt 099061 PO 0



Mr. RANGEL. Mr. Chairman, I welcome this opportunity to oppose this legislation. It shows that in this great country people can have the same goals, but that in these halls that we can debate the manner in which we hope to achieve it.

Mr. Chairman, after the last debate on the bill, one of my friends that took an opposite side on the rule said, "If you are really concerned about freedom in Cuba, if you are really concerned about getting rid of Castro, why do you not talk more about that?" So, Mr. Chairman, I elect to do it.

Mr. Chairman, I would like to say, "Hey, Mr. Castro it is all over for dictators. Communism has failed. Stop blaming America and stop blaming the embargo. Stop fooling the Cuban people in believing that it is the United States' embargo that has denied the Cuban people an opportunity to dream and to think that they can aspire to improve the quality of life."

"Stop telling the American people over here in New Jersey, and the people in Miami, to keep putting up this embargo so that you can stay there as long as you want. Yes, Mr. Castro, stop making it appear as though that it is the United States of America, and allow us in these halls of the United States Congress to be able to say that we think the way to get rid of this guy is to let some sunshine in."

Mr. Chairman, let us see what is happening in human rights. Is the way to show the violation in human rights in Cuba to have a handful of people in Cuba say we cannot go there? Give me a break. We are creating somebody out there. We are responsible for that dictator.

Mr. Chairman, if we want to get rid of him, open up the doors of trade. Let in students and doctors and artists. Let us exchange, show them that America is the showcase of democracy. Do not have this bum running around saying, "Americans in the United States Congress say we cannot sell you food, we cannot sell you medicine, we cannot allow your kids to come here. You cannot come to the United States of America."

What kind of country is the United States of America that we are going to be afraid of a handful of socialists, or whatever they call themselves over there?

This great republic can stand up against the Communists in all of what used to be the Soviet Union, and we are scared of a handful of people that Castro has got over there? We are out of our minds.

This great Nation can stand up against a billion Communist Chinese, run over there and spend their money, but we are scared of a handful of guys in uniform in Cuba?

This great Nation can go to North Vietnam and North Korea and have our businesspeople trade and have our students sing, laugh, trade information, and come back as Americans and not be afraid of them, but we are scared of death of this bum Castro?

Why not let America's voice be heard by what we sell best? We sell democracy. We sell contracts. We sell food. We sell medicine. We sell ideas. And we win at it.

Do you colleagues know why we win at it? Because that is why we got the North American Free-Trade Agreement. That is why we have got GATT. That is why the United States of America leads in trade. That is why we have got Ron Brown. That is why we have got the Department of Commerce. We are salesmen. We produce and the world buys.

But when my colleagues say "embargo," it means do not talk, do not send reporters, do not let people see, Hey, America has got a great country. Let us see it. Let us see what is going on in Cuba. Who are we to tell Americans that they cannot go to Cuba? That we cannot have protection in Cuba? Are we afraid of this little island country in the Caribbean? They must be selling something that we better take a good look at.

Let us stop saying that we are afraid of Castro. The only way to get freedom in Cuba is to act as though America has got so much of it, so proud of it, that we can go any place and everyone would say, "I want to be like you."

But if we cannot allow them to come and listen to our music, our poets, our educators; if we cannot listen to their scientists and their doctors; if we cannot prove to them that America has more to offer than this overweight, old bearded guy that runs around there in combat boots, what kind of republic are we?

Mr. Chairman, I challenge my friends on the other side, tell the people in Cuba that it is not the American people that are doing this to them. We want to send them our food, our medicine, and our scholars. I think this bill separates Americans from Cuba and it is an impediment to democracy in Cuba.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to say to the gentleman from New York [Mr. RANGEL], my learned colleague, we are not afraid of Fidel Castro. I do not know where the gentleman got that idea, that we are afraid of Fidel Castro. But we certainly are not afraid of Fidel Castro.

Mr. Chairman, what we are concerned about is what he has done to the Cuban people; what he has done to the American people who had investment down there, whose property was confiscated, that he took away and is now trying to sell for hard currency so he can survive.

We are concerned with people like Armando Valdarez, a patriot that stood up against Castro who spent 22 years in the Cuban gulag, was tortured, and has told all sorts of stories about what goes on down there. He wrote a book called, "Against All Hope." I read it on an airplane and started crying, because of

the atrocities perpetrated by Castro. People on the plane thought I was nuts, but the horrible things that he has done were so earth shaking to most people with heart that they say, "Some monster like that has to go." He continues that same policy today.

Mr. Chairman, he is not fit to rule. He rules by coercion. He rules by brute strength and power. That kind of thing we cannot tolerate. The gentleman from New York [Mr. RANGEL] says he is against embargo. The gentleman voted for the embargo on Haiti and for the embargo on South Africa. My colleague cannot have it both ways. The gentleman does not believe in this embargo.

Mr. Chairman, the fact of the matter is that the money that goes to Fidel Castro's regime for a hotel that is built down there for the employee, he equates the currency of Cuba with the dollar.

□ 2130

He says that they are equal in value. The actual fact of the matter is, it is a 70 to 81 differential. And he takes money from people that pay the salaries of Cubans who work in these hotels, let us say it is \$400 or \$500 a month, and he pays them back in pesos, which equates to \$3 to \$4 a month.

If we read what the American Institute For Free labor said in part, the growing number of partnerships between foreign investors and Cuban Government agencies has not improved a lot of workers or provided them with greater autonomy. Instead, the Cuban Government has used the exploitation of working people and the absence of free association as a lure to attract investors, often to the detriment of workers in neighboring countries.

The fact of the matter is, Castro believes in socialism or death. He does not care about the working people down there. Their plight has gone straight downhill since he took power. The only way it is going to change is for him to exit the scene, for him to exit the scene. The fact of the matter is, he was getting \$4 to \$6 billion a year from the old Soviet Union; he is not getting it anymore. The only time the embargo has started to work is in the last 2 to 3 years when the Cuban Democracy and Freedom Act sponsored by the gentleman from New Jersey [Mr. TORRICELLI] passed. That is when the embargo started to take hold and have teeth and work, and Castro has been on the ropes ever since.

He is scared to death. He had people in the Committee on Rules yesterday watching what went on, because he knows, if this bill passes, he is not going to be able to get the hard currency he needs to survive. His days are numbered, and we should not throw him a lifeline, we should throw him an anchor. And I submit to you, this bill is an anchor.

Mr. RANGEL. Mr. Chairman, will the gentleman yield? VerDate 20-SEP-95 07:02 Sep 21, 1995 Jkt 0

Mr. BURTON. I yield to the gentleman from New York for just a moment.

Mr. RANGEL. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, All I am saying is that I share the same feelings about this person who is a dictator, and I hope that that would be understood. I have more feeling that this country has more power than any Communist, whether they were in China, whether they are in the Soviet Union, wherever they are, I have confidence in my Government.

When the President of the United States says that this is not in our national interests, when our Secretary of State says this is not in our national interest, as an American, the gentleman from Indiana [Mr. BURTON] said, one President at a time, and that is my only point.

Mr. BURTON of Indiana. Mr. Chairman, reclaiming my time, I might just say that I believe we are going to find that the President may have a position and the Secretary of State may have a position, but I will submit that tomorrow probably 300 Members of this body will have a different position, because we studied the issue and we want that man out of power.

This is going to pass overwhelmingly, because the people of this hemisphere and the people of this country want freedom, democracy and human rights for the people who have suffered over 30 years in Cuba.

Mr. RANGEL. Mr. Chairman, if the gentleman would yield, this will never become law in this country, and the gentleman knows it. It is going to be vetoed and will not be overridden. The gentleman knows and I know that this is theatrics, and it will never become law.

Mr. BURTON of Indiana. Mr. Chairman, reclaiming my time, I will say that I do not believe that. I believe it will become law and we will just see.

Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. ZIMMER].

Mr. ZIMMER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of H.R. 927 and urge its passage.

The cold war was worth fighting. The cold war was worth the cost, and we won. But one of the last outposts of the evil empire still remains only 90 miles south of us, and we cannot forget that. Cuba is still Communist, Cuba is still totalitarian, and Fidel Castro still scorns the principles of freedom and democracy.

The men, women, and children of Cuba continue to suffer as a result of a tyrant who is utterly insensitive to the rights and the lives of his own people. Now, after 36 years, we are finally in a position to put an end to Castro's vicious regime. Now of all times is not the time to dither or to duck.

For the sake of democracy and for the sake of so many people whose lives have been torn asunder by a reprehensible

dictatorship, I urge my colleagues to support the Libertad Act.

Mr. HAMILTON. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from California [Mr. TORRES].

Mr. TORRES. Mr. Chairman, I am grateful to my colleague, Mr. HAMILTON, for this opportunity to explain why the passage of Mr. BURTON's legislation, would be, in my opinion, not only a grave policy mistake by this body, but, would set in motion actions which would deliberately inflict upon the Cuban people suffering and deprivation. At worst, this legislation is a cruel attempt by Members in both bodies—who are still fighting the cold war—to provoke civil disorder in Cuba. Today we need to send a wake-up call to those cold warriors in our midst—the cold war has ended. We won—remember.

What threat does the Government of Cuba present to the territory or people of the United States which would justify unleashing further pain and suffering and, I would warn, possible bloodshed, among the people of Cuba.

The United States is the only world superpower. Our military might dwarfs that of the combined armies and navies of Europe and certainly of the Americas. We maintain an armed, military presence, on the Island of Cuba—how many of you appreciate this reality.

This country maintains an armed, military base on Cuba's southern coast. The U.S. controls 45 square miles of southern Cuba, including a harbor, naval docking and ship repair facilities ordinance, supplies and administrative facilities—we even have two water distillation plants. This U.S. military base includes both a naval and an air station. Over all—the United States military has a base right inside of Cuba which is three-quarters the total land area of the District of Columbia. One of the stated military mission for our base in Cuba is to serve as beachhead in case the United States decides to invade the Island. It costs the American taxpayer over \$45 million a year to maintain this military base.

Now, it looks to me like the military threat is reversed—it appears to me that this island presents no military or strategic threat to the territory of the U.S. Why then are we considering legislation which appears to some to be designed to make economic and social conditions in Cuba so difficult for the average citizens, that these difficulties would create civic disorder, which would then provoke the Castro government to take measures against its population, which will result in increased violence and disorder on the island, which will be used as a pretext for United States military intervention.

At best, this legislation will have no effect upon the Cuban Government's hold on power, but will reveal to the international community the mindset of United States elected officials—who are so trapped, by old ways of thinking and by false pride, that they would act

against a foreign government which poses no threat or danger to the national security of the United States of America. Now, Cuba has always been a peculiarly emotional issue in United States foreign policy. Past United States interests with regard to Cuba were of a security nature and had more to do with Washington's global rivalry with Moscow than with Cuba itself. In the early sixties, United States officials maintained that it was not the socialist nature of Cuba's system which drove United States opposition rather it was our Government's concern with Cuba's interventionist foreign policy and its military ties to the former Soviet Union.

The Carter administration added to this list, its demands that Cuba demonstrate greater respect for human rights.

