Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Lantos
Largent
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Martini
Matsui
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Metcalf
Meyers
Mica
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Norwood
Nussle
Oberstar
Obey
Orton
Owens
Oxley
Packard
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schumer
Scott
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torres
Torricelli
Upton
Vucanovich
Walker
Walsh
Wamp
Ward
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Williams
Wilson
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—65

Abercrombie
Bonior
Borski
Brown (CA)
Brown (OH)
Clay
Collins (IL)
Costello
DeFazio
DeLauro
Dornan
Ensign
Everett
Fazio
Filner
Franks (CT)
Frost
Gephardt
Gillmor
Green
Gutierrez
Gutknecht
Hefley
Heineman
Hilleary
Hilliard
Hinchey
Jacobs
Kim
Latham
Levin
Lewis (GA)
Longley
Markey
Martinez
Mascara
McDermott
Meek
Menendez
Miller (CA)
Ney
Olver
Ortiz
Pallone
Pickett
Pombo
Rush
Sabo
Schroeder
Serrano
Taylor (MS)
Tejeda
Thompson
Torkildsen
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt (NC)
Wicker
Wise
Zimmer

ANSWERED ''PRESENT''—2

Gibbons
Harman

NOT VOTING—18

Bryant (TX)
Bunning
Chapman
Christensen
Clinger
Collins (MI)
DeLay
Dickey
Dixon
Durbin
Gilman
Houghton
LaFalce
Lipinski
McCarthy
Stokes
Waldholtz
Zeliff

☐ 1155

Mr. JOHNSON of South Dakota changed his vote from ''nay'' to ''yea.''

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. GILMAN. Mr. Speaker, on rollcall No. 45, a journal vote, I was inadvertently absent. Had I been present, I would have voted ''yea.''

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 359

Mr. BONO. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of the bill, H.R. 359.

The SPEAKER pro tempore (Mr. EWING). Is there objection to the request of the gentleman from California?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1963

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of the bill, H.R. 1963.

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

There was no objection.

CONFERENCE REPORT ON H.R. 927, CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY [LIBERTAD] ACT OF 1996

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 370 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 370

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany 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. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

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

☐ 1200

Mr. DIAZ-BALART. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. BEILENSON], 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 revise and extend his remarks and to include extraneous material.)

Mr. DIAZ-BALART. Mr. Speaker, House Resolution 370 provides for the consideration of the conference report for H.R. 927, the Cuban Liberty and Democratic Solidarity Act of 1996, usually referred to as the Helms-Burton bill, and waive all points of order against the conference report and against its consideration.

The House rules allow for 1 hour of general debate to be equally divided between the chairman and ranking minority member of the Committee on International Relations.

This conference report is the response of the United States, of the Congress, and the President, to the murder of three American citizens and another U.S. resident by Castro over international waters on February 24.

Helms-Burton is also premised upon the firm conviction that an accelerated end to the Stalinist dictatorship in Cuba is not only something that we need to strive for because of elemental notions of solidarity with the terrorized and oppressed people of Cuba—but also because the establishment of democracy in Cuba is in the national interest of the United States.

The Castro regime is, to its core, a gangster regime. It is a regime that answered a request, last month, by 130 dissident groups for permission to meet peacefully, by arresting 186 dissident leaders and independent journalists—as of last Thursday.

This is a regime that, to further intensify its latest Stalinist crackdown on its internal opposition, felt the need to shoot down two American civilian planes, killing three U.S. citizens and another U.S. resident, over international waters a few days ago.

The message Castro sent the Cuban people by those murders of Americans was clear: If I can murder Americans over international waters and get away with it, imagine what I can do to you. It's important to note that before the murderous pilots of those MiG's visually identified the unarmed Cessnas that they had been ordered to shoot down, the radar that was guiding them had locked on to a cruise ship with hundreds aboard.

And how does the supreme gangster himself defend the murders. Read this week's Time magazine. Castro says:

> They dropped leaflets on Havana. It was a real provocation * * * we had been patient, but there are limits * * * in addition to these flights, there was also interference by the U.S. interests section in our internal affairs. What these people were doing was intolerable. They were giving money and paying the bills of dissidents * * * it was intolerable.

This is a regime that, according to the respected British publication Jane's Defence Weekly, has been sending special forces to be trained at the Hoa Binh Military Base in Communist Vietnam, since 1990, in preparation for strikes inside the United States in case

of war. According to Jane's Defence Weekly the purpose of those special forces in Castro's army, training in Vietnam, is to ''Take the reality of war to the American people, in order to create internal pressures on Washington.''

Let me briefly quote from a statement a few days ago by Senator DOLE: ''U.S. policy toward Cuba has consequences around the globe. The world is still a dangerous place.'' Adversaries are watching our response to the murder of American citizens. Our response is being noted—by Russian hardliners, by North Korean generals, by state sponsors of terrorism in Teheran and Tripoli, by Serbian leaders, by the Chinese military eyeing Taiwan. Timidity only emboldens our enemies.

This conference report is the response of the Congress and the President to the murder of American citizens.

The conference report codifies, it puts into law, the existing embargo against Cuba, much of which exists only in regulations and miscellaneous executive orders. It will now take an act of Congress to modify the embargo, and no President will be able to weaken the embargo unless a democratic transition is underway in Cuba.

President Clinton is urged to seek international sanctions against the Cuban dictatorship.

The President is authorized to furnish assistance to democratic opposition and human rights groups in Cuba. The President is also asked to develop a plan to assist the Cuban people once a democratically-elected government is in place and to terminate the embargo once a democratic government—without Castro or his brother Raul—is in power.

The conference report calls for the denial of entry into the United States of any individual who trafficks in property stolen from Americans by Castro. American citizens will be able to sue, in American courts, those who traffick in property stolen from them by Castro. This provision will protect the property rights of American citizens, deter foreign investment in Cuba, and make it much more difficult for the Castro regime to obtain hard currency.

The conference report reduces foreign aid to those countries that provide assistance in support of the extraordinarily dangerous Cuban nuclear facility Castro is trying to complete at Juragua. It also allows the President to cut aid to Russia, dollar for dollar, for its support of the intelligence facility to spy on the United States that the Russians still maintain in Cuba.

Just by filing Helms-Burton a year ago, foreign investment was cut in half in 1995 in comparison to 1994. When potential investors confirm that dealing in property stolen by Castro from Americans will expose them to the possibility of being excluded from the United States, no matter how unethical they may be, they will choose not to invest in Castro's slave economy.

By saying that we will not look kindly upon foreign interests dealing in property stolen from Americans, we are not acting in an extraterritorial fashion; we are protecting the property rights of American citizens, and in that way, also deterring foreign investment in Castro's apartheid economy.

The importance of codifying—putting into law—the embargo, cannot be overemphasized.

No democratic transition from a long-term dictatorship in recent decades has been possible without some important form of external pressure.

Franco's Spain and the European Community; Trujillo's Dominican Republic and the OAS; Pinochet's Chile; apartheid South Africa; the Greece of the colonels.

Where there has been no external pressure, such as in China, there has been no democratic transition and human rights violations have increased. The Washington Post confirms today in page A10, that in the State Department's annual report on human rights, to be released today, the fundamental premise of United States policy toward China, that expanding trade will lead to greater individual freedoms for Chinese citizens, is simply invalid.

