

the surplus to give more tax breaks to the well off but not OK to use the surplus to hire more teachers and reduce class size?

Mr. President, this amendment is not about fiscal responsibility. It is not about saving Social Security or Medicare. But it is about setting aside the surplus to give tax breaks particularly to the wealthiest among us. I urge my colleagues to oppose this amendment.

Mr. DOMENICI. Mr. President, could we have the yeas and nays on the amendment that was just proffered?

The PRESIDING OFFICER. Is there a sufficient second?

Mr. LAUTENBERG. I raise a point of order, Mr. President. The amendment is not germane, and I raise a point of order that the amendment violates section 305(b)(2) of the Congressional Budget Act.

#### MOTION TO WAIVE THE BUDGET ACT

Mr. DOMENICI. I move to waive the Budget Act under the appropriate waiver provisions of the Budget Act, and I ask for the yeas and nays on the waiver.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. I thank the Chair.

I thank Senator LAUTENBERG.

Mr. President, we are getting close to what we have nicknamed around here *votorama*. The only thing is that sounds like a movie picture with a big screen where everybody can see everything. I am afraid it is going to be sort of the opposite because there is going to be 1 minute after a while on each amendment, and I don't know how many there is going to be yet. But unless and until we change our process, that is what we are going to go through for a while.

#### UNANIMOUS CONSENT AGREEMENT

Pursuant to the previous consent agreement, I ask unanimous consent that the first vote in the voting sequence be on the adoption of S. Res. 57 regarding Cuba—that is extraneous to our Budget Act, but we are getting consent to take care of that very soon—with 10 minutes equally divided between Senator MACK and Senator DODD just prior to the vote. I further ask that pursuant to the previous agreement, the succeeding votes in the sequence begin with and continue as follows: Senator SANTORUM, amendment No. 212; Senator REED, amendment No. 162; Senator CRAIG, 146; BOXER, 175; Senator VOINOVICH, 161; KENNEDY, 192; CRAPO, 163; DODD, 160; ASHCROFT-GORTON, 242; DORGAN, 178, as modified; GRAMS-ROTH, 231; LAUTENBERG, 166; SNOWE, 232; KENNEDY 195.

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

Mr. DOMENICI. Now, as we understand here, when we start with SANTORUM 212, this will mean Senator SANTORUM should be on the floor if he desires to speak to his amendment. And he will get 1 minute, and Senator LAUTENBERG or his designee on the

other side, if they oppose it, will be given 1 minute, and so on down the line.

Now, we have already indicated previously that the first vote tonight will be a 15-minute vote, and the amendments after that will be 10 minutes each. I do not know what we are going to do about dinner, but perhaps we will reconsider dinner at 6:30 or 7 and see what we do. But in the meantime, we are going to proceed with that format, and I urge Senators to stay in the Chamber if they have amendments because if we want to get out of here at a reasonable time, we can't take 20 minutes on each rollcall. We just agreed it would be 10. That is very hard to do. We have timed it. Some people say, why don't you make it 7½? Remember last year. You cannot even get it done and get the Senators up to vote in 7½. Ten is the best we can do. But we have to work at it. We still don't know whether we can finish tonight, but we are working very hard to do it.

Mr. LAUTENBERG. Mr. President, if I can just add a note here, part of doing amendments is to fill the amendment tree. So I will say that now we want to shake the tree and see if we can drop some of those amendments that perhaps on reconsideration by the offeror, maybe there would be another time to achieve the goal he or she wants to attain. But I want to add this, Mr. President. I think it is an important observation. There could be as many as 50 votes.

Now, if we are exact on the enforcement of the time limit, which I would urge we agree to, that 10 minutes is 10 minutes, it is not 11, 12, 13, that means everybody has to pay attention. If we have a 10-minute vote and a 2-minute debate, that is 12 minutes. And if you have 50 of those, we are looking at 600 minutes.

Mr. DOMENICI. Ten hours.

Mr. LAUTENBERG. Ten hours. Senator DOMENICI and I will be here, perhaps with a glass of wine, at 3 o'clock in the morning or else we will have to go over to the next day.

Mr. DOMENICI. Right.

Mr. LAUTENBERG. So I will forgo the glass of wine, but what I hope is—

Mr. DOMENICI. I never was going to have one.