As recently as 5 years ago United States barriers to improved relationships with Cuba were still conditioned by Cuba's commitment to the export of armed revolution and its close military ties to the Soviet Union. For 33 years the primary United States policy initiative responding to our criticisms of Cuba's foreign policy has been to maintain an economic embargo against Cuba. In one form or another this United States economic embargo against Cuba has been the policy of the last nine United States Presidents.

Since H.R. 927 is designated to tighten the economic blockade against the Cuban people, it behooves those who would agree to such action to examine more closely the history of our current embargo and to know in detail the outcomes of tightening this economic noose which is around Cuba.

The Burton bill proposes to tighten this embargo and to reinforce sanctions against our allies to stop trading with Cuba.

I feel that we ought to be able to examine now whether this past embargo has furthered U.S. policy goals. In terms of the stated U.S. security concerns we observe the following: Cuban troops are out of Africa; Cuba is no longer supporting revolutionary movements; and its military ties to Russia are virtually nonexistent—and certainly, not a threat to the United States.

So, if the intent of our embargo was to guarantee certain U.S. security interests, and if these concerns have been met, why are we now proposing to tightened the effects of our 33-year-old embargo, and ironically, provide Fidel Castro with fresh reasons for showing how his nation's economic problems are not his fault? I would maintain that United States policy interests toward Cuba are no longer based upon United States security issues, but rather are attempts to effect internal changes in Cuba. If the United States is now seeking internal political and economic changes in Cuba, does the Burton bill serve these ends? Certainly, 33 years of economic embargo have not toppled the Castro regime; there has

been a renovation of the top political leadership; the government appears to have been able to impose severe economic restrictions because most Cubans, despite the hardships, have adjusted successfully; the state's security forces remain loyal and effective; compensation for United States property seized has not been reached; Cuba has not been isolated internationally; and the United States embargo—particularly the enactment of the Cuban Democracy Act of 1992, gave Cuban leaders a vehicle for mobilizing patriotic support to elicit the sacrifice necessary to make the economic adjustment. And, as I mentioned earlier, this act provided the Cuban Government with a target for blaming the United States Government as a cause of Cuba's many calamities. For a moment, let us suppose that the U.S. trade embargo were to be lifted tomorrow in its entirety.

What would be the effect on Cuba's economy in the short run? It is quite probable that not much would happen immediately to the Cuban economy: Cuba could not import more goods because it lacks the foreign exchange to pay for them. Cuba's principal product sugar, is over-supplied worldwide and is traded internationally at low prices in a residual market. The major impact of removing the embargo would be political: the Cuban government would be held responsible for the nation's economic problems. It seems to me that the United States' trade embargo policy is assisting the continuation of the Castro government—and the miseries of its people. I trust that others will speak to the suffering which has been visited on the Cuban people by our outdated trade embargo. I maintain that it is time for a new vision in United States policy toward Cuba.

As part of this "new vision" I would make the following suggestions: the Clinton administration should define United States interest in Cuba in simple and clear terms. Washington should consult with our democratic Latin American allies in shaping our own policy toward Cuba. Our policy should include the following elements:

To foster a respect for human rights and a transition to pluralized democracy;

To make clear that the United States has no intention of invading Cuba and to condemn violent actions by exile groups;

To facilitate the flow of international information into Cuba: This should include continuing the facilitation of telephone communications between our two countries; facilitate direct mail, cultural and academic exchanges, establish news bureaus, travel by United States citizens to Cuba;

In order to make credible United States claims that our objection is to Cuba's government, and not to hurt its people, the United States should indicate its readiness to remove aspect of the embargo if Cuba opens up its politics in specified ways.

In this way, the United States will signal its desire to respond to changes that the Cuban government chooses to adopt on its own; and

To remove all punitive measures from the Cuban Democracy Act which interfere with the normal exerciser of sovereign jurisdiction in other countries. Our economic relationships with Canada, Mexico and the European Community are of vital importance, and outweigh any remaining objectives the United States may have toward Cuba.

Furthermore, United States-Cuban policy provides a window of doubt for other governments to question United States ability to provide creative leadership in the post cold war world.

By adopting H.R. 927 the United States will violate international law and treaties, that we have signed, ratified, and promised to uphold. Furthermore, if adopted, this legislation would cause serious problems in our relations with our closest friends and trading partners. This bill would hurt U.S. business interests abroad. Our courts would become tied up with thousands of non-dismissable lawsuits, and, this bill will not advance democracy in Cuba.

This bill is a credit to bullies and dictators—not a democratic people, who are confident of their might and economic and political system. Indeed, this bill isolates the United States—provides ammunition to those who maintain that United States foreign policy is being made through campaign contributions, and that the United States has lost its belief in itself and in the inevitability of a peaceful transition to democracy in Cuba.

The Burton bill does not convey honor to this institution, nor to the American people. It is a mean spirited, vengeful, politically motivated measure which may in fact, itself, pose a danger to United States national interests in Cuba. For if this act is passed and if the misery and hardships which it is designed to create in Cuba, comes to pass then the prospects of prolonged violence could provoke mass migration and, even, United States military action.

This is the wrong bill, sending the wrong message, at the wrong time. Surely, a country which holds its democratic practices and traditions so high, would not stoop so low as to provoke economic and social hardships against innocent citizens of an independent republic.

Once again, old men and women with old ideas, are trying to force old, and bankrupt solutions. Why not trust the process of openness and of democracy. Let us reduce the hostility in United States-Cuban relations, let us encourage private markets the rule of law and independent organizations and let us promote pragmatic exchange between the United States and the Government of Cuba.

I urge you to return this outdated and poorly constructed bill to the dust bin of history. In name of integrity and honor, I urge the defeat of this bad bill.

Mr. BURTON of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. GOSS], my good friend and colleague.

(Mr. GOSS asked and was given permission to revise and extend his remarks.)

Mr. GOSS. Mr. Chairman, I rise in support of H.R. 927, legislation that refocuses attention on the root of the problem in Cuba—Fidel Castro. His willingness to use his people as a leverage point, by deliberately manufacturing refugee crises, has been his greatest weapon. He has done a much better job of using this weapon than we have using ours—the embargo. But today Fidel Castro's regime is struggling to collect the hard currency it needs to survive. H.R. 927 ups the economic pressure on Castro by cutting off the currency supply line, in particular by sanctioning foreign investors willfully trafficking in the confiscated property of American citizens. The bill goes further to address some of gaps left by the 1992 Cuban Democracy Act regarding U.S. policy for the transition period after Fidel Castro's departure and before democratic elections. It is time for America to stand its ground and it is time for Castro to go—only then will we be able to re-embrace the closest of our hemispheric neighbors. I look forward to that. And that is what H.R. 927 is about. I urge my colleagues to join me in supporting it.

Mr. TORRICELLI. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey [Mr. MENENDEZ], one of the architects of this legislation, and one of the most important voices in this Congress on Cuban-American affairs.

(Mr. MENENDEZ asked and was given permission to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I came with prepared remarks, but let me just say, I understand the fire of this institution. I understand debate, but I do not understand the comments of some of my colleagues. I would wonder how my colleague, the gentleman from New York [Mr. SERRANO] or the gentleman from California [Mr. TORRES] who spoke before would feel if he heard, as we heard from one of our colleagues from Florida, that there are too many Cubans, you have to shut it down.

That is a hell of a statement. I appreciate the gentleman's kind words towards me, but that does not wipe that statement clean.

They have come to this country and contributed, they have worked hard, they have played by the rules, they have helped build up cities, and they have suffered. I do not understand that comment.

I do not understand the comments of the gentleman from Colorado [Mr. SKAGGS] about the special narrow interest groups. Over 300 Members of this House voted for the rule, over 72 Democratic Members, nearly one-third of the

Democratic Caucus voted for a rule. Is that a narrow interest?

Why is it that when we talk about Cuban Americans it is a narrow interest? Was NAFTA a narrow interest for Mexican-Americans? Was the issue of Israel a narrow interest for those who are Americans of Jewish descent? No, we accept that.

I keep hearing that we violate NAFTA and GATT. This bill does not have anything to do with that. It did maybe with the sugar provisions. Those are out. Where is NAFTA and GATT involved here? I know that is an intent to lure the free traders away, but that is not in here.

I heard the gentleman from Virginia [Mr. MORAN], a colleague, upset me again. He paints with a broad brush. He said, the people who are about this, who support this are about elitism and greed. Well, I will have the gentleman know that my family was poor in Cuba and it was poor when it came to the United States. No one in my family graduated from college until I went to school here in the United States, and I resent those remarks.

The gentleman may have a divergence of view on policy, but the gentleman has no right to paint a group of people in such a manner, no right.

I listened to the gentleman from New York [Mr. RANGEL] who I respect at least in the context that he finally called Fidel Castro what he is, a dictator, which too many people who come here make believe that the United States are the bad guys. What about the dictatorship?

The one thing I have that none of the people who have spoken here, except for my colleagues, the gentleman from Florida [Mr. DIAZ-BALART] and the gentlewoman from Florida (Ms. ROSLEHTINEN) have, is family in Cuba. Everybody else talks about it abstractly. Everybody else talks about it in the context that we are creating suffering and oppression of people in Cuba.

The only person who is doing that is Fidel Castro. And I say that as someone who has family there. No one else who spoke before, other than the people I have mentioned, can say that. And they still suffer. But they do not suffer because of what I do in the United States Congress. They suffer because of a person that has chosen a course of action that keeps them oppressed, not only from political liberties, but from economic reforms that would make their lives better.

□ 2145

I rarely talk about my family in these debates because I do not need them to suffer any more as a result of what I do here in this House, but my efforts are not to hurt my family. They are to try to liberate them, and I am upset to hear, upset to hear that what we seek is pain and bloodshed. The only blood that can be spilt in Cuba is the arms of Fidel Castro. He has the guns, he has the army, he has the security forces, and only he can turn those arms against the people of Cuba.

Mr. Chairman, let's talk about him. I understand differences in opinions as to how we proceed, but I do not accept the comments of some of my colleagues who say that there are too many Cubans here, that is why we have got to shut down the door. I do not accept the comments of some of my colleagues who call this a narrow interest of view when we have such a wide range of support. I do not accept those comments.

Mr. Chairman, I start with a very basic premise. It has always been, and I believe always will be, in the national interest of the United States to promote a change to peaceful and ultimately democratic change in Cuba. It is in our national interest. I speak as an American when I say it is in our national interest because Cuba has the third largest army in the entire Western Hemisphere under the command of a dictatorship. It is in our national interest because Castro seeks to finish a nuclear power plant 90 miles away from the United States of a Chernobyl type. We do not need another Chernobyl 90 miles away from the United States. It is in our national interest because Castro continues to violate the human rights of his people through political repression, incarceration, and yes, firing squads, and it is this political repression and the lack of economic reform that causes Cubans to flee their homeland that my colleague from Florida so much cares about and seek refuge in the United States.

Mr. Chairman, opponents of this bill would have us believe that it is the United States that is the villain, not Castro. And yet, we all agree that it is Castro who denies his people the right to free and democratic elections. It is Castro who permits the continuation of human rights abuses, and it is Castro who could end the suffering of the Cuban people tomorrow if he chose to.

Mr. Chairman, yesterday during the debate in the Committee on Rules, one member suggested that by ignoring Castro, we have heard that on the floor today, perhaps it would resolve itself, that perhaps absent U.S. attention, Castro would change his ways.

