

yesterday in terms of tax relief. The passage of that bill yesterday will affect about 7 million people who report on capital gains each year, about 20 million people who report on dividends each year, and another 7 million, almost 8 million people who would otherwise see their taxes go up because of the alternative minimum tax.

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

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

#### TRADE WITH CUBA

Mr. MARTINEZ. Mr. President, yesterday, I introduced a measure which is a companion to one introduced in the House of Representatives by Congresswoman ROS-LEHTINEN relating to the business of trade with Cuba. This morning, I wanted to speak a little on the issue of my bill as well as on the overall need for us to file this bill.

Many years ago, perhaps too long for some in this Chamber to remember, as a result of hostile acts by the state of Cuba, under the government of Fidel Castro, who today continues to terrorize his people and to be a very negative influence on the world and is one of the longest reigning dictatorships in the history of the world—certainly the modern history of the world—because of hostile acts by the Cuban Government against the United States and against the interests of the United States in Cuba, the Government of the United States felt it necessary to begin trade sanctions against the Cuban Government. These trade sanctions were designed as retaliation for the actions of the Cuban Government.

Those actions included, among other hostile actions, the expropriation without adequate compensation of properties of citizens of the United States on the island of Cuba. They included the property of oil companies such as Texaco and Standard Oil and other interests of the United States that had large refineries in Cuba, that had oil exploration interests, and that also had, of course, retail outlets on the island.

As a result of Cuba's action, the United States imposed the sanctions. The sanctions were designed to help the Cuban Government understand that it had to live by international law and by international standards, which were to pay just compensation, fair compensation, for the expropriated properties. Unfortunately, the Cuban Government chose not to do so, and to this day these claims of the nationals of the United States for the unfair, unlawful, and uncompensated expropriation by the Cuban Government continues unsettled. The Cuban Govern-

ment has never taken steps to recognize allegations under international law or obligations under international law or obligations to a neighbor with whom it purports to want better and improved relations.

So the United States began a policy of an embargo or trade sanctions against Cuba. It really wasn't an embargo, it was simply: We will not trade with Cuba. The Government of the United States will not trade with Cuba. That has been in effect even until today. It was done by Executive order for many years, but then many years ago, with the Helms-Burton Act, it was codified into legislation. It became part of the law of the land as a result of congressional action.

That legislation also provided a path by which these sanctions could be ended. It provided a path by which more normal trade and other relations could be had, and they had to do with the issue of something simple, something this President has so eloquently spoken about: democracy, rule of law, elections—a quaint thought, that the people of a country ought to elect their leader. The thought that the people of a country would have an opportunity on a given day in life to go to a booth and in private exercise that universal right to vote, to say whom they want their leader to be—Cuba doesn't permit that.

There might be a free press. Wouldn't that be a nice thing? People could speak their mind. Folks would have an opportunity to go into a public square and debate the issues of the day. Cubans are denied that. That is no longer an opportunity and continues not to be so.

In addition to those problems, the actions of the Cuban Government over its history have been anything but benign. They have been quite hostile to the interests of the United States.

This is to not go into all of the details of the actions of the Cuban Government toward its own people—human rights and its denial of the most basic human rights—but as we look to other issues such as the issues of actions in the world, Cuba has tried to export revolution, to foment and foster revolutions throughout the world. They were very active in Africa as a surrogate for the Soviet Union in Angola, working hostile to the interests of the United States. In addition to that, they proceeded to encourage and foster wars in Central America which caused countless thousands of deaths in the 1980s.

Thanks to the determined and decided action of the United States, it was possible for these countries to live in peace and for these countries to have Democratic and normal elections.

Fast forwarding to now, even as recently as a few days ago, the U.S. State Department continues to have Cuba on the list of States that are sponsors of terrorism. There are probably 180-some nation states in the United Nations. Of those, there are only a half dozen that are on the list of terrorist states around the world. Cuba is one of them.