We will be able, by the measures in this conference report, including codification of the embargo, to maintain sufficient pressure not only to accelerate Castro's collapse, but also to see to it that his demise will lead to an independent Cuba with full political liberties and human rights for the now suffering Cuban people.

The Senate passed this conference report yesterday, 74 to 22. The President supports it. I urge my colleagues to support this rule and the conference report.

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

Mr. BEILENSON. Mr. Speaker, I thank our friend, the gentleman from Florida [Mr. DIAZ-BALART], for yielding the customary one-half hour of debate time to me. I yield myself such time as I may consume.

Mr. Speaker, we do not oppose the rule providing for the consideration of the conference report for the Cuban Liberty and Democratic Solidarity Act.

As the gentleman from Florida has explained, the rule waives all points of order against the conference report and, although we ought always to be cautious in providing blanket waivers for legislation, the granting of these waivers for this conference report is in accordance with our usual procedures when we consider conference reports in the House.

The chairman of the International Relations Committee, the gentleman from New York [Mr. GILMAN], in requesting the rule waiving all points of order, specifically referred to the scope of matters committed to the conference. So Members should be aware that the conference agreement on this sweeping legislation includes provisions that were in neither the House nor the Senate bill.

Many of us, moreover, are deeply concerned about the provisions of the conference report itself and about its effect on U.S. policy.

Mr. Speaker, for many of our colleagues, this bill will be easy to support—it tightens the U.S. embargo on one of the world's most despised dictators. Yet, it is not likely that Fidel Castro will be hurt by this legislation. Ironically, the Helms-Burton Act—a radical departure from current United States policy—will actually weaken our ability to encourage democracy in Cuba.

The fall of communism in Eastern Europe should have taught us an important lesson: the enemy of a closed society, such as Cuba, is not increased isolation—it is greater contact with the outside world. The Soviet Union did not disintegrate because of an economic blockade—it was exposure to Western ideas, freedoms and prosperity that hastened the end to the cold war. In marked contrast, 37 years of economic embargo against Cuba has failed utterly to topple the Castro government.

The dubious premise behind this legislation is that the Cuban economy is on the brink of collapse, and that by tightening our notoriously porous embargo, the demise of the Castro regime can be achieved with one final push.

The reality is more complex. The Cuban economy has been showing signs of recovery, brought about by limited reforms and new trade relationships with the rest of the world. And just as domestic opposition groups inside Cuba—the only real threat to the Castro government—have been invigorated by widening contacts with the outside world, this legislation will turn back the clock by imposing further isolation and hardship on the Cuban people.

Moreover, by codifying the Executive orders that have maintained the Cuban embargo since 1959, this legislation locks the United States into a failed policy, and denies the President the flexibility needed to respond to any future democratic transition in Cuba.

Many of us are disappointed that the President has dropped his opposition to this bill. Nevertheless, Congress has consistently recognized that the President's hands should not be tied in matters of foreign affairs—that a wide variety of tools should be available to the President to act in the national interest abroad. But, this bill mandates intransigency. As changes occur in Cuba—and they will occur—the President—this President, or some future President—will be restricted from acting in the carefully calibrated fashion that has marked our response to other dictators, and other emerging democracies.

The United States is the only country in the world that maintains an economic embargo against Cuba—a fact that the Helms-Burton Act, somewhat fatuously, tries to change. Many of our closest allies, moreover, are greatly offended—as they well should be—by this

legislation's attempt to coerce them into joining the embargo.

Countries such as Canada, and our allies in Western Europe, warn that provisions in this legislation violate international law, abrogate several treaties, abandon our commitment to international financial institutions and could lead to retaliation against United States interests elsewhere in the world. Moreover, the arrogance of this bill is striking—by following the mandates of this legislation, the United States will be imposing its own political agenda on countries—mostly friendly countries—throughout the world whose businesses are acting in full compliance with their own laws.

Finally, we are concerned by the manner in which the legislation seemingly subverts our national interest for the interests of a select few. The Helms-Burton Act gives unprecedented benefits to a few very wealthy former Cuban property owners—those who owned property in pre-Castro Cuba valued at more than $50,000 when it was seized in 1959—by giving these individuals and corporations the unprecedented right to sue, in United States Federal courts, foreign companies doing business on land they once owned.

This right is not available to anyone who has lost property anywhere else in the world—not in Germany, Vietnam, Eastern Europe, or Russia—and it will obviously create a legal nightmare in our already overburdened Federal courts. But more troubling is the manner in which the legislation will allow a few individuals and companies to profit from the economic activity in Cuba this legislation condemns. By allowing wealthy former Cuban landowners to settle out of court with companies doing business in Cuba, these individuals can now share in the profits to ongoing Cuban investment. Thus, the Helms-Burton bill succeeds, in effect, in lifting the embargo for a select few, and perversely creates an incentive for increased economic development in Cuba, from which only a small minority of Cuban-Americans will benefit.

Let me be clear and end it here. This debate is not about our opinion of Fidel Castro—he is one of the more abhorrent dictators of this century. We uniformly condemn Cuba's recent downing of civilian aircraft in clear violation of international law, and our hearts go out to the families of the pilots who perished.

But this bill is rash, extreme and misguided—it runs contrary to our experience of dealing with repressive regimes elsewhere in the world, and it is not in our own national interest. In the words of Louis Desloge, a conservative Cuban-American:

> Implementing an aggressive engagement policy to transmit our values to the Cuban people and to accelerate the burgeoning process of reform occurring on the island has a far better chance of ending Castro's rule than the machinations of [the] Helms-Burton [Act].

Mr. Speaker, I urge my colleagues to vote against the conference report.

□ 1215

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

Mr. DIAZ-BALART. Mr. Speaker, the imagination of our opponents is truly amazing, as is the gentleman who was cited and called a conservative, that very well-known anti-embargo activist.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], the distinguished chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Miami, FL, for yielding me time.

Mr. Speaker, we just heard the previous speaker say we, the United States of America, are the only country that has levied sanctions against Cuba. Yes, is that not a shame? That is going to change come the next election, my friends. With 250 million consuming Americans with the highest buying power in the world, it is about time that we told some of our allies that we do not like standing alone. That is what Ronald Reagan did back in 1981 when he pulled them all together and we stopped communism dead in its tracks. No more spread of communism. Democracy is breaking out all over the world.

If we have to stand alone, we will. But these sanctions are going to stand until atheistic, deadly communism is dead in this hemisphere.

Needless to say, I rise in strong support of this legislation. I really commend the gentleman from Miami, FL [Mr. DIAZ-BALART], as well as the gentlewoman from Florida [Ms. ROS-LEHTINEN], who have been so valiant in bringing this legislation, along with the gentleman from New York [Mr. GILMAN], the chairman of the Committee on International Relations, and the gentleman from Indiana [Mr. BURTON], the chairman of the subcommittee. They are all to be highly commended to be here in this timely manner.

Last week's incident under which Castro killed four Americans, and they were Americans, underscores the need to start taking the situation seriously. For over 30 years we have tolerated Castro with a half-hearted embargo. The holes in the embargo, plus billions of dollars, $6 billion a year from the former Soviet Union, has allowed this dictator to survive and spread this atheistic communism.