Mr. Chairman, Fidel Castro could change this instant. He can call elections today. He could allow alternative political parties to form today. He could release Cuba's political prisoners today. He could make substantive economic and market reforms that would help the Cuban people. Forget about anybody else. Help the Cuban people put more food on Cuban tables. Fidel Castro could make this bill irrelevant today, but instead, he chooses tyranny as his form of government, a choice he could easily reverse.

Mr. Chairman, with this in mind, nearly two years ago I suggested that we develop a proactive policy towards the Cuban people, that we prepare today for a change in Cuba tomorrow, that we combine our principled and firm opposition to Cuba's oppressors with a beacon of light to the Cuban

people to say clearly to them, we are in solidarity with you, we want to help you, but we do not want to assist those who deprive you of your basic rights.

So I introduced with broad bipartisan support the Free and Independent Cuba Assistance Act, which is incorporated under Title II. It is not about pain and bloodshed. It is about assisting the Cuban people, sending out a blueprint from the United States of assistance to a government in transition, and ultimately, a government that is democratically elected, and it says to the Cuban people, here is how we want to help, and for the first time in foreign policy, it is proactive.

Finally, the second part of the bill really deals with the right of American citizens and the right of American companies to be able to sue in our courts for their confiscated properties illegally confiscated in Cuba. If my colleagues want to stand up for American citizens, if my colleagues want to stand up for American companies simply to have a right to go to court and sue some foreign company that wants to buy those properties that were illegally confiscated from Cuba, my colleagues will support this bill. No matter how much hocus-pocus we have here, no matter how much clouding of the issue we want to make it, that is the basic line. Help the people in Cuba, blueprint for a transition, the ability to sue so that they can therefore make sure that their confiscated properties do not become the illegal fruits of Fidel Castro.

Mr. HAMILTON. Mr. Chairman, I yield 6 minutes to the gentleman from New York [Mr. SERRANO].

(Mr. SERRANO asked and was given permission to revise and extend his remarks.)

Mr. SERRANO. Mr. Chairman, let me first preface my comments by saying that the beauty of democracy is the ability to disagree. For me, the pain of democracy tonight is to have to disagree with colleagues of mine from the Cuban-American community who have a special emotional involvement in this issue.

I come tonight not only as a person who was born an American citizen, but with a special feeling in my heart for having been born in an American city in the island of Puerto Rico, for those two islands, Cuba and Puerto Rico, hold historical and cultural bonds that some people in this body may just not understand. If the people in Cuba hurt, then I hurt, and I wonder how much of their pain is caused by us, not by their leadership.

So I think it is important for us to be honest with ourselves, at least in private if we do not say it out loud. This is not about democracy. It cannot be about democracy. Our country at this moment in its foreign policy statements has no moral grounds to say that this issue is about democracy, not when we are dealing with China and Vietnam and with Korea and with other countries, not when we see elections in the Caribbean, democratic

elections that are very questionable in terms of how they were conducted and we look the other way.

Mr. Chairman, what this is about, in my opinion, is, in fact, a response to a well organized lobby in two parts of our country, in Florida and in New Jersey, which has taken their emotions and their ability to lobby well and made a lot of people feel that this is the kind of legislation we need. As much as I oppose the law of the gentleman from New Jersey [Mr. TORRICELLI], we could say there is this law already on the books, why do we need this, as the gentleman from New Jersey [Mr. TORRICELLI] said tonight, admitting that his law does not work. I have done that in the past. It is not an easy thing to admit.

What this is about is a group of people in this country, Members of Congress, who kneejerk immediately to the thought of getting to this quote, unquote, last communist left. How do we do it? By squeezing the Cuban people. If we squeeze them to a point where they are hungry on the streets, they will rise up against their government.

Mr. Chairman, I am not a scholar in world history, but I do not remember the last revolution led by hungry people. I do not remember the last revolution led and put together by people who cannot feed their family. It is usually the middle class and the upper class that leads these revolutions.

What do we do? We lie. We lie to ourselves because we say that the Cuban people support the embargo. Let me see if I get this straight. A mother in Cuba who does not know where she is going to feed and how she is going to feed her children tomorrow calls her sister in Miami. Her sister interrupts her dinner, pushes aside a plate of white rice or black beans, fried plantains, and a Coca-Cola, not to mention a little pork or beef and says, "Yes, what do you want, my dear?" She says, "Listen, I don't know how I am going to feed my children tomorrow, but I want you to support the embargo so I can get this guy off my back."

Are mothers in Cuba different from mothers throughout the world? Would a mother do that to her children? Give me a break. It is people here who support the embargo because the embargo will bring about a crisis in Cuba eventually they hope which will allow them to move in and play a role in a new Cuba, for if we lift the embargo and negotiate with the Cuban Government, there will be a transition because Cuba already is on a road that will never turn away from where it is going now.

Mr. Chairman, do we know what will happen? The new Cuban Government will be composed of people who live in Cuba now, and that is bad news for people who want to go back to Cuba, not to visit relatives, but to run the government.

Let me say what I think is happening here and this is what I am afraid of. We in our profession like to make the

predications and be right. I make this predication and I pray to God that I am wrong. We will squeeze the Cuban people more and there will be a crisis in Cuba, and it will become an immigration crisis for us, and that is when we really react negatively toward Cubans because we do not want any more Cubans in this country. We are anti-immigrants all of a sudden. So we will have to blockage Cuba and someone will fire a shot somewhere and we will be there the way we always know how to be with troops.

Mr. Chairman, the lawsuits allowing people who were not citizens at the time that their property was dealt with to now sue, the whole idea of telling a CEO from a foreign corporation, if you are dealing in Cuba with these properties, your children and you, your relatives, cannot enter this country, not even for a kidney transplant, what the heck are we talking about here?

Mr. Chairman, there are children in Cuba tonight who are on the road to more suffering. Can we be proud of that? Can we be proud of that? I started to say where I came from. A great poet once wrote that Cuba and Puerto Rico are of one bird; it is two wings. Both hurt in different ways. One is a colony and one with much pain. I would like it to end. It can end if we get off this machismo trip we are on, stop our obsession with one individual and deal with the Cuban people for the human beings they are.

Mr. Chairman, I rise in opposition to H.R. 927, the Cuban Liberty and Democratic Solidarity Act. This is an extreme bill that continues and strengthens diplomatic policies that have never been successful, and introduces troubling new policies that will adversely affect U.S. businesses, the court system in the United States, damage our relations with our closest allies, and, most important, increase the suffering of the Cuban people.

The existing Cuban embargo has not resulted in any change in Cuba's Government. The imposition of even stricter sanctions against Cuba would only exacerbate the already critical economic situation in Cuba and cause even more hardship to the real victims of this embargo, the Cuban people.

Cuba does not pose a threat to our democratic government, and the United States Government should not pursue the policy, contained in this legislation, which would serve to further increase Cuba's isolation. We should instead have the courage to develop and expand a constructive relationship with Cuba.

The existing Cuban embargo and current United States policy toward Cuba does not have the support of the world community. This support is vital for a successful foreign policy. H.R. 927 would even further damage our relationships with our allies, and violate the North American Free-Trade Agreement.

Passage of this legislation would have a very negative impact on the court system in the United States. This bill would allow any United States citizen, or any company organized under United States law, whose property was expropriated by the Cuban Government, to sue Cuba or any foreign business that is using the property today. The result will probably be the filing of thousands—maybe even

hundreds of thousands—of lawsuits in U.S. courts. If the estimate of \$4,500 in administrative costs per case (as provided by the Administrative Office of the U.S. Courts) is correct, the resulting cost to the U.S. court system and the taxpayers of the United States is tremendous.

Finally, the current trade embargo is already harming businesses in the United States. American businesses are banned from doing business in Cuba, and this has meant that European and Latin American investors are able to enjoy new business opportunities without any competition from United States business interests.

It is ironic that countries well known for their human rights violations are our trade partners. We have opened the doors of commerce with Vietnam and North Korea, and yet we continue to follow a policy that has no moral grounds and damages the national interests of the United States with respect to Cuba. I would urge my colleagues to vote against H.R. 927, a bill that moves U.S. foreign policy even further in the wrong direction. We should instead take the first steps in the path of bringing economic recovery to our neighbor, and building a productive and peaceful relationship.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, first of all, let me just say, we are the largest donor of food to the people of Cuba. I hope my colleague will hear that. We do not prohibit food or humanitarian assistance to go to Cuba. It is going down there every day. In fact, the gentleman from Florida [Mr. DIAZ-BALART] has helped organize getting food into Cuba so that lady we are talking about whose child is going to be starving and all that sort of thing will not be as a result of the people of the United States because we are the largest donor of food in Cuba.

It was also said that there might be somebody who would have a child who would need a kidney transplant who could not come to this country because we would not allow them to have a visa because their parents were trafficking in confiscated U.S. property. That is untrue because there is a presidential waiver provision in this bill. The Secretary of State and our embassies can waive that provision for any humanitarian purpose. They can do it on a case-by-case basis.

Mr. Chairman, those two arguments are like a sieve. They do not hold water.

Mr. Chairman, I yield 3 minutes to the gentleman from South Carolina [Mr. SANFORD].

Mr. SANFORD. Mr. Chairman, I rise tonight in support of this act. I think that we have heard a lot of discussion tonight, different opinions on, for instance, what is in the strategic best interest of our country and I think we would all agree that having a totalitarian regime with the third largest Army in the Western Hemisphere 90 miles from our coast is not a good idea.

Mr. Chairman, we have talked about what is it that will lead toward peaceful transition, away from Castro, and toward a democratically elected government. We have had discussion on

what is it that will actually end Castro's control, his lock-neck control of Cuba, a control so tight that Amnesty International has rated him on the top of the charts in terms of nonhumanitarian work toward other humans, but I would like to suggest that in all these different options that we have heard tonight, maybe the real answer that is never suggested on the floor of the House is that maybe we do not know. Maybe we do not know.

I had the good fortune of actually visiting with refugees with the gentleman from Indiana [Mr. BURTON] and others 5 months ago, and in that visit we had conversations with refugees who said the way to solve the Castro problem is not by sending more tourists that will lead to replenishment of his bank accounts, not by sending him more plant and equipment which will lead toward greater industry, which will replenish his bank accounts, not by allowing him to sell off pieces of the island of Cuba which will lead toward him being able to replenish his bank accounts.

□ 2200

Instead, the only way that you solve the Castro problem is by tightening the noose.

These were people who had risked their lives and left behind all possessions that they owned for one simple thought, and that is the idea of freedom. Yet these were the people saying it is my cousin, my aunt, my uncle who will be the one hurt the worst as you tighten the noose, but do it because it is the only way to solve the problem.

With that, I would simply like to say that if the people most affected by the decision that we are contemplating say this is the way to solve the problem, then maybe in this case they are the ones that know the answer.

Mr. TORRICELLI. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, there has been a lot of heartfelt discussion, debate tonight, and I do not think that either side should question anybody's motives. Let me just say that I supported the embargo against apartheid, racist South Africa. I support the embargo against the Serbian regime. I support the embargo against Saddam Hussein in Iraq, an embargo in Iran, and I support the embargo against Castro's Cuba because I think that embargoes have been and can be effective tools in bringing down governments.