Mr. LAUTENBERG. No, we weren't going to have it. I was kidding. It is for my friends in California I said that. I hope that our colleagues will be paying attention to this because a delay by one person is a delay for 99 people and we ought not to treat that casually. We are going to be here a long time. This could be expedited substantially. We hope that any Senators who have an amendment review that which has already been discussed and accepted so that we are not being redundant. If it has been heard, I would ask colleagues to perhaps rethink whether or not they are going to offer their amendment. So I guess we can—I don't know what the terminology is for letting the vote roll—let the skaters begin, or some-

thing of that nature, or let the pitcher pitch.

Do we have our first?

Mr. DOMENICI. Let's see if we have our first Senator here. We are going to do Cuba and that Senator is here.

Mr. DOMENICI. Mr. President, with reference to the matter that is not part of our budget resolution, S. Res. 57 regarding Cuba, Senator DODD, is supposed to speak; CONNIE MACK on our side, Senator DODD on your side. Mr. President, we are going to wait just a little bit.

Before Senator MACK and Senator DODD begin their 10 minutes equally divided, might I repeat again, the first Senator up is Senator SANTORUM with amendment No. 212, Senator REED with No. 162. I have stated the rest of them. If anybody needs it, we have the list here. We need the Senators to be here and now they are going to have to just as well stay because there are going to be 15 or 16 votes in a row. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, may I inquire, just to be clear, the pending business is the resolution, is that correct?

#### HUMAN RIGHTS IN CUBA

The PRESIDING OFFICER. The clerk will report the resolution.

The assistant legislative clerk read as follows:

A resolution (S. Res. 57) expressing the sense of the Senate regarding the human rights situation in Cuba.

The Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The Senator has 5 minutes.

Mr. DODD. Mr. President, have the proponents spoken on the resolution, I inquire of my colleague from Florida?

Mr. MACK. Not yet. We have not used our time yet.

Mr. DODD. How much time is there on the resolution?

The PRESIDING OFFICER. Five minutes apiece.

Mr. DODD. Fine. Mr. President, if I may, let me, first of all, say I intend to support and vote for this resolution. But in doing so, I want to express some deep concerns. Many of my colleagues know we have what is now just about a 40-year-old problem that has not been even remotely close to resolution and that is, of course, United States-Cuban relations.

We know why we are going to be asked to consider this resolution this week, and I suspect it will be passed overwhelmingly. The real question is, does it do anything to influence the policies of the Cuban Government or garner the support of our allies? On that issue, I have to answer resoundingly no. It may make us feel good, it will express our views, but in terms of these resolutions having some influence on the very events which provoked the resolution, I think the answer has to be we can probably anticipate the same response as we have had

with a collective set of resolutions over the years.

I have criticized the recent crack-downs on dissidents, as many have here, including the sentencing of the "Group of Four," which is terribly wrong and totally counterproductive and, in my view, a violation of human rights of these individuals. It is also very inconsistent with the Cuban Government's efforts in the past to gain the international respectability they have been trying to garner. For the life of me, from their standpoint, I don't see why this benefits them or assists them.

Our passing of these kinds of resolutions on Cuba, year after year, year after year, unfortunately, has not prevented the Cuban authorities from dealing harshly with dissidents. Depending upon the ebb and flow of the Cuban political dynamic, the human rights situation gets a little better or a little worse or a little better or a little worse, but nothing significant or permanent seems to happen or change.

We need to engage, in my view, the Cuban Government on this and other issues, as we have done with other nations with whom we have significant disagreements, if we are going to create any kind of environment for some change. That engagement, which we traditionally call diplomacy, has been totally absent in the conduct of relations between these two nations, the Cuban Government and our own. Perhaps that is why, I suggest, the record is so dismal. It is action-reaction, action-reaction, and a total absence of any diplomacy.

Let's not fool ourselves. This resolution is not going to help the people of Cuba. Is it not time to change our view of what should be the dynamics of United States-Cuban relations—to start a new conversation with Cuba, rather than simply act and react to unfolding events in Havana? I believe it is time to begin such a new conversation in this body and in the United States.