Although I do not know it, Mr. Speaker, there may have been a good reason for not pushing Castro harder during the cold war, but certainly not now. It is time to get serious, and this legislation does get serious. That is why Castro is so upset about it. That is why the Russians are so upset about it, the Russians that we are giving billions of dollars to in aid. And they turn around and aid and abet this dictator? And that is why so many of our allies are upset, too. This legislation will hit them where it hurts, in their pocketbooks.

Regarding our allies, Mr. Speaker, there is no stronger supporter of this treaty organization called NATO than this Member of Congress. I do not take lightly the fact that many of them are concerned about this legislation. But let us be blunt: It is time for them to understand that we will not go merrily along while they provide a lifeline to this Communist just off our coast who is in fact a mortal enemy of the United States.

Our allies, especially Canada, to the north, and my district depends on a lot of that trade with Canada, but they should be put on notice we will not subjugate our national interests to their financial interests. Human decency and human rights come first before any dollar. Nor should we continue to grant them open access to our huge market—as I said before, 250 million Americans, they lick their chops to do business with the United States—if they insist on supporting Castro. I call on the President to drive home those points with them.

Mr. Speaker, Castro is teetering on the brink. Cuba's economy is in a meltdown. Communism does not work. Take away the $6 billion propping them up, and it is going down, down, down. It is only a matter of time before communism is dead in Cuba, as long as we enact legislation like this.

Castro has threatened renewed terrorism against the United States of America. The latest bombings in Israel show just how easily that can be done. We are so vulnerable. That could happen so easily right here in the United States of America.

With Russia's help Castro is constructing a dangerous nuclear power facility based on old faulty designs. Not only does this facility potentially subject us to a Chernobyl style disaster, but we can surely expect Castro to do what North Korea is doing, and that is to try to exploit the technology for the purposes of building nuclear weapons. And that cannot happen in this hemisphere.

We have had enough of this tyrant. It is time to bring this awful era of Fidel Castro to a close. Adoption of this conference report today will accelerate the arrival of that great day for both the Cuban people and the American people. Please come over here and vote for this rule and vote for this bill.

Mr. BEILENSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. MOAKLEY], the ranking member of the Committee on Rules.

Mr. MOAKLEY. Mr. Speaker, I thank my colleague from California for yielding time to me. He made a very eloquent statement yesterday in the Rules Committee and I agreed with him entirely.

Mr. Speaker, this rule provides for the consideration of a very bad bill that I worry will have some very bad consequences.

Make no mistake about it the shootdown by the Cuban Government of two unarmed Cessnas nearly 2 weeks ago was an unconscionable act. President Clinton was right in rallying the international community to denounce this terrible overreaction and I believe the President was right in proposing additional sanctions against Cuba.

But I believe it would be wrong for this Congress and this President to embrace the Helms-Burton legislation because of this terrible act.

Helms-Burton is a bad bill, plain and simple.

Even though the White House has recently reversed its position on this bill, I would suggest that my colleagues read the letter the White House wrote us last fall when they very eloquently and persuasively made the case against Helms-Burton.

In fact, Secretary of State Warren Christopher expressed his concern that the bill would actually damage prospects for a peaceful transition in Cuba.

He further indicated that the inflexible standards mandated in the bill would make it difficult to respond to a rapidly evolving situation should it occur in Cuba.

Mr. Speaker, the Secretary was absolutely right Helms-Burton would put United States foreign policy toward Cuba in a statutory straitjacket.

And while passions are running understandably high and outrage is certainly justified the fact remains that Helms-Burton was bad policy a few months ago and it is bad policy today.

Our allies have expressed deep concern over the bill's provisions as they relate to foreign companies. Yesterday all of us received the statement by the European Union indicating strong opposition to the Helms-Burton bill.

Similar statements of opposition have come from Canada's Foreign Minister and leading diplomats around the world.

Mr. Speaker, my strongest objection to this legislation is that it will not encourage the departure of Fidel Castro and it will only make the lives of average Cubans more miserable—especially Cuban children economically strangling the island only hurt the most vulnerable—and I'm not sure that's what this Congress really wants to do.

I believe this bill is exactly what Castro wants at a time when communism has crumbled around the globe; at a time when the Cuban economy is in disarray; and at a time when the internal opposition in Cuba seems to be getting stronger. This bill only gives Castro an excuse to be more repressive and to justify his failed system.

So, I say to my colleagues, if you want to get at Fidel Castro, come up with a different approach. Helms-Burton will only breathe new life into his dictatorship.

Mr. Speaker, I submit for the RECORD editorials, which have recently appeared in the New York Times, the Boston Globe, the Chicago Tribune, the Washington Post, the Detroit News, the Philadelphia Inquirer, the Los Angeles Times, and the Baltimore Sun, all opposing Helms-Burton. I would also like to submit an article from the Washington Post exposing a little known loophole in the embargo and the statement by the European Union in opposition to the legislation. And I would like to submit a statement by Alfredo Duran, who fought at the Bay of Pigs and was imprisoned for over a year, the President of the Cuban Committee for Democracy, and a statement by Eloy Guitierrez Menoyo, who was a political prisoner for 22 years in Cuba.

Finally, Mr. Speaker, let me express again my strong opposition to the bill for which this rule provides consideration. I know the authors have the very best of intentions—but I firmly believe that by passing this bill we are making a big mistake.

Mr. Speaker, I include the following material for the RECORD:

[From the New York Times, Mar. 2, 1996]

A BAD BILL ON CUBA

The Clinton Administration has done many things right and one thing terribly wrong in response to Cuba's shootdown of two unarmed planes flown by Miami-based exiles.

Providing a Coast Guard escort to accompany an exile flotilla to the site of the downing today registers American determination to protect the security of international waters and airspace. Equally important, it minimizes the risk of either the exiles' or Havana's provoking a new incident. The Administration's decision earlier this week to suspend charter flights to Cuba and to impose travel restrictions on Cuban diplomats in this country made clear that Havana had attacked not just anti-Castro activists but international law itself.

However, the Administration is about to make a huge mistake by signing into law a bill, sponsored by Senator Jesse Helms and Representative Dan Burton, that aims to coerce other countries into joining the American embargo of Cuba. By dropping his opposition to the bill, Mr. Clinton junks his own balanced policy for encouraging democracy in Cuba and signs on to an approach that will inevitably slow the opening of Cuban society and pick a pointless quarrel with American allies.

The bill threatens foreign companies with lawsuits and their executives with exclusion from American soil if they use any property in Cuba ever confiscated from anyone who is now a United States citizen. Some of its provisions appear to violate international law and trade treaties, and the Administration had been saying since last summer that it would veto the measure unless these provisions were removed.

The United States is the only country that maintains an economic embargo against Cuba, an outdated policy that has failed in 35 years to topple the Castro Government. Trying to coerce other countries to join the embargo is offensive to American allies and unlikely to succeed.

Backers of the Helms-Burton bill believe the Cuban economy has been so enfeebled by the loss of subsidized Soviet trade that the Castro regime can be brought down with one final shove. But Cuba's economy, though hurting, has already revived from the depths of the early 1990's. Its recovery has been built on austerity, limited reforms and new trade relationships with the rest of the world. It is unrealistic to think that a reinforced American embargo would bring Mr. Castro down.