In addition to that, Cuba now is part of an axis, an axis that works in partnership with Hugo Chavez, the somewhat democratically elected President of Venezuela but someone who increasingly governs as an autocrat. This is someone who, in partnership with Fidel Castro, has encouraged and helped Evo Morales to be elected as President of Bolivia. What have these countries under the tutelage of Castro done? Morales, in the past few days, has shown or expressed his intentions to nationalize the gas industry, to nationalize the natural resources of his country, beginning with gas. Yet in Europe he made some very clear statements that he believed that for 500 years Europeans have pillaged his country and that all natural resources ought to belong to the people of Bolivia, and therefore more expropriations are sure to come of the natural resources as defined by Mr. Morales, President Morales, and they include natural gas, and he will move on to others.

Yesterday as well, or the day before, the Congress in Venezuela said that they also believe they should be nationalizing all the natural resources of Venezuela. This includes, of course, the investment that the U.S. oil companies have had in Venezuela for a number of years.

So what is the suggestion and answer that some would have to our dependence on foreign sources of oil, to our dependence on unstable foreign governments, to our dependence on foreign governments that are hostile to the United States? To enter into business with the country of Cuba in order to partner with them in oil exploration, a little less than 50 miles off the shores of Florida. Why is this not a good idea? Simply for the fact that to enter into a partnership with a government that does not observe the rule of law, to enter into a partnership and encourage American companies to invest in a country where we have very strained, if any, diplomatic relations, is not only not a good idea—to enter into a partnership for oil exploration with a country that has in the past expropriated American oil companies' properties in Cuba would be only to repeat a cycle of mistakes made in the past. It would be only to come back into the fold of a dictator who does not observe or understand the rule of law. To go into a business in a country that does not have a judicial system that is independent, to go into business with a country that does not recognize the fact that foreign investors have a right to their property when they purchase it, who will not honor the rule of law, will not honor private property rights? With this kind of country, it is suggested we go into a partnership in order for us to have sufficient energy, in order for us to be independent in our resources.

These efforts are sadly misguided. What we must do is do things such as explore for oil—and I know the Presiding Officer, our President pro tempore, so passionately cares about this—

in the ANWR, an area that is totally under the control of the United States, that is part of the United States. We can also drill in the Gulf of Mexico, an area that is so sensitive to Floridians and where we have acquiesced to drilling in 2 to 3 million acres of the gulf.

To conclude, I suggest the bill we have filed, which tries to reenact and speak to the Cuban embargo that has been in place for many years, with good reason. That embargo would be stringently enforced with those who seek to invest in partnership with this illegitimate government, a government that continues to be a threat to its neighbors, continues to be a hostile government to the United States.

In September of this year, the President of Iran, Mahmud Ahmadi-Nejad, is going to be visiting Castro in Cuba. This is a return visit for one that Fidel Castro paid to Iran a year or so ago. At that time, Castro said to the people in Iran: Working together and in partnership we will bring the United States to its knees. It is with this government that some would suggest we should enter into a partnership in order to solve our energy woes. I would say those efforts are misguided, and I look forward to further debate on my proposal which seeks to reassert the long-held position of the United States that trade with Cuba today would not be in the best interests of this country.

The PRESIDING OFFICER (Mr. ISAKSON). The Senator from Hawaii is recognized.

#### S. 147, NATIVE HAWAIIAN GOVERNMENT REORGANIZATION ACT OF 2005

Mr. AKAKA. Mr. President, I rise again to talk about legislation of critical importance to me and the people of Hawaii, S. 147, the Native Hawaiian Government Reorganization Act. As my colleagues are aware, we have been trying to schedule this bill for a debate and vote on the Senate floor. Unfortunately, the bill has been blocked by a handful of my colleagues who fail to understand the importance of this issue to the people of Hawaii.

S. 147 is a bipartisan bill. It is supported by members on both sides of the aisle. I want to thank my colleagues who have cosponsored this legislation: Senators CANTWELL, COLEMAN, DODD, DORGAN, GRAHAM, INOUE, MURKOWSKI, SMITH and STEVENS. Your support for the people of Hawaii has not gone unnoticed.

I want to talk about what we did to draft this legislation. I want to explain the broad and inclusive process that we used. My colleagues should know that in drafting this legislation we consulted a broad array of individuals, both native and non-native.