We in this country make the mistake, in my view, of overreacting to these ebbs and flows, rather than keeping to the steady and consistent policy to bring Cuba into the world community of democratic nations. All we do, by passing resolutions of this kind which are not accurate in all respects, is to fuel nationalist sentiments in Havana and elsewhere in this hemisphere and around the globe.

The resolution authoritatively cites human rights organizations as critical of human rights practices of Cuban authorities. However, it does not mention these very same organizations also criticize U.S. policies with respect to Cuba. The 1999 Human Rights Watch World Report states:

The (U.S.) embargo had not only failed to bring about human rights improvements in Cuba but had become counterproductive.

It goes on to conclude that:

The embargo continued to restrict the rights of freedom of expression and associa-

tion and the freedom to travel between the United States and Cuba, thus violating Article 19 of the International Covenant on Civil and Political Rights, a treaty [I might add] ratified by [our Government.]

This resolution further, and our policy generally, allows all of Cuba's problems, and there are many, to be blamed on the United States in too many international circles. While we are not responsible for the state of the Cuban economy, the Cuban people are extremely nationalistic and will rally behind their government against foreign threats. This is true elsewhere in the hemisphere.

What we need to do, in my view, is to move forward to implement Pope John Paul II's call that Cuba open up to the world and the world open up to Cuba. More constructive measures such as the upcoming baseball game and concert are more effective ways of communicating U.S. values to the Cuban people, particularly as a part of a broader effort to pursue increasing contacts between the American and Cuban people.

Love of baseball and music are just two examples of the many things the American and the Cuban people have in common. We have much more in common than that. The best way to communicate that is by lifting restrictions on U.S. citizens' rights to travel to Cuba or anywhere else. Frankly, such restrictions, in my view, are un-American. We can travel to virtually any other nation in the world—North Korea, Iraq, Iran. The only restrictions are what those nations place on us. The only place I know of where we restrict Americans from going is a country 90 miles off our shore. If they want to place restrictions on our travel there, I would object. But we should not restrict Americans' travel.

We need to make other fundamental changes in our policy. Our guiding principle in doing that should be that these changes are in our, the Americans', best interests. With respect to Cuba, an island of 11 million people 90 miles off our shore, America's interest is that there be a peaceful transition to a post-Castro era, whenever that time comes.

Mr. President, I ask just for 1 additional minute, if I can, and I will give 1 additional minute to my colleague from Florida.

The PRESIDING OFFICER (Mr. Smith of Oregon). Without objection, it is so ordered.

Mr. DODD. Mr. President, it is not in America's interest to have an armed insurrection occurring in that country or to see living conditions become so onerous that everyone takes to the boats and finds themselves at sea, seeking safe harbor in this country or elsewhere.

With respect to policy, I suggest the lifting of restrictions on food and medicine. These restrictions border on immoral, in my view. I also recommend lifting restrictions on travel. Under certain circumstances, U.S. companies should also be permitted to invest in

Cuba, provided American-style workplace conditions prevail in U.S.-owned investments. I also encourage contacts between United States and Cuban diplomats, including inviting Cuban diplomats to the United States, discussing issues of huge concern including regional terrorism, drug trafficking, and the preservation of the environment.

If we really want to see the peaceful transition to democracy in Cuba, then it is about time, after 40 years, the end of the cold war and the falling of the Berlin Wall, to break out of the policy straitjacket that has prevented meaningful change from taking place in Cuba-United States relationships. Passing resolutions of this kind, year after year, year after year, do nothing to help change what is a situation that demands, in my view, some new thinking, a new conversation.

With that, I thank my colleague for providing the additional minute.

The PRESIDING OFFICER. The Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. Mr. President, I understand I have now 6 minutes.

The PRESIDING OFFICER. The Senator has 6 minutes.

Mr. MACK. It is my intention then to use 3 of those minutes and then to yield to my colleague, Senator GRAHAM, for the balance of the 3 minutes.

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

Mr. MACK. Mr. President, let me, first of all, thank Senator DODD for his vote for this resolution. I respect immensely his viewpoint and what he has stated over all these years, but I respectfully disagree with him. Again, I will just point out, all we are suggesting here is that the least America can do is to say we ought to ask the United Nations to condemn Fidel Castro for his human rights violations. That is not an extreme position to take, to ask the world body to condemn Fidel Castro for human rights violations.