What Havana really worries about is the resurgence of opposition in Cuba itself. Opposition groups have been invigorated by Cuba's widened contacts with the outside world. They are also encouraged by a more supportive attitude on the part of Miami-based exile organizations. These used to view all Cubans who remained on the island, even opposition activists, with suspicion. Now groups like Brothers to the Rescue, the organization whose planes were shot down last week, see opposition groups on the island as a key to political change.

The Castro regime is alarmed by this potential link between domestic opponents and outside support groups, heralded by Brothers to the Resuce's previous airborne leafletting of Havana. Indeed, Havana's concern over this prospect may have been a factor in last week's missile attack against the exiles' planes. Washington should be doing everything it can to promote opposition within Cuba by encouraging more human interchange between the island and the outside world, not less.

The Helms-Burton Act is not an appropriate response to Cuba's murderous deed. It is a wholesale policy reversal that weakens America's ability to encourage democracy in Cuba. Mr. Clinton should return to his original sound position.

[From the Washington Post, Mar. 3, 1996]

THE GREAT CUBAN EMBARGO SCAM

(By Louis F. Desloge)

Virtually everyone agrees that President Clinton should retaliate forcefully against Cuba's tragic and murderous downing of two civilian aircraft last weekend. But the least effective and most counterproductive punishment is Clinton's acquiescence to the Helms-Burton bill to tighten the U.S. embargo of Cuba. This legislation, which the White House endorsed last week, albeit with reservations, will only play into Castro's hands by creating an expansive loophole for property claimants, especially wealthy Cuban Americans, to circumvent the embargo.

Jesse Helms and Dan Burton, conservatives whom I admire, are no doubt sincere in their motivation to subvert Castro's rule by applying economic pressure on his regime. However, they may very well achieve just the opposite of what they seek by buttressing, not undermining, Castro's support at home and weakening, not strengthening, the embargo's prohibition on trade with Cuba.

The Helms-Burton bill is a slick stratagem. Its stated purpose is to tighten the embargo by allowing Cuban Americans to have the unprecedented right to sue, in U.S. federal courts, foreign companies doing business on land once owned by these exiles. The idea is to discourage foreign business investment in Cuba, thus undermining the island's financial recovery which, the bill's supporters naively hope, will result in a collapse of the Castro regime. The bill's practical consequences are a different story.

A little-noticed provision in the Helms-Burton measure will enable a small group of Cuban Americans to profit from the economic activity occurring in Cuba.

To understand this provision, one must first know who helped write it. As the Baltimore Sun reported last May, the bill was drafted with the advice of Nick Gutierrez, an attorney who represents the National Association of Sugar Mill Owners of Cuba and the Cuban Association for the Tobacco Industry. Gutierrez acknowledges his involvement, as does Ignacio Sanchez, an attorney whose firm represents the Bacardi rum company. Sanchez told the Sun that he worked on the bill in his capacity as a member of the American Bar Association's Cuban Property

Rights Task Force and not as representative of the rum company.

It is not hard to surmise what these former sugar, tobacco and rum interests will do if and when the law takes effect: sue their competitors who are now doing business in Cuba.

Gutierrez told the Miami Herald last fall as saying that he (and his clients) are eyeing a Kentucky subsidiary of British-American Tobacco (B.A.T.) that produces Lucky Strike cigarettes. B.A.T. has a Cuban joint venture with the Brazilian firm Souza Cruz to produce tobacco on land confiscated from his clients, Gutierrez claims.

Bacardi would be able to sue Pernod Ricard, the French spirits distributor, currently marketing Havana Club rum worldwide. Bacardi claims that Pernod Ricard's rum is being produced in the old Bacardi distillery in the city of Santiago de Cuba.

Here is how this vexatious scheme will work if Helms-Burton becomes law. The former landowner of a tobacco farm files a suit in federal court against British-American Tobacco and seeks damages. If both sides want to avoid prolonged litigation they can reach an out-of-court settlement whereby the former tobacco grower can now share in the profits of the ongoing B.A.T.-Brazilian joint venture in Cuba. Likewise, Bacardi could reach a settlement to get a share of Pernod Ricard's profits from sales of Havana Club internationally.

These agreements do not need the blessing of the U.S. government. This is the million dollar loophole in Helms-Burton. The bill states: ''an action [lawsuit] . . . may be brought and may be settled, and a judgment rendered in such action may be enforced, without the necessity of obtaining any license or permission from any agency of the United States.''

What will be the practical result? Foreign companies like Pernod Ricard and British-American Tobacco are unlikely to abandon viable operations in Cuba because of a lawsuit. More likely, these foreign businessmen will agree, reluctantly, to pay off Cuban exiles suing under Helms-Burton. Given the choice of forfeiting millions of dollars invested in Cuba or their financial interests in the United States, the practical business solution might be to give the exiles a cut of the action. Far better to have 90 percent of something than 100 percent of nothing, these businessmen will reason. Allowing Cuban Americans a share of their profits will just be factored in as another cost of doing business.

Indeed, Helms-Burton gives the Cuban exile community a strong financial stake in Castro's Cuba. If the foreign businesses simply withdrew in the face of Helms-Burton, the exiled tobacco, sugar and rum interests would get nothing. But if British-American Tobacco or Pernod Ricard or any other foreign firm now doing business with the Castro regime offers an out-of-court settlement to Cuban American exiles, who is going to turn them down? Given the option, at least some people are going to choose personal enrichment over the principle of not doing business with Fidel. After all, Fidel has been in power for 37 years, and the exiles are not getting any younger.

The Clinton White House is not unaware of the scam at the heart of the bill. Before the shooting down of the plane, the president had objected to the provisions allowing U.S. nationals to sue companies doing business in Cuba. During last week's conference with Congress, the president's men surrendered and asked for a face-saving compromise: a provision giving the president the right to block such deals later on if they do not advance the cause of democracy in Cuba. But how likely is Clinton to block Cuban Americans in Florida, a key election state, from suing Castro's foreign collaborators later in the final months of an election year? Not very.

The bottom line is that Clinton, in the name of getting tough with Castro, has endorsed a bill that allows the embargo to be evaded and protects Cuban Americans who want to legally cut deals to exploit their former properties in Cuba while the rest of the American business community must watch from the sidelines.

In fact, the legislation could encourage a massive influx of new foreign investment in Cuba. Armed with the extortionist powers conferred by the legislation, former property holders could shop around the world for prospective investors in Cuba and offer them a full release on their property claim in exchange for a ''sweetheart'' lawsuit settlement entitling them to a piece of the economic action. Thus, the embargo is legally bypassed and everyone laughs all the way to the bank.

Actually, not everyone would benefit. The Clinton-endorsed version of Helms-Burton only exempts the wealthiest cabal of Cuba's former elites from the embargo's restraints. The bill will only allow those whose former property is worth a minimum value of $50,000 (sans interest) to file suits. And you had to be very rich to have owned anything of that value in Cuba in 1959. If you were a Cuban butcher, baker or candlestick maker, too bad. This bill is not for you.

What could be more useful to Castro in his efforts to shore up his standing with the Cuban people? The spectacle of the U.S. Congress kowtowing to these Batista-era plantation owners and distillers provides Fidel his most effective propaganda weapon since the Bay of Pigs debacle. Castro surely knows that the overwhelming majority of the Cuban people—60 percent of whom were born after 1959—would deeply resent what can be characterized, not unfairly, as an attempt to confiscate their properties and revert control over Cuba's economy to people who symbolize the corrupt rule of the 1950s. Rather than undermining Castro's rule, this bill would drive the people into his camp.