In 1999, Hawaii's Congressional delegation formed the Task Force on Native Hawaiian Issues. The Task Force was composed of myself, the senior Senator from Hawaii, and our colleagues in the House of Representa-

tives, Representative NEIL ABERCROMBIE and Patsy Mink. It was determined that I would serve as the head of the Task Force.

My colleagues need to understand that the issue of political status for Native Hawaiians is not a new issue. It has been a hot topic for many, many years and in fact has been a topic of contention since Hawaii became a State in 1959. Given its history, I wanted to tap into the experience of the many individuals who have addressed this issue and who would be impacted by Federal recognition for Native Hawaiians. I decided to establish five working groups: the Native Hawaiian Community working group, the State officials working group, the Federal officials working group, the Native American and Constitutional Scholars working group, and the Congressional members and caucuses working group. Overall, more than 100 individuals were involved in meeting and advising Hawaii's Congressional delegation on what should and should not be included in this legislation.

The Native Hawaiian Community working group's role was to advise us as to the views of the Native Hawaiian community. The membership of the working group was balanced to include a broad variety of individuals from different islands, professions and backgrounds.

The State officials working group was composed of State legislators as well as the heads of State agencies who would be directly impacted by a Native Hawaiian governing entity participating in a government-to-government relationship with the United States. This group advised us on the impact of such a policy on State programs and agencies.

The Federal officials working group was composed of Federal officials from agencies currently administering services and programs impacting Native Hawaiians. The role of this working group was to advise us of how best to extend the Federal policy of self-governance and self-determination to Hawaii's indigenous peoples.

The Native American and constitutional scholars working group was composed of a number of tribal leaders and key constitutional scholars in Indian law. We benefited from the advice provided by tribal leaders who were willing to share lessons learned and from constitutional scholars well-versed in Federal Indian law.

The Congressional members and caucus group was composed of our colleagues who sought to help us at the member level to move this legislation.

We held several public meetings in Hawaii with the members of the Native Hawaiian community working group and the State working group. Individuals who were not members of the working group, and many who opposed our efforts, were allowed to attend and participate in the meetings. Overall, we had over 100 individuals provide initial input to the drafting of the legislation.

The bill was first considered by the 106th Congress. Five days of hearings were held in Hawaii in August 2000. While the bill passed the House, the Senate failed to take action. The bill was subsequently considered by the 107th and 108th Congresses. In Each Congress, the bill has been favorably reported by the Senate Committee on Indian Affairs and its companion measure has been favorably reported by the House Committee on Resources.

Despite the many modifications to the legislation over the past 7 years, I have ensured that the process authorized in this bill has always retained the appropriate balance between the structure necessary to comply with Federal law and the flexibility necessary to ensure that Native Hawaiians can make the critical decisions necessary to form their governing entity.

I want all of my colleagues to know that when the Senate considers this bill, I will offer a substitute amendment. The substitute amendment has been widely distributed since September 2005 and is the result of successful negotiations between the executive branch officials and our Congressional delegation and Governor. I thank the chairman and vice chairman of the Senate Committee on Indian Affairs for helping to facilitate the negotiations process.

The substitute amendment satisfactorily addresses the concerns raised in a letter from the Department of Justice to the chairman of the Senate Committee on Indian Affairs. The letter addressed 4 concerns with the legislation: liability of the United States, civil and criminal jurisdiction, military readiness, and gaming. The legislative language in the substitute amendment has been cleared by the executive branch and addresses the practical concerns expressed in the July 13, 2005 letter.

I look forward to the debate on the substitute amendment.

My colleagues can see from the process that I have just outlined that this legislation is based on the collective thoughts of a wide array of individuals, native and non-native, from Hawaii and across the entire Nation. It is based on the contributions of individuals well-versed in the Federal policies dealing with indigenous peoples—by those who understand the legal and political relationship the United States has with its indigenous peoples. It is based on Federal law and is substantiated by the many judicial rulings on the political and legal relationship between the United States and its indigenous peoples. It reflects the respect that the people of Hawaii have for the preservation of the culture and traditions of Hawaii's indigenous peoples—the culture and traditions which form the basis of the spirit of Aloha—which all citizens of Hawaii are proud to demonstrate.

This bill is supported by Hawaii's Governor, Linda Lingle, the Hawaii State Legislature, Office of Hawaiian