The reason we are doing this is because I think it is appropriate to respond to the impression that has been created over these last several months after the Pope visited Cuba. There has been this kind of love affair that Cuba has changed, that the world is now going to open up. The Senator said a moment ago, if Cuba would open up, if we would open up, we could come together.

Clearly, what has happened since the Pope's visit, Fidel Castro has arrested more dissidents than he has released following the Pope's visit. He has instituted new laws which restrict the freedom of speech, even more restrictive than in previous years. He arrested 15 people trying to celebrate the birthday of Martin Luther King this year, and just this month he arrested and sentenced four prominent activists for writing about the basic rights of the Cuban people.

Mr. President, it seems to me that this country, a country that has been willing to stand up in defense of human rights, basic human rights all over the globe, is doing the right thing. I ask my colleagues in the Senate to support this resolution.

I yield back my time and yield the floor to Senator GRAHAM.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I, too, appreciate the vote of the Senator from Connecticut in favor of this, I think, quite moderate but extremely important and timely resolution.

Today in Geneva the United Nations Human Rights Commission commenced its annual meetings. One of the issues that will be before the Commission will be whether a resolution condemning human rights in Cuba and appointing a special rapporteur to review those conditions should pass. Unfortunately, last year a similar resolution for the first time in many years failed to pass.

The question is, How has Cuba reacted to the fact that for 12 months it has not had the international condemnation of its human rights record, which has been the case for many of the years of the Castro regime? What in fact has happened is that we have seen a significant, almost inexplicable increase in the denial of fundamental rights, political rights, human rights, civil rights, to the people of Cuba and, as my colleague has just indicated, the examples of the loss of fundamental human dignity.

Why are we passing this resolution? We are passing this resolution not only to express our outrage at this condition but also to urge the international community to join us, the international community which has so recently been populated by new democracies, for those new democracies to step forward and express their condemnation for one of the few remaining dictatorial regimes in the world.

This recent crackdown by the Cuban Government has already drawn the condemnation of the international community, including some of Cuba's staunchest friends, such as Canada. A resolution is now being circulated in Geneva by several Eastern European states condemning the Cuban Government for its human rights record and calling for the appointment of a special rapporteur.

Mr. President, I think it is significant that these Eastern European states, which suffered under the tyranny of Nazi Germany and Stalinist Russia, are leading the effort to highlight the repression and terror that accompanies everyday life in Cuba.

This resolution calls on the U.S. Government to take all measures to support this resolution so that the international community, including the international community with the United States of America, can shine the light of freedom on Castro's brutal repressive regime.

I urge my colleagues to strongly support this resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, has all time expired on the Cuba resolution?

The PRESIDING OFFICER. All time has expired.

#### ORDER OF PROCEDURE

Mr. DOMENICI. May I make a further announcement? A while ago I listed the amendments as we are going to consider them, starting with Senator SANTORUM, Senator REED. We had two Republican amendments listed, Ashcroft-Gorton 242. That is an error. We had already accepted that amendment. So what we would like to do is put, in lieu of Ashcroft-Gorton, which had been accepted, it was already adopted, Fitzgerald 217. Then if we go down on our list, Dorgan is next. Then Grams-Roth, we had also accepted that, and somebody on our staff put it on here. So we are going to substitute Ashcroft 240. So everybody should be on notice, including the proponents of those amendments, when they come up. I will try to announce the list just before the vote as to who is next, maybe two in advance, so everyone will know. I think we are prepared.

Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. LAUTENBERG. Mr. President, if the Senator will yield for a question, please; that is, how many votes do we have bracketed right now that we are certain of?

Mr. DOMENICI. Fifteen.

Mr. LAUTENBERG. So is it fair to say that 15 votes, 10 minutes apiece, 150 minutes, 2 minutes for debate, another 30 minutes, we are looking at a few hours, wouldn't you say?

Mr. DOMENICI. Yes.

Mr. LAUTENBERG. But if we can get the cooperation of the Members, we can finish this tonight. If we can't, we will be here tomorrow. I think I speak for the chairman; we will find out immediately, when I say that I am willing to be here as late as it takes, if we can finish tonight.

Mr. DOMENICI. Senator, we are going to be as cooperative as we can and beyond this in agreeing to accept amendments. We are working with you to do the same, which means we can take many more later and accept them as we work our way through this part.