Where is the logic in denying the vast majority of the American people the right to become economically engaged in Cuba if it is extended to only a select, wealthy few? Is the concept of ''equal protection under the law'' served if non-Cuban Americans are now relegated to the status of second-class citizens? Or is the real intent of this bill to allow rich Cuban exiles the opportunity to get a jump start and thereby head off the ''gringo'' business invasion certain to follow the demise of the embargo and the inevitable passing of Castro.

Let us put an end to this special interest subterfuge. Whatever obligation the United States had to my fellow Cuban Americans has been more than fulfilled by providing us safe haven and the opportunity to prosper and flourish in a free society. Providing us, once again, another special exemption which makes a mockery of the American Constitution, laws and courts, not to mention making a farce of U.S.-Cuba policy, is an insult to both the American and Cuban people.

If we are going to lift the embargo for a few wealthy exiles then, fine, let us lift it for all Americans. To be fair and consistent, why not liberate the entire American community to bring the full weight if its influence to bear upon Cuban people? Implementing an aggressive engagement policy to transmit our values to the Cuban people and to accelerate the burgeoning process of reform occurring on the island has a far better chance of ending Castro's rule then the machinations of Helms-Burton.

[From the Boston Globe, Feb. 27, 1996]

MISSTEPS ON CUBA

When Fidel Castro sent his MIG fighters up against two alleged intruders last weekend, he not only shot down two unarmed civilian aircraft and killed American citizens, he shot himself in the foot as well.

In the last few months there had been signs that relations between Cuba and the United States—frozen for more than 30 years—might be beginning to thaw. In October President Clinton eased some of the travel and financial restrictions on Cuba in the interests of greater ''people to people'' contact. This year there has been a steady stream of congressmen visiting the island, each receiving the obligatory audience with ''the bearded one.''

American businessmen are becoming receptive to potential opportunities in Cuba. Some say that more Americans visited Cuba in January than in any month since Castro came to power in 1959.

Seeing his economy crash and burn after the end of support from the Communist bloc earlier this decade, Castro desperately needs foreign investments; an end to the American economic embargo of his island would ease the poverty of his people.

An even more Draconian twist to the embargo, in the form of the Helms-Burton bill, is waiting in the wings. Passed by both houses but still awaiting action in conference committee, Helms-Burton would not only tighten existing restrictions, but would punish our allies who trade with Cuba. The House version, for example, could ''restrict'' entry into the United States of corporate officers, even shareholders, of companies doing business in Cuba, a measure which might be in violation of our trade agreements with Canada in particular.

Some congressmen, such as Joseph Moakley, told Castro last month that the United States and Cuba had reached a ''crossroads.'' If Helms-Burton were signed into law it would ''end any possibility for improved relations anytime in the near future.'' He told Castro that there ''must be more movement in Cuba in regard to human rights * * *''

Only last week, however, Castro arrested 100 dissidents and human-rights activists who were seeking a peaceful dialogue with the Cuban regime. This upset the European Union, which is trying to work out an economic-cooperation treaty with Cuba, and made it all the more difficult for those who are working to defeat Helms-Burton in this country.

Last weekend Castro made their task next to impossible. With large Cuban-American communities in swing states such as New Jersey and Florida, seeming soft on Cuba in an election year is not something politicians want.

But the Helms-Burton bill is bad law. It was bad law before Castro's stupid overreaction to the admittedly provocative flights, and it is bad law now. It is to be hoped that cool heads in Congress and the White House will realize that in time.

[From the Chicago Tribune, Mar. 1, 1996]

SURRENDERING U.S. POLICY ON CUBA

After more than 30 years of them, it should be clear that trade sanctions against Cuba will not force Fidel Castro to surrender. What a shame, then, that a great power like the United States has surrendered its foreign policy to a tiny population of hard-line anti-Castro Cubans. What an embarrassment!

By agreeing this week to impose new economic penalties against Cuba, President Clinton and the Republican-controlled Congress have proven that, given a choice between sound foreign policy and pandering to the rabid anti-Castro crowd in a critical electoral state, they'll pander.

In no way do we defend Castro's dictatorship or the outrageous disregard for human life represented by Cuba's downing last weekend of two small civilian aircraft. But in that regard, an old American adage is instructive: Don't go looking for trouble, it cautions, 'cause it'll find you anyway.

Brothers to the Rescue, an exile group, went looking for trouble by violating Cuba's sovereign air space to drop leaflets and by playing hide-and-seek with Cuban jets along its periphery.

By law, private citizens may not make foreign policy. Yet the Cuban exiles invited this ''crisis,'' if they didn't actually manufacture it, and suckered both a Democratic president and a Republican Congress into making policy to suit their purposes.

Ironically, the new sanctions, while aimed at isolating Castro and weakening his power, are certain only to complicate trade relations with key U.S. allies and commercial partners such as Canada, Mexico and France.

Under the sanctions, U.S. visas will be denied to foreign corporate executives—and their stockholders—if these firms are among those that have invested billions of dollars in Cuban property. (The U.S. is the only nation that observes the absurd embargo of Cuba.)

Another provision would allow U.S. citizens to file suit against foreign firms utilizing property that was seized by Castro. But in a cynical provision designed to neuter that very same proposal, the president is granted power to waive the rule every six months to throw out the backlog of anticipated cases.

Like all dictators, Castro shows unwavering patience in allowing his people to suffer. But if America wants to influence Cuba to liberalize, then more ties—not a trade embargo—is the answer.

[From the Washington Post, Feb. 27, 1996]

CUBA'S BRUTALITY

No one concerned for regional stability and air safety can fail to condemn Cuba's brutal downing of two small unarmed civilian planes on Saturday. In this latest mission by Brothers to the Rescue, the two planes and a third that made it back to Miami had in fact ignored Cuban warnings as well as official American cautions not to penetrate Cuban air-space. Nor was it clear whether their purpose was the stated humanitarian one of rescuing fleeing rafters or the alleged political one of overflying Havana. But this is no excuse for the attack. In such circumstances, international law requires warning off the approaching aircraft. Instead, the Castro government, having considered for months how to react to these flights, ignored American urgings to stay on a peaceful and legal path and shot to kill.

The Cuban attack caught President Clinton at a difficult time and place. He does not wish to be outflanked politically in a potential swing state, Florida, with a large Cuban-exile population and a presidential primary coming up two weeks from today. Nor does he want, in expressing the prevailing and justified outrage, to let it overwhelm his previous efforts to open up certain avenues of communication and relief for the Cuban people, or to interfere with agreed procedures of legal emigration. Hence the measures he announced yesterday to notch up pressure on the Communist regime, including suspending Havana-Miami charter flights and working with Congress to selectively tighten an already tight embargo.

Given the tensions Fidel Castro churns on the American scene, the Clinton proposals were bound to be attacked not only by Republicans campaigning for their party's presidential nomination in Florida but also by harder-line factions among the state's million Cuban Americans. From these sources now come calls for a military response—an air patrol to knock down rising Cuban MiGs or a blockade to keep Fidel Castro from either receiving foreign ships or expelling a new flood of refugees to Florida.