Castro has been in power a long, long time. Here it is 35 years later. He shows no signs of change, no signs of instituting political pluralism, no signs of instituting democracy. Why would we want to prop up an aging dictator in his waning years? I am opposed to dictatorships. Frankly, I do not care if they are right-wing or left-wing. If they do not give people the ability to express themselves politically, if they

do not have a free-market economy, if they do not have a semblance of political pluralism, I do not want to apologize for them.

This bill attempts to deny Castro foreign capital. Is it a perfect bill? I have not seen any perfect legislation in the 7 years that I have been here, but it is an attempt to deny him the capital to help bring down his regime. Will it work? Time will tell. But I think this country ought to be on the side of trying to bring down his regime. I think this bill takes a step in that direction.

Here it is 1995. Castro brings people to the island and he shows them around and tells people how wonderful it is. But the fact of the matter is he is dealing much the same way he dealt throughout the 1960's and 1970's and 1980's. At a time when other countries have thrown off the yoke of oppression, Castro still has a noose around his people's neck.

Some people will argue that the American embargo has not worked all these years, so why would a tighter, more difficult embargo work now? The fact is that for years Castro had the Soviet Union prop him up and infuse capital into his country. The Soviet Union is gone now. There is no one to prop him up anymore. He is exposed for the world to see, and he is hurting.

I think that is what makes the difference. I think that is what will lead to the toppling of his regime. I think this act is something that ought to be voted upon. I think that Castro has to go. Why does he not just go and let his people have democracy and then there would be no need for this kind of bill? He will not do it because he cares about his regime. He cares about outdated ideas. The poor Cuban people have to suffer as a result.

I think we should have a bipartisan vote for this bill, and I support it.

Mr. HAMILTON. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Texas [Mr. BRYANT].

(Mr. BRYANT of Texas asked and was given permission to revise and extend his remarks.)

Mr. BRYANT of Texas. Mr. Chairman, I do not think there is a finer group of Members of this House than those who are in the room tonight and I include in that our adversaries in this debate.

I am opposed to this bill. I do think it is fair, however, for me to respond to a couple of things that have been said by the gentleman from New Jersey [Mr. MENENDEZ], the gentleman from Indiana [Mr. BURTON] and perhaps others, along the lines of the fact that somehow those of us that believe this bill is a mistake are trying to assert that somehow the United States has been the villain. No one has said that and no one believes that. We all are here to try to achieve the same purpose. Nor does anyone want to prop up any dictator anywhere. And I think in your hearts you know that is the case.

What we are saying is that perhaps the United States has followed the

wrong policy for a very long time and that perhaps those of you who, in a heartfelt and sincere way, advocate this bill and have advocated other politics, frankly, which I have voted for in the past, perhaps are blinded by your deep-seated feelings to the fact that the policy which you have advocated has simply not worked.

The question tonight is whether we are going to act in the interest of the people of the United States, in the interest of this Nation as a whole, or whether we are going to continue to ignore common sense and history and the wisdom of the entire rest of the world that opposes this bill and our policy, and pass a bill that at bottom caters to the deep-seated sentiments of some of the people in our country and to the political dynamics of South Florida and New Jersey.

That is really what the question tonight is. It was not legislation like this that freed the people of the Soviet Union and Eastern Europe, nor was it an embargo that freed them. It was, rather, the inability of those governments to isolate their people from the cultural, commercial and political influences of the West. They could not close it out.

Yet what do they bring to us tonight? A bill which would further isolate the Cuban people from the political and economic culture of our country and the rest of the hemisphere and the rest of the world, exposure to which would hasten the end of tyranny in Cuba.

It makes no sense. It denies logic. It defies history. We have tried it your way for 30 years. What happened? Seeking to help people who were fleeing tyranny, we invited all Cubans who could get out to come to the United States and thereby drain the country of all of its natural opposition to the government that is there today.

Those people that have come here have been wonderful citizens, more productive than the average citizen. They have made great Members of Congress. We must recognize the fact that we have drained the island of its opposition.

What else did we do? We helped Castro convince its people that we were the villains, not his form of government, as ridiculous as that is, but he has managed to make the case. Why? Because we are the only nation in the entire world that pursues a policy like this toward Cuba, nobody else.

The gentleman from Indiana [Mr. BURTON], talked about South Africa, and I heard somebody mention the other embargoes that we have carried out in the past. We did that with the help of all the rest of the world. We have no help in this policy. The entire world is calling us and saying do not pass this legislation that is on the floor tonight. In spite of the failure of this policy, tonight you ask us to make our policy even more restrictive, to ignore the President, ignore the Secretary of State, ignore pleas from all the world's government and take another step in

the wrong direction, the same direction we have been going without any success for 30 years.

This bill, simply put, is an orgy of illogical zealotry and individual political ambition all coming up at the same time. Who is going to pay for it? The kids in Cuba that would like to get a regular meal three times a day and cannot, the creative people there that would like to be somehow involved in our culture, to be more exposed to it, the budding entrepreneurs, and they are budding there if you read any of the authoritative reports, that would like to be involved in commerce with us. Having been made more prosperous, as the gentleman from New York, [Mr. SERRANO] said, would therefore be more influential and more able to speak for freedom and justice and openness in Cuba.

I urge the Members of the house to reject this backward step, to recognize where we have been, where we have made mistakes and not go even further in the wrong direction. Tonight is an opportunity to say no to a narrow interest and to speak for the American people.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself such time as I may consume. Let me just say, briefly, Mr. Chairman, the embargo that everybody has been alluding to has been in place since the Cuban Democracy Act was passed several years ago by an overwhelming majority of this House. This does not have anything to do with the embargo. What this does is it puts pressure on people who traffic in confiscated U.S. property by denying them visas, No. 1, and by providing a cause of action in U.S. courts for restitution if they buy confiscated U.S. property or traffic in it. That is what this does. So when I keep hearing my colleagues keep talking about this being an expansion of the embargo, all we are doing is saying that people who had their property confiscated have a right, a cause of action, and that people who deal in confiscated property should not be allowed to make a profit by coming to the United States.

Mr. Chairman, I include for the RECORD the following articles from the Herald of September 20, 1995:

The articles referred to are as follows:

VIEWPOINTS ON UNITED STATES-CUBA RELATIONS—FIND A COMMON GROUND

The following is excerpted from a July letter to President Clinton from Oscar Arias, the Nobel Peace Prize laureate and former president of Costa Rica:

On June 26 I had the privilege of hearing your words at the commemoration of the 50th anniversary of the United Nations Charter in San Francisco. I congratulate you for your inspiring message. It is satisfying to hear the president of the most powerful nation in the world remind us that the signatories of the U.N. Charter thought that "merely punishing the enemy was self-defeating."

Encouraged by your words and actions, I write to discuss a topic that directly concerns all inhabitants of our continent: the relationship between the United States and Cuba. My immediate concern is the Cuban

Liberty and Democratic Solidarity Act (Helms-Burton bill), which openly contradicts the principles so eloquently expressed in your speech in San Francisco.

I fervently hope that Congress will not pass such pernicious legislation. But, as unfortunate as that would be, I am confident that you will veto this bill.

This hope does not mean that I approve of the restrictions of liberty or the violations of human rights practiced by Fidel Castro's regime. Indeed, I have long been an outspoken critic of that regime. However, if "merely punishing the enemy is self-defeating," to punish the people who are victims of this enemy is abominable.

There is no longer any moral or ideological justification for the U.S. embargo. The United States and Cuba should set pride aside. Both nations should look not to the past but toward the horizons of the future. The stronger of the two sides, the one with the least to lose by opening up, would gain greater moral strength through such a tremendous act of political courage.

The embargo has served the Cuban government as an excuse for its own political and economic failures. The Helms-Burton bill would strengthen the hands of Marxist hardliners in Cuba. Rather than promoting dialogue and encouraging change, strengthening the embargo will only freeze the United States and Cuba into fixed political positions, devoid of openness.

You have said that "normalization and increased contact between Americans and Vietnamese will advance the cause of freedom in Vietnam just as it did in Eastern Europe and the former Soviet Union. The same principle applies to Cuba. And if the United States makes clear that it would not resort to any form of economic or military sanctions against Cuba, the international community will, without a doubt exert even stronger pressure upon Castro to initiate an opening of democracy on the island. I would personally work hard to achieve that.

Mr. President, I ask you to begin negotiating a new era of U.S.-Cuban relations. Only then can democracy begin to glimmer as a possibility in Cuba. Cuban leaders have already expressed their readiness to enter into immediate negotiation over common problems, such as immigration. Why not consider whether this is true? Why not consider the possibility of successively opening topics such as the fight against drug trafficking, the protection of the environment, the problem of human rights violations, and above all, the political and economic transition of Cuban government and society?

LET US BEGIN ANEW

I invite you, then, Mr. President, to recall the words of President John F. Kennedy, in his inaugural speech of 1961: "So let us begin anew—remembering on both sides that civility is not a sign of weakness, and sincerity is always subject of proof. Let us never negotiate out of fear. But let us never fear to negotiate."

I am sure, Mr. President, that every effort you make to alleviate the tensions between the United States and Cuba, to ease the sufferings of the Cuban people, and to create the necessary conditions for a nonviolent transition toward democracy will be appreciated by present and future generations.

By ending the U.S. isolation of Cuba, you would gain the warm support and appreciation of every Latin American government. As you said in San Francisco: "Let us say No to isolation." You have put aside bitterness and resentment toward Vietnam in order to move beyond a painful past. In the same spirit of that grand gesture the community of nations calls upon you to seek a common ground with the Cuban people.

TIGHTEN THE EMBARGO

(U.S. Rep. Dan Burton, R-Ill., is chairman of the House Foreign Affairs Committee's Western Hemisphere Subcommittee and House author of the Cuban Liberty and Democratic Solidarity Act of 1995.)

Today the House will debate the Cuban Liberty and Democratic Solidarity Act of 1995, also known as the Burton-Helms Bill. This bill will be an effective tool for promoting freedom and democracy in Cuba. It will be of great benefit not only to the people of Cuba but to the entire hemisphere.

After 36 years of dictatorial rule Fidel Castro shows absolutely no sign of having learned the lessons of history or of having changed at all. His motto is still: "Socialism or Death!" He is a megalomaniac who views himself as inseparable from Cuba's destiny. His legacy is a sorry one indeed. Before Castro's 1959 revolution, Cuba was, per capita, one of the wealthiest countries in Latin America. Today it is one of the poorest, a testimony to communism's abject failure.

The Castro strategy for achieving longevity is simple: Cling to power at all cost, and do whatever it takes to attract foreign currency. His regime has developed one of the world's most brutal, repressive, and efficient control systems. It seems capable of keeping him in control for now.

Nonetheless, as economic conditions continue to deteriorate, Castro is becoming increasingly desperate for foreign currency. Thus the Cuban regime is now encouraging massive foreign investment for the first time. Property and businesses, many confiscated in the early 1960s from American citizens, are being sold at bargain prices to Mexicans, Canadians, and Europeans.

Some pundits contend that massive investment, including and especially from the United States, is the way to bring about reform in Cuba. They point to Eastern Europe and say that an infusion of Western capital and influence in Cuba will be too much for Castro to withstand.