Mr. MACK. Mr. President, I ask for the yeas and nays on the resolution.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the resolution (S. Res. 57).

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

I also announce that the Senator from Indiana (Mr. LUGAR) is absent because of a death in the family.

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 67 Leg.]

#### YEAS—98

Abraham	Enzi	Lott
Akaka	Feingold	Mack
Allard	Feinstein	McConnell
Ashcroft	Fitzgerald	Mikulski
Baucus	Frist	Moynihan
Bayh	Gorton	Murkowski
Bennett	Graham	Murray
Biden	Gramm	Nickles
Bingaman	Grams	Reed
Bond	Grassley	Reid
Boxer	Gregg	Robb
Breaux	Hagel	Roberts
Brownback	Harkin	Rockefeller
Bryan	Hatch	Roth
Bunning	Helms	Santorum
Burns	Hollings	Sarbanes
Byrd	Hutchinson	Schumer
Campbell	Hutchison	Sessions
Chafee	Inhofe	Shelby
Cleland	Inouye	Smith (NH)
Cochran	Jeffords	Smith (OR)
Collins	Johnson	Snowe
Conrad	Kennedy	Specter
Coverdell	Kerrey	Stevens
Craig	Kerry	Thomas
Crapo	Kohl	Thompson
Daschle	Kyl	Thurmond
DeWine	Landrieu	Torricelli
Dodd	Lautenberg	Voinovich
Domenici	Leahy	Warner
Dorgan	Levin	Wellstone
Durbin	Lieberman	Wyden
Edwards	Lincoln	

#### NOT VOTING—2

Lugar                      McCain

The Resolution was agreed to.

#### AMENDMENT NO. 245

The PRESIDING OFFICER. Amendment No. 245 to the preamble is agreed to.

The amendment (No. 245) to the preamble was agreed to as follows:

On page 2 strike lines 9 on 10 and insert whereas such abuses violate internationally accepted norms of conduct enshrined by the Universal Declaration of Human Rights.

The preamble, as amended, was agreed to.

The resolution, with is preamble, as amended, reads as follows:

#### S. RES. 57

Whereas, the annual meeting of the United National Commission on Human Rights in Geneva, Switzerland, provides a forum for discussing human rights and expressing international support for improved human rights performance;

Whereas, according to the United States Department of State and international human rights organizations, the Government of Cuba continues to commit widespread and well documented human rights abuses in Cuba;

Whereas such abuses stem from a complete intolerance of dissent and the totalitarian nature of the regime controlled by Fidel Castro;

Whereas such abuses violate internationally accepted norms of conduct;

Whereas the Government of Cuba routinely restricts worker's rights, including the right to form independent unions, and employs forced labor, including that by children;

Whereas such abuses violate internationally accepted norms of conduct enshrined by the Universal Declaration of Human Rights;

Whereas the Government of Cuba has detained scores of citizens associated with attempts to discuss human rights, advocate for free and fair elections, freedom of the press,

and others who petitioned the government to release those arbitrarily arrested;

Whereas the Government of Cuba has recently escalated efforts to extinguish expressions of protest or criticism by passing state measures criminalizing peaceful pro-democratic activities and independent journalism;

Whereas the recent trial of peaceful dissidents Vladimiro Roca, Marta Beatriz Roque, Felix Bonne, and Rene Gomez Manzano, charged with sedition for publishing a proposal for democratic reform, is indicative of the increased efforts by the

Government of Cuba to detain citizens and extinguish expressions of support for the accused; and

Whereas these efforts underscore that the Government of Cuba has continued relentlessly its longstanding pattern of human rights abuses and demonstrate that it continues to systemically deny universally recognized human rights: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that at the 55th Session of the United Nations Human Rights Commission in Geneva, Switzerland, the United States should make

all efforts necessary to pass a resolution, including introducing such a resolution, criticizing Cuba for its human rights abuses in Cuba, and to secure the appointment of a Special Rapporteur for Cuba.

Mr. SANTORUM. Mr. President, I move to reconsider the vote.

Mr. GRAMM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### **NOTICE**

***Incomplete record of Senate proceedings. Today's Senate proceedings will be continued in the next issue of the Record.***