These measures would be counterproductive. If put into effect, they would leave the United States largely isolated among other nations. The better course remains to keep international diplomatic and private influence focused—in discussions on ending the embargo, for instance—on opening political space for human rights advocates, independent social and professional organizations, and democrats. As the recent crackdown on Concilo Cubano demonstrates, this isn't easy. But over time it offers hope.

[From the Detroit News, Feb. 29, 1996]

CUBA INCIDENT: CORRECT RESPONSE

The downing late last week of two unarmed civilian planes by Cuban military jets off the coast of Cuba was a brutal and cowardly act. But President Bill Clinton properly resisted the temptation in a political season to overreact. The administration's response was reasonably measured, even as it sought to condemn Cuba in the United Nations.

President Clinton has suspended all air charter transportation to Cuba, vowed to reach an agreement on tightened trade sanctions against Cuba, asked Congress to divert funds from Cuba's $100 million in frozen assets to compensate the families of the downed pilots and restricted travel to Cuba by Americans.

But the president didn't end travel to Cuba; he proposed requiring visitors to go through a third country to reach the island nation. Government officials estimate that about 120,000 to 130,000 people travel from the United States to Cuba each year. If the requirement that they route themselves through a third country slows the flow, Cuba will suffer from a loss of revenue in hard currency.

The proposed sanctions are in line with this country's 30-year-old policy of enforcing a trade embargo on Cuba. Its economy was propped up by the Soviet Union, but the dissolution of the old Soviet empire has thrust the regime of Fidel Castro on hard times.

The shootings necessitated punishment from Washington, but stiffer trade sanctions and restricted travel are not the best long-term solution for inducing change in Cuba. Mr. Clinton last fall moved to ease relations with Fidel Castro's regime. The administration then was right to do so. Commercial and cultural relations with Cuba ultimately will serve to weaken the grip of the aging communist dictator, whose misrule has given his countrymen decades of economic ruin.

The administration's tow-prong policy on the shootings is also well-judged. To complement its own reprisals, it moved to obtain a condemnation of Cuba's action in the United Nations. The UN instead ''deplored'' Cuba's action, which is taken as a sign that it will not adopt its own trade sanctions.

But in all of its actions, the Clinton administration has moved to maintain control of this country's Cuba policy. The flights near the Cuban coast by a Cuban emigre group were clearly meant to provoke the Cuban government. The Cubans in the last several weeks had issued warnings that the flights should cease. Whether or not the civilian pilots actually violated Cuban air space remains in dispute.

Given the ambiguity of the situation, the Clinton administration is right not to let the Cuban emigre group get it into a confrontation. The group responsible for the flights has promised to continue them this week. But the new flights should be at their own risk. Washington, not Miami, should be the locus of U.S.-Cuba policy. And if the group files phony flight plans, the administration should consider grounding its aircraft.

The president's response drew criticism from some of his Republican challengers, but this smacks of the criticism he dealt former President George Bush on Bosnia. It is easy to talk tough when one is out of office.

For now, the Castro regime should feel the pain resulting from American displeasure over the shooting incident. But the long-term policy for breaking up the Castro regime should be more contacts and more commerce.

[From the Philadelphia Inquirer, Feb. 27, 1996]

HOLD THE BLOCKADE

THOSE CRYING FOR MILITARY ACTION AGAINST CUBA OUGHT TO PUT SATURDAY'S ATTACKS INTO CONTEXT.

Let's have a little perspective, please, on the Cuban downing of two civilian planes last Saturday.

To hear GOP candidates (and some Cuban exile groups) tell it, this is the most heinous international crime since Hitler's invasions, and should be fought as fiercely. Send U.S. warplanes, says Pat Buchanan. Amateur hour in the White House, scoffs Bob Dole.

Fortunately, President Clinton has been level-headed enough not to blow this incident out of all proportion. His call for U.N. Security Council condemnation of Cuba, and Cuban payment of compensation to the families of the downed pilots, is about what the sorry episode merits.

Those who want tougher action should examine the facts.

The two downed Cessnas were piloted by Cuban Americans belonging to a group called Brothers to the Rescue, which is supposed to aid Cubans trying to escape by sea to America. But the flow of refugees has mostly stopped since Washington began repatriating in August 1994.

So what were the planes doing? This Cuban American group has frequently overflown Cuban airspace, illegally, and last January dropped anti-Castro leaflets on, Havana. On Saturday's flight, the pilots were warned by Havana air controllers not to enter Cuban airspace. They replied that they would do so anyway, adding, ''we are aware we are in peril.''

U.S. officials say a third plane that escaped did enter Cuban airspace, while the two downed planes were shot by a Cuban MIG–29 in international waters. They also say, rightly, that no country has the legal right to shoot down unarmed planes that don't threaten national security; Cuban air controllers should have issued warnings.

But there is no question that Brothers to the Rescue was trying to provoke a Cuban reaction by repeatedly violating Cuban airspace to pursue their anti-Castro cause. No matter how one admires the pilots' bravery, or despises the Castro regime, that fact is clear.

Cuba is now nothing more than a historic leftover whose communist regime is bound to dissolve soon. To further isolate the population—by cutting phone contacts or family remittances from America—would only slow the foreign contacts that help undermine the regime.

Mounting a full-scale naval blockade would put America at odds with all its allies. Similarly, the Helms Burton bill in Congress—which the President has opposed but now promises to work on—would also make international mischief unless it is rewritten. As it now stands, the bill would legitimize suits by Americans against many third-country firms that trade with Cuba. Do we want

to start trade wars with our allies over their commerce with Cuba?

That, not Mr. Clinton's reasoned response, sounds like amateur hour.

[From the Los Angeles Times, Feb. 27, 1996]

WEIGHING THE RESPONSE TO CUBA'S BRUTAL ATTACKS

CLINTON'S TASK IS TO PUNISH CASTRO, NOT THE CUBAN PEOPLE

The Cuban air force downing of two civilian aircraft last weekend, and the resultant deaths of four Cuban Americans aboard, was a blatantly illegal and needless act of provocation by Fidel Castro's government. President Clinton is right to condemn it in the strongest terms.

But Clinton must not allow Castro's latest act of brutality to push him too far, and he sensibly appears to have a hard but well-measured course in mind. To be provoked into a short-sighted overreaction could damage U.S.-Cuban long-term relations even further. The Administration's strategy may not please some of Castro's most ardent enemies in this country, but it will make it easier for Washington and Havana to resume normal relations in that not-too-distant future when Castro is gone and the long communist dictatorship comes to its inevitable end.

Clinton has announced that he will seek legislation to compensate the families of the four missing and presumed dead fliers from Cuban assets that have been impounded in this country. He also announced there will be new restrictions on the movement and number of Cuban diplomats in the United States and the suspension of charter air travel to Cuba. Lastly, he will expand the reach of Radio Marti, the U.S. government broadcast service into Cuba, a long-time burr under Castro's saddle. These are all reasonable responses.

Less reasonable, and possibly counterproductive, is Clinton's willingness to discuss with Congress possible administration support for the so-called Burton-Helms bill, legislation that would tighten the existing U.S. economic embargo on Cuba. While bills like Burton-Helms reflect an understandable U.S. frustration with the Castro regime, that legislation, like the embargo itself, would cause ancillary problems in Washington's relationship with other nations, including important allies and trading partners like Canada and Spain. Unless the State Department can help Congress rewrite Burton-Helms so that it aims toward the normalcy of key international trade agreements like NAFTA—a prospect that seems highly unlikely—it is best tossed in the congressional trash bin.