This argument is false. Castro is determined to control tightly any foreign investment in Cuba. The proof is in Cuba's tourist industry. Hotels and resorts are off limits to the Cuban people. Workers are approved and paid by the government. The foreign currency benefits the Castro regime, not the Cuban people.

The Burton-Helms Bill is a very important vehicle for advancing U.S. interests in Cuba:

It reaffirms the long-standing bipartisan U.S. policy toward Castro, including the embargo.

It expands and internationalizes the embargo.

It would penalize international financial institutions for extending credit to the Castro regime.

It sets up a program to assist a transitional government in Cuba moving toward democracy.

It allows U.S. citizens who owned property confiscated in Cuba to sue for damages any foreigners who buy or use the property. This will have a chilling effect on unscrupulous individuals or corporations who may be contemplating such a move. We also would like to see a reduction in foreign investment in Cuba, investment that only helps to perpetuate the Castro dictatorship.

WHY CASTRO OPPOSES BURTON-HELMS BILL

The Burton-Helms Bill will send a clear message to Castro, the international community, and most important, the Cuban people. By passing our bill, we will let Castro know that we are serious about pressing him to allow his people to choose their own destiny. We will also be communicating to our allies and to other countries who seek American cooperation that Cuba is a matter of the utmost priority for U.S. policy. VerDate 20-SEP-95 07:02 Sep 21,



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Since the Burton-Helms Bill was introduced earlier this year, the Castro regime has been busy distorting its intent and potential effect. Cuba's state-controlled media are attempting to scare the Cuban people into believing that our bill is inimical to their interests. Last spring I visited Guantanamo Bay and met there with many of the thousands of Cubans who escaped from Castro last year. They were unanimous in encouraging us to forge ahead.

We have reason to believe that the Cuban people are aware of our legislation and that the vast majority support its passage. It is precisely for the well-being and democratic future of the people of Cuba that we are determined to see to it that our bill becomes law. The Cuban people deserve it, and the American people should support it.

Mr. Chairman, I reserve the balance of my time.

Mr. TORRICELLI. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from New Jersey [Mr. TORRICELLI] has 13½ minutes remaining.

Mr. TORRICELLI. Mr. Chairman, we are told tonight that Cuba represents no threat to the United States. She possesses few arms and perhaps no missiles. On the contrary, Mr. Chairman. Cuba represents a threat to things as old as this Nation itself, a threat to human freedom, the right to speak, to worship, to seek the consent of the governed.

We are told, Mr. Chairman, that the cold war is over, so indeed we have no conflict with Castro's Cuba. On the contrary, Mr. Chairman, America's fight for human decency, for the rights of the individual began 200 years before the cold war and will outlive the last memory of the Soviet Union.

Mr. Chairman, all we do in this Nation is not defined by the cold war. We did not fight apartheid in South Africa because of a cold war. We do not stand up to Libyan terrorism because of the cold war. We stand up for racial justice, for peace, for the consent of the governed because of who we are. We are told that America may stand alone in standing up to Castro's Cuba.

Mr. Chairman, America has never stood in better company. The French may seek their profits, the Canadians may want their investments. After the last hotel has been built, the last child of Cuba has been sent onto the streets of Havana to prostitute herself, the United States will be talking about freedom and elections and human rights if we are the last people on earth who will do it.

Three years ago in a proud moment in this institution, in the proudest moment of my career in this Congress, on a bipartisan basis, we passed the Cuban Democracy Act. Built on the experience of the embargo against South Africa and Haiti, Rhodesia, North Korea, we decided to take a stand that we would not have American corporations profit off the misery of the Cuban people, that we would take a moral stand to demand elections for the Cuban people.

It was the use of a legitimate and historic tool of international diplomacy, the most effective alternative to military confrontation, the economic embargo. Two hundred years old, and effective in every generation. This has been no exception.

Fidel Castro responded to the Cuban Democracy Act by taking confiscated property, stolen from American citizens and corporations and the Cuban people themselves, and selling it on the world market to buy time for his dictatorship. That is the problem before this House tonight, not the embargo.

That judgment was made 3 years ago. The very fact that Fidel Castro has had to respond by confiscating and selling property is the real proof of how effective the embargo was 36 months ago. But the practical problem before the Members of this institution is that Fidel Castro has taken the property of your constituents, our citizens, stolen it, and is selling it on the world market.

Now, I ask the Members, as representatives of the American people, what is it we intend to do about it? What is it we are going to do? Is this the right of a foreign Nation, to take our property and then sell it wholesale? We have never allowed that to happen before. Is that some special privilege we will give to the Cuban government?

The bill of the gentleman from Indiana [Mr. BURTON] is an answer to the question. We will give the right to sue in an American court to a citizen who has lost their property, not because they should not have the right legitimately, appropriately, to take that suit to a Cuban court. That is the real answer, that is the right answer, but Castro will not let them in the court. If he would, we would not be here tonight. So if Members oppose the answer of the gentleman from Indiana [Mr. BURTON], the real question is, they have no answer.

Then there is the ultimate practical question of them all. No matter what side of this debate they are on tonight, Members know this: We all agree Fidel Castro's days are numbered. The end of the dictatorship is coming.

What are we to do when it happens? Are Members all prepared to vote the taxpayers' money to compensate American citizens who have had their property stolen? Is that what is to happen? This is to become the burden of the American taxpayer?

The better answer is that of the gentleman from Indiana [Mr. BURTON]. Stop the confiscation and the sales now. Do not let the sales take place at all.

He achieves this by a very practical answer. Mexican, Canadian, British companies, they have a choice. They can profit by the theft of American corporate and personal property. They may make a few dollars, but they will not visit or do business in the United States. They must make their choice.

Is that fair? How would Members feel as an American citizen if they saw an advertisement for the products of a company that was theirs, that was stolen, and the product is being sold? How would they like to walk down the streets of New York and see a visiting Mexican businessman, visiting our country as our guest, and he is living in their house, operating their business?

This is not against the Cuban people themselves. We have exempted out personal residences. No Cuban family will lose their home or their farmland or their means of support.

It is against international corporations that would profit by the loss of our constituents.

Mr. Chairman, this bill is an answer, I believe in my heart, maybe the last answer. We are in the final stages of a confrontation that has lasted more than a generation. Fidel Castro cannot escape. He cannot survive unless we allow him to.

The answers to the real questions that were here tonight are not in our hands. The embargo can end. It can end tomorrow. One man can end it: Fidel Castro. Under our law, under the Cuban Democracy Act, it ends the day he declares a free and fair election. The power is in his hands, but only if we make him use it.

If he thinks there is division in this hall, disagreement in this Government, he will never face that ultimate choice. Make him face that day, to call that election.

My colleagues, tomorrow Democrats and Republicans, liberals and conservatives, north and south, can send an unmistakable message to every student in Cuba who wants to take to the street to demand freedom but is afraid, to every political prisoner who lives in the shadows of a Cuban jail and wants hope, to every patriot in Cuba who longs to take a stand, that they are not alone, that we are with them. The moment is coming and this Nation, which has stood for so many free people in so many struggles in so many lands, stands with them now.

I urge my colleagues to support the gentleman from Indiana [Mr. BURTON] tomorrow, not by a narrow margin, by an overwhelming margin, not with doubt but with enormous resolve, that we will in our time end this dictatorship and for the first time in the 400-year history of the founding of this continent see free governments in every land, in every Nation, in all the Americas.

That, my friends, is the judgment. I congratulate the gentleman from Indiana [Mr. BURTON] on his legislation. It is my great pride to be part of crafting this bill. I urge my colleagues to vote affirmatively tomorrow.

Mr. HAMILTON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California [Mr. FARR].

Mr. FARR. Mr. Chairman, I rise today in opposition to this, I think, misguided bill. VerDate 20-SEP-95 07:02 Sep 21, 1995 Jkt 099

Mr. Chairman, the cold war is over. The Soviet Union is gone. Cuba is no longer a threat to our Nation's security. Yet the supporters of this bill would seek to keep us fighting a cold war battle.

Mr. Chairman, we already maintain a comprehensive trade and travel embargo on Cuba. What have been the effects of this embargo? It has caused 10 million people of Cuba to suffer from critical shortages of food and medicine. It has kept United States businesses shut out of expanding investment opportunities in Cuba while other countries take advantage of it. It has not led to any major changes in the leadership of Cuba. This bill would change none of that. But what H.R. 927 would do is try to force other countries to keep from trading with Cuba as well. Not only is this a violation of trade law but it also risks our good relations with some of our most important trading partners, including Canada, England, Italy, and Mexico.

I ask my colleagues, is it worth hurting our own economy and running the risk of an international trade war just to make Cubans suffer a little more?

Mr. Chairman, I just do not see the need for a bill which puts burdens on our own economic future to fight a war that ended years ago. Even supporters of the current embargo agree, this bill is the wrong way to bring about political change. Do not be afraid of our human potential and our ability to prevail by example, not by ridiculous avoidance. Let us begin the leadership we are capable of. Vote against this bill.

Mr. HAMILTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think we have had an excellent debate tonight. I want to say that I think we choose tomorrow between 2 very different philosophies in promoting change in Cuba.

One philosophy is represented by this bill. It is that if you make conditions in Cuba significantly worse, you will prompt the Cuban people to rise up against their government. I want to say that I respect deeply the motivation and the intent of those who favor this bill. They are very good and very honorable Members of this institution. They make their arguments with total sincerity and with obvious skill.

The competing philosophy is that governments can be toppled peacefully by exposure to the free flow of ideas and the benefits of the free markets.

There is no difference among us in this Chamber that Castro must go. All of the denunciations of Castro that we have heard tonight are correct. We all agree that Cuba will and must make the difficult transition to democracy and free markets, and that is the American national interest here, that that occur. The question is how to bring about that change without jeopardizing U.S. national interests.

I believe that the choice is very clear. A policy of engagement, of con-

tact, of exchange, of dialogue with the Cuban people offers in my view the best hope for peaceful change. That is the policy, after all, that was successful in eastern Europe and helped to bring about the end of the Cold War. A policy of engagement means showing a new generation of Cubans how to make their world different. It means engaging the Cuban people and that that increases the chances that a transition to democracy and free markets will be peaceful.

I think the policy of isolation is a fair riskier course. The theory is the greater the pressure, the greater the likelihood of Castro's overthrow. But what happens when the lid blows? The policy of isolation increases the risks of violent explosion in Cuba. It increases the risk of a massive exodus of refugees, and it increases the risk of possible U.S. military intervention.

I reject a policy based on isolation and hardship for the Cuban people. I reject a policy that pins its hope for change in Cuba on the promotion of unrest and violence.

We have had a lot of debate here tonight, but I do not know that we have described what is in this bill. Let me try to do that briefly and I hope fairly.

First, it tightens the embargo on Cuba. It urges the President to apply existing sanctions against any country assisting Cuba. It requires the United States representative to vote against any loan for Cuba in the international financial institutions, such as the World Bank and the IMF.

Second, for those who lost property in Cuba, this legislation creates a special and an unprecedented right to sue in U.S. courts. The purpose of that provision is to discourage any foreign investment in Cuba.

Third, this law imposes new visa restrictions. It requires the Secretary of State to exclude from the United States any person who has had even a remote connection to property confiscated by the Castro regime, whether they are aware of the connection or not.