It is expected that the United Nations will soon join the United States in condemning the irrational order to set Cuba's MIG warplanes upon the small civilian craft flown by the anti-Castro pilots. Perhaps U.N. debate will bring out more facts about this incident than are now publicly known. For instance, what were the exact whereabouts of the planes at the moment they were attacked? The U.S. and Cuban government versions differ enormously. The Cubans say that the planes were inside their territory, while Washington and Brothers to the Rescue, the Cuban American organization to which the planes belonged, maintain that the aircraft were flying over international waters. It is, in fact, illegal to shoot at any unarmed civilian aircraft, according to international civil air agreements. Havana will have a lot of explaining to do if it hopes to come close to justifying the deaths of these four people.

At least some of the blame for this tragedy may lie with Brothers to the Rescue. Since 1991, the organization of Cuban American pilots has flown 1,700 missions in the skies around Cuba. At least twice, Brothers to the Rescue pilots have flown all the way to Havana to drop anti-Castro leaflets. Were the Brothers trying to provoke an incident with Cuba on the eve of Congress' consideration of the Burton-Helms bill? Possibly, but even if they were, and no matter how provocative those flights might seem, they cannot justify Saturday's brutal response.

Is Castro trying to send a message to Miami and Washington, not to mention the Cuban people, with this bloody incident? Is he trying to prove, yet again, that he will tolerate no political dissent from his aging and increasingly weak regime? Perhaps, but ultimately his attempts to hang onto power are futile. Someday, the sooner the better, the aging dictator will be gone and a new era of relations between Havana and Washington will begin. As Clinton ponders how to react to this lastest outrage, the president must keep in mind those long-term prospects. Exact payment, squeeze Castro, but don't derail the future relationship between the two peoples.

[From the Baltimore Sun, Feb. 27, 1996]

CUBAN JETS VS. UNARMED CESSNAS

CASTRO'S LATEST BLUNDER: CLINTON TIGHTENS EMBARGO, SHUNS MILITARY ACTION

President Clinton's substantive response to Cuba's latest outrage—the shooting down of two unarmed civilian planes whose only ''bombs'' were leaflets calling for freedom—was more restrained than his rhetoric. He ordered no military action, imposed no naval blockade, kept telephone lines open and did not shut off the money sent by exiles to families in Cuba.

Yet some action was imperative. No self-respecting country can permit the blatant murder of four of its citizens to go unpunished. No self-respecting leader can permit himself to be shown without recourse.

Fidel Castro's latest crime, when combined with his recent crackdown on dissenters, erases what had been a favorable trend in U.S.-Cuban relations. It also could short-circuit some of his efforts to replace the loss of Soviet-era economic aid with increasing trade ties with Europe.

It is true enough that those involved in Saturday's incident were provocateurs in the business of pulling Fidel's beard. They were members of Brothers to the Rescue, a Miami-based organization formed to rescue boat people fleeing Cuba. But since Mr. Clinton's policy of forced repatriation stopped much of that exodus, the group has violated Cuban air space several times to drop freedom leaflets despite U.S. pleas to desist. This evidently was the intent when they flew toward Havana during their ill-fated mission.

The Cuban retaliation was far out of proportion to the provocation and in clear violation of international strictures against firing at unarmed aircraft. As a result, Mr. Clinton rightly reversed his order of last October easing travel restrictions between the U.S. and Cuba. He will stop U.S. charter flights. He will compensate the families of those killed by Cuban jet fighters out of frozen Cuban assets in the U.S. He will expand the reach of Radio Marti. And he even will work with Congress to see if some version of the Helms-Burton bill tightening the economic embargo on Cuba can be passed.

One provision in that measure permitting Cuban-Americans and others to flood federal courts with suits seeking compensation from third-country investors who have purchased properties confiscated by the Castro regime should remain veto-bait. It would serve only to increase the impatience of other nations with the U.S. obsession with Cuba. Yet some tightening of the embargo now seems a political necessity, even though the more prudent long-range course would be to create the personal and economic ties needed for the inevitable transition to a post-Castro era.

STATEMENT OF THE EUROPEAN UNION, DELEGATION OF THE EUROPEAN COMMISSION, TO THE DEPARTMENT OF STATE

The Presidency of the Council of the European Union and the European Commission present their compliments to the Department of State and wish to refer to the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996.

The European Union (EU) has consistently expressed its opposition, as a matter of law and policy, to extraterritorial applications of US jurisdiction which would also restrict EU trade in goods and services with Cuba, as already stated in various diplomatic demarches made in Washington last year, including a letter from Sir Leon Brittan to Secretary of State Warren Christopher. Although the EU is fully supportive of a peaceful transition in Cuba, it cannot accept that the US unilaterally determine and restrict EU economic and commercial relations with third countries.

The EU is consequently extremely concerned by the latest developments in the House-Senate Conference in relation to this legislation, including the position now apparently taken by the US Administration. The legislation contains several objectionable elements. In addition, provisions relating to trafficking in confiscated property and those concerning denial of visas to executives or shareholders of companies involved in transactions concerning confiscated properties in Cuba, which had been removed during the adoption procedure by the Senate last 19 October 1995, have now been reintroduced by the House-Senate Conference. These provisions, if enacted and implemented, risk leading to legal chaos.

The EU cannot accept the prohibition for US-owned or controlled firms from financing other firms that might be involved in certain economic transactions with Cuba. The EU has stated on many occasions that such an extraterritorial extension of US jurisdiction is unacceptable as a matter of law and policy. Therefore, the EU takes the position that the United States has no basis in international law to claim the right to regulate in any way transactions taking place outside the United States with Cuba undertaken by subsidiaries of US companies incorporated outside the US.

Nor can the EU we accept the immediate impact of the legislation on the trade interests of the EU by prohibiting the entry of its sugars, syrups and molasses into the US, unless the former certifies that it will not import such products from Cuba. The EU considers such requests, designed to enforce a US policy which is not applied by the EU, as illegitimate. Such measures would appear unjustifiable under GATT 1994 and would appear to violate the general principles of international law and sovereignty on independent states.

In these circumstances, the EU would appreciate it if you would inform Congress that the EU is currently examining the compatibility of this legislation with WTO rules and that the EU will react to protect all its legitimate rights.

The EU is also worried by the provisions that would lead the US to unilaterally reduce payments to international institutions, such as the IMF. This measure would run counter to collectively agreed upon obligations via-a-vis those institutions and would represent an attempt to influence improperly their internal decision-making processes.

The EU also finds most worrying the reduction of US assistance to the Russian Federation as a possible consequence of this legislation. Such a measure would not only weaken Western leverage in favour of reforms, but comes at a critical junction in time.

Finally the EU objects, as a matter of principle, to those provisions that seek to assert extraterritorial jurisdiction of US Federal courts over disputes between the US and foreign companies regarding expropriated property located overseas. This measure would risk complicating not only third country economic relations with Cuba, but also any transitional process in Cuba itself. Furthermore, these provisions offer the possibility to US firms for legal harassment against foreign competitors that choose to do business in Cuba. The threat of denial of a US visa for corporate officers and shareholders accentuates this concern.