Finally, the most constructive portion of this bill as reported out of the committee, an assistance program to promote democracy in a post-Castro Cuba, has been eliminated.

□ 2230

Now the bill says Congress will consider an aid plan, once Castro is gone. But it also sets conditions that are so stringent that it is unlikely an aid program would ever be approved in time to make a difference.

I think the bill damages U.S. interests in 3 ways: First, by increasing Cuba's isolation and hardship, this bill harms U.S. security. The bill states that the acts of the Castro government are a threat to international peace. That is not the assessment of the National Security Council.

What is the threat today? Castro is not exporting revolution. He has no Army, Navy or Air Force that can

threaten the United States. According to General Sheehan, and he is the Commander-in-Chief of the Atlantic Command, the threat to the United States from Cuba today is from refugees.

Mr. Chairman, if we make conditions in Cuba more desperate, we increase the chances of another mass exodus of refugees to the United States. If we make conditions in Cuba more desperate, we risk prolonged violence and U.S. military intervention. Chaos in Cuba could mean young Americans and young Cubans meeting either other at gun point.

Second, this bill puts further isolation of Cuba above any other U.S. Government foreign policy goal. No other government in the world agrees with the stated policy of this bill, and without the support of other governments, that policy cannot succeed. In the course of increasing Cuba's isolation and seeking to force other countries to go along, this bill will damage our relations with our closest allies, friends, and trading partnerships in Europe, Japan, Canada, and Mexico.

This bill does violate NAFTA. NAFTA guarantees the free movement of business travelers throughout North America. This bill undermines world leadership at the World Bank and IMF by forcing the United States to withhold funds and dictating how the United States will vote.

Third, this bill creates an administrative and legal nightmare for the United States Government. The bill establishes an unenforceable standard for the exclusion of aliens. Every consular officer in the world will have to ask every visa applicant, "Do you own property once confiscated in Cuba?" Consular officers will be asked to make visa decisions in the absence of reliable information about property transactions in Cuba.

This bill will not ensure that property claims in Cuba are resolved fairly. There is an established procedure in place to handle expropriated property claims. It is called the Foreign Claims Settlement Commission, and it works. It worked in Vietnam, it worked in Iran, and when the United States has a Cuba with which it can negotiate, it will work there as well.

The claims commission examines the universe of possible claims and the universe of resources available for resolving those claims. This bill sets up an entirely new way of handling these disputes. It sends everyone to court. And keep in mind that a court looks only at the plaintiff and the defendant immediately before it. Under this bill, the only people with a chance of being helped are those who can afford to get to the courthouse first, or stay the longest.

Mr. Chairman, this bill makes it more difficult for the United States to negotiate a claims settlement with a transition government in Cuba. It makes it more difficult for the United States to look out for the interests of

all Americans with property claims in Cuba.

I believe also that this bill is a litigation magnet. It invites anyone who has had property confiscated in Cuba over the past 30 years, whether a U.S. citizen or not, to incorporate and then to file a lawsuit in U.S. Federal courts.

Just this past winter when the House considered items from the Contract With America, it sought to limit the proliferation of lawsuits in this country. Now we are talking about mandating that Federal courts allow an entirely new, unprecedented right of action.

Having huge numbers of this kind of lawsuit pending will have a chilling effect on economic recovery when a transition in Cuba is underway. No one will invest in property for which there is no clear title. There will not be enough money available to resolve these lawsuits.

What impresses any observer of current relations between the United States and Cuba is that the two governments are at an impasse. They are dug in and neither is prepared to move.

Mr. Chairman, I do not expect any meaningful change from Castro. He continues to blame all of Cuba's problems on the embargo. He uses the embargo to justify repression, which we have had spelled out for us very well tonight, and to justify his resistance to change. But change is happening today all around Castro; change that he did not want, change that he cannot stop, and more change than at any time since he took power.

The beginnings of economic reform, forced by the end of the Soviet subsidies, has given a small but growing number of Cubans economic independence for the first time in 36 years. Mr. Chairman, 200,000 Cubans today are self-employed in restaurants, barbarshops, repair shops and other services. Small farmers and agricultural cooperatives are selling produce at market prices. Dollars are circulating legally.

The Catholic church is playing a larger role today in Cuban life. Small groups of Cuban citizens are gathering to discuss life after Castro. Signs of change in Cuba, modest changes to be sure, but they are beginning everywhere.

Mr. Chairman, the United States Government ought to be flexible and creative enough to respond to these changes, these signs of change in Cuba. We should have enough confidence in our Democratic values to take the initiative to cultivate and reinforce the process of change in Cuba.

Mr. Chairman, a key lever of U.S. policy should be the embargo of Cuba. I do not favor unilateral action to lift the embargo, but our willingness to ease the embargo, step by step in response to change in Cuba, is a powerful tool to foster and accelerate further change in the direction of reform.

We have another tools to foster change in Cuba. First, we can use that

Cuban Democracy Act, sponsored by the gentleman from New Jersey [Mr. TORRICELLI], which I supported. Its provisions are designed to promote increased contact between the citizens of the United States and Cuba, including the free flow of information and the establishment of U.S. news bureaus in Cuba.

Second, we can spell out an assistance program to help bring about a transition in Cuba. We should authorize food, medicine, energy assistance for Cuba, and the same types of assistance we are providing to Eastern Europe and the former Soviet Union.

Insofar as I am concerned, I would advocate additional steps. The August 1994 limitations on remittances to Cuba were a step in the wrong direction. They should be lifted. The U.S. should promote, not curtail, people-to-people contacts between the United States and Cuban citizens by ending the travel ban. The United States should clear the way for the commercial sale of food and medicines in Cuba to help alleviate human suffering.

Mr. Chairman, I believe the issues in this debate are clear-cut. This bill increases the isolation of Cuba. I believe that is the wrong policy. The most important Republican foreign policy figure of his generation, President Richard Nixon, reached the same conclusion shortly before his death. He said, among other things, "It is time to shift to central focus of our policies from hurting Cuba's government to helping its people."

"Our best service," he writes, "to the Cuban people now, would be to build pressure from within by actively stimulating Cuba's contacts with the free world. What has worked in China now has the best chance of working in Cuba."

Still quoting him, "This means we should drop the economic embargo and open the way to trade, investment, and economic interaction, while insisting that ideas and information be allowed to flow as freely as goods."

I agree with former President Nixon. But he was not alone. Others opposed to further isolating Cuba include former Secretary of State Eagleburger, former National Security Advisor Brzezinski, William F. Buckley, Jr., and the editorial page of the Wall Street Journal. They also include Havana's Catholic bishops.

Mr. Chairman, I understand those who hate Castro. He has committed terrible acts over 36 years against the Cuban people. We all agree in this Chamber that Castro must go; the sooner the better. But we should not base our foreign policy on hatred of Castro. We should base our policy on what is best for the United States and what is best for the Cuban people. I think a policy based on punishing the Cuban people is not in the best interests of the United States.

Mr. Chairman, a policy of isolating Cuba over the past 36 years has failed to protect and promote United States

interests in Cuba. Increasing that isolation and hardship, as this bill surely does, will only further harm the Cuban people and the American national interests. I think we should choose a different course. We should choose to engage the Cuban people in order to increase the chances for a peaceful transition to a democracy and a market economy.

Mr. Chairman, I also want to quote briefly from the letter from the Secretary of State. He recommends in a letter addressed to the Speaker, September 20, that the President veto the bill if it passes the Congress in its current form.

With respect to title II he says, "We believe that H.R. 927 would actually damage prospects for a peaceful transition." And I am quoting his letter:

We have consistently objected to the overly rigid list of more than a dozen "requirements" for determining when a transition or a Democratic government is in power. These inflexible standards for responding to what may be a rapidly evolving situation could leave the United States on the sidelines during a transition.

Quoting again, " \* \* \* the legislation fails to signal to the Cuban people that the United States is prepared to assist them once the inevitable to democracy in Cuba begins." The Secretary of State also says, with regard to the conditions in the bill, that they create a rigid conditioning of assistance that can have far-reaching consequences and may interfere with our ability to advance the national interests.

With respect to title III, he makes the argument, and I quote him, that is the title relating to property claims:

While we are firmly committed to seeking the resolution of U.S. property claims by a future Cuban government, the right created by the bill to sue in U.S. courts persons who buy or invest in expropriated U.S. properties in Cuba is a misguided attempt to address this problem. Encumbering property in Cuba with litigation in U.S. courts is likely to impede our own efforts to negotiate a successful resolution of U.S.-citizen claims.

Mr. Chairman, he goes on to say, "This stance would be hard to defend under international law." With respect to title III, he says that:

Title III will ultimately prove harmful to U.S. business. First, it sets a precedent that, if followed by other country, would increase litigation risks for U.S. companies abroad. Second, it will create a barrier to participation by U.S. businesses in the Cuban market once the transition to democracy begins.

He concludes on title III and says, " \* \* \* the bill erects an enormous legal hurdle to participation by U.S. businesses in the rebuilding of a free and independent Cuba."

With respect to title IV, the Secretary concludes that it, " \* \* \* will create enormous frictions with our allies and be both burdensome and difficult to administer." That is the title with respect to the visas.

Therefore, I urge my colleagues to defeat this bill when we vote tomorrow.

Mr. Chairman, I yield back the balance of my time. VerDate 20-SEP-95 07:02 Sep 21, 1995 Jkt 0

Mr. BURTON of Indiana. Mr. Chairman, I want to thank the gentleman from New Jersey [Mr. MENENDEZ], the gentleman from New Jersey [Mr. TORRICELLI], the gentlewoman from Florida [Ms. ROS-LEHTINEN], the gentleman from New Jersey [Mr. SMITH], the gentleman from Florida [Mr. DEUTSCH], the gentleman from New York [Mr. ENGEL], and especially, I thank the gentleman from New York [Mr. GILMAN], the chairman of the committee, for their very hard work in crafting a bill that I think will ultimately lead to the demise of the Castro regime in Cuba.

Mr. Chairman, I yield the balance of my time to the gentleman from Florida [Mr. DIAZ-BALART].

□ 2245

Mr. DIAZ-BALART. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I wish to speak to a number of issues that have been brought out in the last minutes. A whole gamut of arguments have been leveled, have been produced to try to defeat this legislation.

Earlier in the evening we heard some simpler arguments. The distinguished ranking member of the Committee on International Relations has just, in his typically eloquent way, gone into depth, espousing the position of the Clinton administration that I know he shares with regard to this legislation, and I think he has done so very effectively.

There are a number of points that I think need to be rebutted that the distinguished gentleman brought out, because I take issue with them, and I think that it is important to attempt to set the record straight. I will be brief in attempting to do so.

For example, he stated that the bill would permit people to incorporate a legal entity, and then, based on the cause of action being created by this legislation, go into court and try to sue traffickers of American property. That is not correct. The American citizen, individual, or legal entity, would have to exist before the enactment, be a person, before the enactment of this legislation in order to take advantage of the cause of action.

Other things were stated, for example, with regard to the Foreign Claims Settlement Commission, which I think I need to make reference to, because again I take issue with what was said. The argument was made that this legislation in some way would hamper or interfere with the process of certified claims under the Foreign Claims Settlement Commission. That is not the case. That process remains untouched. Only those certified claims by the Foreign Claims Settlement Commission need to be represented by the U.S. Government.

The new cause of action created by this legislation will be private with regard to nonresidential property in Cuba, and will lie solely against the

traffickers in stolen United States property, and will end upon the occurrence of free and fair elections in Cuba.

Now, the arguments that were made earlier, quite frankly, Mr. Chairman, were more difficult to remain calm upon hearing them, because some of them I think were very unfair. But, in a democracy, one respects all points of view, even the most differing points of view. I think it is important to the democratic process that debate be able to take place respectfully.

Again, we heard, even after the gentleman from New Jersey [Mr. MENENDEZ] spoke, the allegation that a somehow narrow interest has to do with this legislation, a narrow interest because Cuban-Americans support this legislation, despite the fact that we see speaking just a few minutes ago the gentleman from South Carolina [Mr. SANFORD], despite the fact that the sponsor, the gentleman [Mr. BURTON], is from Indiana. It is the narrow interest of Cuban-Americans.

So, as my dear colleague and friend, the gentleman from New Jersey [Mr. MENENDEZ] said, we do not hear that on this floor when Americans of Jewish descent or heritage speak about their very passionately held views on the Middle East, or when Irish-Americans speak about American policy with regard to Northern Ireland. We do not hear about that being a narrow interest.

But even after the gentleman from New Jersey [Mr. MENENDEZ] spoke, we again heard that here. But again, Mr. Chairman, we have learned not to take those points, those assertions personally, and, rather, try to stick to the legislation in this instance. We put up with and listen respectfully to statements, misstatements that are made or allegations that are unfair. We do so conscious of the fact that it is a privilege to serve in this body and to represent almost 600,000 constituents, and at the same time to dream of and fight for the freedom of 11 million people who, for 37 years, have been bound and gagged by a tyrant who refuses to grant them that elemental right to self-determination, which can only be exercised through free and fair elections.

We think and we pray for the oppressed people of Cuba, and we work for the day that they can be free, conscious, when we come here and we listen to unfair accusations, that when we compare that, the discomfort that unfair accusations can cause. When we compare that to, for example, what it means when the gentleman from Indiana [Mr. BURTON] and the gentlewoman from Florida [Ms. ROS-LEHTINEN] earlier made reference to this letter that we received today from, I believe it is 47 or 49 leaders of the dissident movement from within Cuba supporting this legislation, when we compare discomfort that may be caused to us by unfair allegations with what it means for these people and their families to, on the record, send us this letter on this

debate, obviously, with the full knowledge and expectation that this letter will be used in this debate to help let the American people know about what the feelings of the oppressed Cuban people are. They know very well that the Cuban tyrant personally is watching this debate.

They know that he has representatives here in the gallery watching this debate. Those poor petrified souls, they are probably more scared of the tyrant than anyone can conceive of, because they head of the intersection here was just fired because he was not able to prevent this legislation from coming to the floor, despite the express orders of the tyrant and the Clinton administration. And I say this with all respect.

All of the arguments that we have heard them advance are prompted very simply by one reality. They were threatened by Castro in the summer of 1994 with an immigration crisis. Castro felt that President Clinton would respond to the blackmail by sitting down at the negotiation table, and he was correct. Then when he saw that the party that I am honored to belong to won the elections in 1994, and he saw that we filed this legislation, and he saw that the possibility existed, despite the feeling of outrage expressed by our colleague, the gentleman from New York [Mr. RANGEL], that it will never become law, when the tyrant of Cuba sees that he has to fire his intersection chief and that this very well may become law, he again threatened the Clinton administration.

He said, you must veto this, or that immigration agreement that we sat down and negotiated, where I promised to become in effect a collaborator, Castro said of the United States, in holding back refugees because of the anti-immigrant feeling now in the United States. Oh, Castro said to Clinton, now again, if you do not stop this bill, I will abrogate the agreement and unleash, once again, immigration blackmail.

A little history, Mr. Chairman, I think would be helpful at this time with regard to democratic transitions. I wanted to say, by the way, in wrapping up that concept that I have hope that the President of the United States will reconsider this position and that this letter that was sent to us today by the Secretary of State will tell Mr. Castro that the superpower is the United States, and that moribund dictatorship is the Castro regime.

I am confident that the President will reconsider his position and do with the letter sent to us by Mr. Christopher today what I think is required of him, which is to reject that advice, and reject the blackmail and the threats of the Cuban tyrant.

I am confident that the President of the United States, really that any President of the United States representing the great people of this Nation, the only superpower remaining in the world, will reconsider and tell the Cuban tyrant what he has to be told. VerDate 20-SEP-95

Now, as I stated, a little history with regard to democratic transitions would be helpful at this point, I think, Mr. Chairman. In every case where there has been a transition from a dictatorship in the last 40 years in the world to a democracy, it has been because, and I want to, if I may, speak separately about the Soviet Empire, because we have heard tonight that the Soviet Empire collapsed because of engagement.

I happen to believe that the Soviet Empire, as I think the gentleman from Indiana [Mr. BURTON] mentioned before, collapsed when two factors came into being. First, the dictator that happened to take power in the Soviet Union in 1985 thought that he could make communism effective and efficient, and came up with a concept of glasnost and perestroika, in other words, that communism somehow, with some sort of human face, in other words, that he could be a dictator, a Communist dictator without killing.

When we combine that with having run into Ronald Reagan, this Strategic Defense Initiative, and the fact that the Soviet Union tried to match the United States and remain a military superpower, the Soviet Union exploded like a balloon full of hot air. So that is with regard to the Soviet Empire. But let us look at the other democratic transitions.

The Dominican Republic, after 32 years, the dictator Trujillo was assassinated. The Organization of America States had imposed sanctions and was in the process of expelling the Dominican Republic. The new regime, faced with the international sanctions, let the exiled opposition movement return, the Dominican Revolutionary Party, and agreed to hold elections in 1962 in Spain. There the dictator was not assassinated, but his hand-picked successor was, and then he died of natural causes in 1975.

I lived in Spain in my high school years. I recall the isolationism that Franco was subjected to. At the beginning of his regime he was actually expelled from the United Nations. All Ambassadors were withdrawn, and he was never admitted back into the European Community. And to the very end of his days, Franco had to, even with foreign investments coming in, had to live with the reality of absolute diplomatic exclusion and by charter, the European Community, which was then called the Common Market, stated that only representative democracies would be admitted into that organization.

What happened? The dictator physically disappeared. The regime agreed to legalize political activity and to hold elections.

The Greece of the colonels in the 1960s and 1970s, again excluded from the mechanism of the European Community, and nobody would have dreamt to advocate constructive engagement or letting the Greece of the colonels back into the incipient European Community organizations.

The South Africa of the apartheid regime, this Congress and the world community imposed international sanctions, and we saw that there, voluntarily, the dictatorship agreed to hold free and fair elections.

The chief of Chile, Pinochet, the world community again continued to condemn time after time and isolate the regime. Could it have been conceived of that Pinochet would have been invited to any conference of Latin American leaders?

□ 2300

That any Latin American or European or any other leaders would have invited him to the table to sit down and be treated by like a democratically elected President? No. That dictatorship voluntarily, like the South African dictatorship, agreed to a change.

Mr. Chairman, where have there not been democratic transitions, where constructive engagement has not been accompanied by even political sanctions? China and Vietnam that we hear about all the time. The advocates of engagement, who coincidentally happen to be those who led the fight for sanctions in South Africa, led the fight for sanctions in Haiti, led the fight for sanctions against Chile, but with regard to Castro's Cuba are seeking so-called engagement.

Mr. Chairman, the gentleman from Indiana [Mr. HAMILTON] said that policy is working in China. What I see working in China is that Mao Tse Tung died and the communist dictators are still in power and there is no pressure for a democratic transition because if you get all the investment and you don't get any of the political sanctions or economic sanctions, you can be there, call yourself what you want to call yourself. Franco called himself a Falangist. The Chinese fascist thugs still call themselves, I believe they still call themselves Marxist-Leninists. They are thugs, they are dictators. They demonstrated in Tiananmen Square just a few years ago. So that is a little history that I think is important to realize.

Mr. Chairman, the Cuban people are bound and gagged. The Cuban people, as the gentleman from South Carolina [Mr. SANFORD] said when we went with the gentleman from Indiana [Mr. BURTON], the gentlewoman from Florida [Ms. ROS-LEHTINEN], and the gentleman from New Jersey [Mr. MENENDEZ], when we went to meet with the democratically elected representatives of the Cuban people who had arrived weeks before at Guantanamo, 30,000 of them were there and they had elected their leaders, one of the few elections, the only election that had taken place on Cuban soil in many, many years, they told us, as the gentleman from South Carolina [Mr. SANFORD] said, why can you not get the Spaniards and the rest of the Europeans and the Mexicans to stop trading and join in international sanctions?

Well, we may not be able to get them to show any ethics in the United Na-

tions. I think, by the way, and this bill calls for, the President to seek an international embargo at the U.N. Security Council. The administration comes back and says, "Well, even our unilateral embargo gets condemned." I had to hold my laughter when members of the National Security Council gave me that argument. I said, please do not tell me that when Mr. Aristide, in custody of the Secret Service in his Georgetown exile, votes to condemn American policy, that you are using much advocacy or really trying to convince Mr. Aristide not to condemn American policy in the General Assembly, and they could not answer it. Do not tell me that when you cannot get Mr. Balaguer of the Dominican Republic or the President of Guatemala or the President of Honduras to vote with the United States in the United Nations General Assembly that you are using a lot of political capital or advocacy. That is a farce.

Mr. Chairman, I think that every year the administration picks two or three countries not to condemn or embargo. That is my personal belief, no proof of it. But I think we could convince Guatemala and Honduras not to condemn us. I truly believe so, that our State Department could do that.

So the Cuban people, bound and gagged, for 37 years disarmed, one of the first things that Castro did was say when he arrived in Havana, the issue of racism was brought up, some people referred to him at that time as the great white hope. Another issue for discussion perhaps another day. He said, armas por que, arms for what? The people who had arms turned them over before they realized what kind of a totalitarian system this man was going to institute. They are unarmed, they are bound and gagged, they want the right to free elections. When we hear our colleagues say that we all support free elections, what are we willing to do about it?

What the American people are willing to do about it, number one, is tell our business community that they cannot trade and profit from the oppression of Castro, and now we are telling the international business community that if they want to go in there and purchase the property that used to belong to American citizens, nonresidential, Castro continues to lie about that, that then they will have consequences in this market.

The practical effect: Choose. Cooperate with the more abundant dictatorship or have access to the American market.

I think the American people are going to be proud of this bill. It is in the best traditions of the American people. The American people are the only people that helped the Cuban people in the 19th century after a hundred years of struggle when the Cubans were fighting against Spanish colonialism and the American people were proud of that chapter in American history. VerDate 20-SEP-95 0

They are going to be proud of the fact that the Cuban people, when they get over this nightmare, they will be able to look in the eye each and every American citizen and say that you and each and every American citizen will be proud of the fact that their representatives followed a policy throughout this era that can make them proud. And that stands with the Cuban people, and on the issue of Cuba, the only people we have to be worried about standing with are the Cuban people.

Mrs. THURMAN. Mr. Chairman, Mr. Chairman, I rise in strong support of H.R. 927, a bill that will hasten the restoration of freedom to the people of Cuba.

The collapse of the Soviet Union ended the subsidies and trade benefits that have propped up Castro's regime. The end of these subsidies has highlighted Castro's inability to provide even basic necessities for the Cuban people.

In comparable circumstances in Eastern Europe, the United States sought political reform first and then expanded trade and eventually provided foreign assistance. Similarly, a policy of political and economic reform would provide the Cuban people an opportunity to regain the freedom they deserve.

Expanding commercial activity before real reforms occur, however, simply gives Castro an opportunity to obtain hard currency while continuing his policies of violating human rights and denying Cubans their personal liberties.

Mr. Chairman, Cuba is a unique case in American foreign policy. Policies that have worked in other parts of the world are not applicable in Cuba. Arguments that may have sounded proper when applied elsewhere ring hollow in Cuba.

As long as Castro rules Cuba, Florida will face the continued threat of massive illegal immigration. And Castro will rule as long as he receives hard currency that enables him to pay his minions. And Castro will continue to receive this money until we toughen our policies against those quick buck companies that are lining their pockets at the expense of the Cuban people.

I believe that this legislation will continue pressure on Castro while assuring the Cuban people that the United States will support a truly democratic Cuba in the future. Make no mistake about it—only a democratic Cuba that guarantees true freedom for all Cubans will remove from the people of my state the threat of more massive boatlifts of Cubans.

Mr. MARTINI. Mr. Chairman, I rise in strong support of H.R. 927 and congratulate Representatives ROS-LEHTINEN and DIAZ-BALART for their work on it.

I am convinced that each day that passes brings us one day closer to a free and democratic Cuba.

Such an isolated, repressive, and authoritarian regime cannot last much longer without its former patron, the Soviet Union.

Here in the United States and indeed in this House we witness every day the strong-willed determination that characterizes the Cuban people.

Such a people will not tolerate Castro's brutal and cowardly oppression if they see an opportunity to overthrow it.

In its place they will institute a democratic society grounded in an economy that respects

private property and a political system that encourages freedom of thought.

This rebellion is inevitable, but the quicker we can weaken Castro's regime, the quicker the Cuban people can throw off his yoke.

To coddle this dictator, to deal with him and in so doing tacitly endorse his regime, would only prolong his rule and bring more misery to the Cuban people.

Tighten the noose around Castro's neck.

Support H.R. 927.

Mr. SMITH of New Jersey. Mr. Chairman, I rise in support of H.R. 927, the Cuban Liberty and Democratic Solidarity Act.

Cuba is one of the few countries in the world in which the struggle against totalitarianism has not yet been won. Because of the proximity of Cuba to the United States and the historically close relationship between the peoples of our two nations, it is especially important that this victory come sooner rather than later.

In evaluating all proposed legislation, administrative action, and diplomatic initiatives with respect to Cuba, it is important to keep several principles in mind:

First, such actions must be calculated to emphasize the status of the Castro government as a rogue regime with whom the civilized nations of the world should have no dealings. The 1994 and 1995 Clinton-Castro immigration agreements, which represent the clearest manifestations of the Clinton Administration's policy toward the Castro regime, fail this test miserably. They have enhanced Castro's international prestige as well as his domestic power. Now we hear that some within the Administration would like to give this brutal regime an even longer lease on life by making further diplomatic overtures. The Cuban Liberty and Democratic Solidarity Act of 1995 would restrict the ability of this administration or any other administration to make such a mistake.

Second, our actions must be calculated to hurt the Castro government, not the Cuban people. Again, the 1994 anti-refugee agreement was a terrible mistake. It gave the Castro government just what it wanted: an end to the longstanding United States policy to accepting people who escape from Cuba. The agreement specified that Castro was to use "mainly persuasive methods" to keep people from fleeing Cuba. The United States thereby accepted moral responsibility for whatever forms of persuasion he should choose to employ. The harsh conditions now being imposed on the refugees in Guantanamo—especially the requirement that they can only apply for refugee or legal immigrant status if they first return to Castro's Cuba—are another victory for the Castro government.

An economic embargo presents more complicated moral and practical problems. There is no question that an embargo imposes short-term economic hardship on innocent people. It is therefore justifiable only if it is genuinely calculated to bring a speedy end to the regime that is the real source of their suffering. An embargo is far more likely to have this effect if it is respected by as many nations as possible. Again, the Cuban Liberty and Democratic Solidarity Act would help, by denying certain benefits to non-U.S. entities that evade the embargo.

Finally, we should make it clear that Cuba will receive a warm welcome back into the family of free and democratic nations. The

provisions of the Cuban Liberty and Democracy Act that provide for transitional support of a free democratic government during the immediate post-Castro period will help to send this message.

Mr. Chairman, it is important that we remember just what kind of regime we are dealing with. I hope that my colleagues, in casting their votes on H.R. 927, will bear in mind that the Castro regime is the No. 1 violator of human rights in our hemisphere.

According to the State Department's Country Reports on Human Rights Practices for 1994, "Cuba is a totalitarian state controlled by President Fidel Castro," who "exercises control over all aspects of Cuban life \* \* \*." According to the Country Reports, among the more serious human rights violations by the Castro regime during 1994 were the following:

The authorities were responsible for the extrajudicial killing of dozens of people.

In two separate incidents, government vessels rammed and sank boats used by citizens to flee the country \* \* \*. [O]n July 13, government vessels fired high-pressure water hoses at the tugboat Trece de Marzo \* \* \*. They then rammed and sank the boat. \* \* \* Approximately 40 [people], including children, drowned.

[T]he Government continued to employ "acts of repudiation," which are attacks by mobs organized by the Government but portrayed as spontaneous public rebukes, against dissident activity.

The Government also metes out exceptionally harsh prison sentences to democracy and human rights advocates whom it considers a threat to its control.

[P]olice and prison officials often used beatings, neglect, isolation, and other abuse against detainees and prisoners convicted of political crimes (including human rights advocates) or those who persisted in expressing their views.

Gloria Bravo, a member of the Association of Mothers for Dignity, had scars on her neck, chest, and arms from deep gouges made by long fingernails and welts on her back from a whipping.

In September Minister of Higher Education Fernando Vecino Alegret affirmed that commitment to the revolution, including a willingness to defend the revolution in the streets, was a condition for admission to the university.

Citizens have no legal right to change their government or to advocate change.

The Government does not allow criticism of the revolution or its leaders.

\* \* \* The Communist Party controls all media as a means to indoctrinate the public.

[R]eligious persecution continues.

The Government has ignored calls for democratic reform and labeled activists who proposed them "worms" and traitors.

The decision on whether to embrace or isolate the Castro regime raises the question of what role human rights and basic decency are to play in our foreign policy. For American values and for the freedom of the Cuban people, please vote yes on H.R. 927.

The CHAIRMAN. All time for general debate has expired.

Mr. BURTON of Indiana. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. KIM) having assumed the chair, Mr. DUNCAN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having

had under consideration the bill (H.R. 927) to seek international sanctions against the Castro government in Cuba, to plan for support of a transition government leading to a democratically elected government in Cuba, and for other purposes, had come to no resolution thereon.

COMMUNICATION FROM THE HONORABLE JIM KOLBE, MEMBER OF CONGRESS

The Speaker pro tempore laid before the House the following communication from the Honorable JIM KOLBE, Member of Congress:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, September 19, 1995.  
Hon. NEWT GINGRICH,  
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that my office has been served with a subpoena for testimony and the production of documents by the Justice Court of the State of Arizona, in and for the County of Pima in connection with a civil case.

After consultation with the General Counsel, I have determined that compliance is consistent with the privileges of the House.

Sincerely,

JIM KOLBE,  
Member of Congress.

□ 2310

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. KIM). Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members are recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah [Mr. HANSEN] is recognized for 5 minutes.

[Mr. HANSEN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. BONIOR] is recognized for 5 minutes.

[Mr. BONIOR addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 5 minutes.

[Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut [Mr. GEJDENSON] is recognized for 5 minutes.

[Mr. GEJDENSON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. BARR] is recognized for 5 minutes.

[Mr. BARR addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. MILLER] is recognized for 5 minutes.

[Mr. MILLER of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

[Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii [Mr. ABERCROMBIE] is recognized for 5 minutes.

[Mr. ABERCROMBIE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. FARR] is recognized for 5 minutes.

[Mr. FARR of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. VENTO] is recognized for 5 minutes.

[Mr. VENTO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

[Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 5 minutes.

[Mr. OWENS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

G.V. MONTGOMERY COMMENDATION FOR COL. JAMES MATTHEW JONES JR.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, today I wish to congratulate Col. James Matthew Jones, Jr. who will retire from the Army in September. Colonel Jones faithfully served his country with the Army over the last 32 years and due to his outstanding effort and ability, deserves recognition at this time.

Colonel Jones enlisted in the U.S. Army on October 17, 1963. After completing basic training at Fort Gordon, GA, and advanced training at Fort Jackson, SC, he was assigned to Korea with the First Cavalry Division. He completed this tour of duty in May 1965 and was assigned to Fort Story, VA, prior to going to Officer Candidate School [OCS] at Fort Benning, GA, in March 1966. He was commissioned a second lieutenant of infantry on 22 September 1966 and assigned to Fort Polk, LA, where he served as a company executive officer and company commander. In July 1967 he was assigned to Vietnam with the 1st Battalion, 327th Infantry (Airborne), 1st Brigade, 101st Airborne Division, where he served as Rifle platoon leader, company executive officer and company commander. During this tour, he was wounded in action, but refused to be evacuated. He was, however, awarded the Purple Heart.

In August 1968, first lieutenant Jones returned to the States where he was promoted to captain and assigned to Fort Benning, GA, and the Infantry Officer Advanced Course. He returned to Vietnam and the 1st Battalion, 12th Cavalry, 1st Cavalry Division, where he served as a company commander and Battalion operations officer (S-3). During his two tours—2 years—of combat and as a small unit leader, he did not have one soldier killed in combat under his command. On the other hand, his soldiers killed and captured more enemy and equipment than like-size units. He returned from Vietnam in November 1971, spent 2 years on the staff at Fort Meade, MD, and graduated with honors from Morgan State University in 1975 under the Army Degree Completion Program. Captain Jones was subsequently assigned to Fort Bragg, NC, and the 2d Battalion (Airborne) 505th Airborne Infantry, 82d Airborne Division. While there he served as battalion adjutant and operations officer.

In November 1977, now Major Jones was assigned to the 25th Infantry Division at Schofield Barracks in Hawaii. His assignments included Brigade adjutant, officer management, and Battalion executive officer. Major Jones returned to the United States to attend the Command and General Staff College at Fort Leavenworth, KS, in the summer of 1980. He graduated as a member of the centennial class in June 1981. His follow-on assignment was with the Department of the Army Inspector General in the Pentagon.

In 1982 he was selected for lieutenant colonel and battalion commander of the 4th Battalion, 9th Infantry Regiment, 7th Infantry Division, Fort Ord, CA. During the next 2 years he led the unit through numerous successful field training exercises. Relinquishing command in July 1984, Lieutenant Colonel Jones attended the U.S. Army War College at Carlisle, PA, graduating in June 1985. He was assigned to