The EU considers that the collective effects of these provisions have the potential to cause grave damage to bilateral EU–US relations. For these reasons, the EU urges the US Administration to use its influence to seek appropriate modifications to the proposed legislation, or if this should not be feasible, to prevent it from being enacted.

Should the legislation be adopted, the European Union intends to defend its legitimate interests in the appropriate international fora.

The Presidency of the Council of the European Union and the European Commission avail themselves of this opportunity to renew to the Department of State the assurances of their highest consideration.

STATEMENT BY ALFREDO DURAN, PRESIDENT OF CUBAN COMMITTEE FOR DEMOCRACY

The recent shooting of two civilian planes which ended tragically with the loss of four lives was unquestionably an overreaction—once again—by the Government of Cuba. While President Clinton was correct in criticizing and imposing certain sanctions for the Cuban Government's disregard for international law, he should seriously ponder whether he is not now overreacting with his own endorsement of the Helms-Burton bill.

The Helms-Burton bill, with echoes of the Platt amendment, will, among other consequences, seriously affect the relations between the United States and Cuba for many years to come; violate the spirit, if not also the laws, of free trade and irritate major allies of the United States; deviate the attention of the world from Cuba's own excesses to the United States embargo, a policy which most nations have consistently criticized; and crippled the United States President's ability to act with flexibility to changes in Cuba.

Mr. Chairman, it will also further weaken the United States' leverage with the Government of Cuba in the future; slow down the mutually beneficial contacts between the people of Cuba and the United States; and exacerbate the divisions already existing between Cubans in the island and Cuban Americans.

Those of us who wish for a peaceful transition within Cuba appeal both to the Cuban Government to rethink their disregard for international norms and to the United States Government not to fall into the trap of overreacting to an overreaction.

STATEMENT OF ELOY GUTIERREZ MENOYO, PRESIDENT OF CAMBIO CUBANO/CUBAN CHANGE, TO THE U.S. CONGRESS

At a very early age, I learned about war. My brother Jose Antonio was killed fighting against fascism at age 16 in Spain. I was only five years old. My other brother, Carlos, was killed at the age of 31 in Cuba while trying to overthrow the Batista dictatorship. The tender age of the downed pilots makes me think of my dead brothers. The scars from premature death are painful to bear.

Nothing can excuse Cuba's bravado in downing the two Cessnas in which four young Cubans perished. However, this is a time for restraint and reason on both sides. US foreign policy relations must not be held hostage by extremists who seek to provoke and intensify an already tense atmosphere between both countries.

The time has come to engage Cuba in negotiations. If the US has understood, accepted, and promoted democratization in other countries, it is incomprehensible to now continue to treat Cuba with rigidity and inflexibility.

This is the moment to put into practice more creative and pragmatic policies which are truly conducive to a peaceful solution to the Cuban situation.

After twenty-two years in a Cuban prison, I was exiled abroad. Last year, I returned to Havana and called for civil and political liberties, for my right to return and continue my political work there, including my right to establish an office of Cambio Cubano in my country.

These objectives are possible only through a national reconciliation, rather than through a failed policy of confrontation. The peace for which we yearn is not easy. Most good things are as difficult as they are rare.

I urge the US Congress to defeat the Helms-Burton legislation.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. MOAKLEY. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, I would just like to ask the gentleman, aside from killing Fidel Castro with some kind of a paper resolution, what would the gentleman do over this latest incident?

Mr. MOAKLEY. Mr. Speaker, reclaiming my time, I would put the strongest sanctions I could. Helms-Burton is not the answer.

Mr. BURTON of Indiana. Mr. Speaker, what sanctions would the gentleman impose?

Mr. MOAKLEY. Anything else, but Helms-Burton is not the answer. Let me tell the gentleman, every Member who votes for Helms-Burton, I bet within a couple of months would say, why did I do it?

Mr. DIAZ-BALART. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana [Mr. LIVINGSTON], the distinguished chairman of the Committee on Appropriations.

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

Mr. LIVINGSTON. Mr. Speaker, I thank my friend from Florida for yielding me time.

Mr. Speaker, I rise in strong support of the rule and on the conference report on the Cuban Liberty and Democratic Solidarity Act. I commend Chairman SOLOMON, Chairman GILMAN, and Chairman BURTON for all their hard work on this important bill and welcome President Clinton's newfound support.

I would like to take this opportunity and offer my condolences to the families of the murdered pilots. They should know that their loved one's efforts in helping those seeking freedom was an inspiration to us all. Their dedication and bravery will not be forgotten.

This latest incident, once again, illustrates Castro's disregard for human rights and disrespect for international law. Along with repressing basic freedoms, Castro routinely and unmercifully persecutes anyone who speaks out against his barbaric practices. Now is the time to tighten the sanctions. Only by ending Castro's access to foreign capital will we bring about positive change in Cuba.

Since the cutoff of Soviet assistance in 1991, Castro has launched a desperate campaign to lure foreign investment in Cuba. This allows him to generate hard currency—the means necessary to sustain his repressive apparatus. We must not allow Castro to prop up his failed government with foreign investment in properties—many of which were confiscated from U.S. citizens.

The conference report permits American citizens to recover damages from foreign investors who are profiting from their stolen property in Cuba. This will block the foreign investment lifeline which keeps Castro's regime alive.

The conference report also creates a right for U.S. citizens to sue parties that knowingly and intentionally traffic in confiscated property of U.S. nationals. Moreover, it denies entry into the United States of any such individual. These are logical steps which will compel international companies to make a fundamental choice: ignore U.S. property rights and engage in business as usual with Castro or maintain access to the world's largest market.

While I strongly support increased economic sanctions to force Castro from power, I also support efforts to help any new effort which enhances the self-determination of the Cuban people.

The conference report requires the President to develop a plan to provide economic assistance to both a transitional government and a duly elected Government in Cuba. These provisions send a clear signal to the Cuban people that the United States is prepared to assist in the revival of Cuba's economy and to build a mutually beneficial bilateral relationship.

Cuba is at a crossroads. This report tightens the economic noose around Castro and focuses our country's energies on bringing fundamental change in Cuba.

I urge my colleagues to support this important legislation.

□ 1230

Mr. BEILENSON. Mr. Speaker, I yield 4 minutes to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Speaker, I find it rather strange that we are taking up this legislation today in the

manner in which we are. I will attempt to answer the gentleman from Indiana [Mr. BURTON] as well. I think his question is a good one: What would you do in place of this legislation?

Let me say what I think we should do. I think we should get rid of the embargo entirely, open it up. We are dealing with a nation here who shares western values. I think if we dropped the embargo entirely, Mr. BURTON is shaking his head, I wish we had more time. We could have an exchange at some later point, perhaps in special orders or something of that nature. I do not associate the people of Cuba with the government any more than the people around the world do necessarily with the government officials that we have here. I think that the way to end the dictatorship in Cuba is to open up our trade completely. I think the regime would fall very, very quickly under that kind of circumstance.

But, because my time is limited, unfortunately, I am trying in good faith to give an answer to Mr. BURTON on that. If we go with the legislation that is before us and allow the suing to take place, who are going to bring into the suit? Will Meyer Lansky come back then and the Mafia? Is that who we want to put back in charge?

I come from an island people. We understand what colonial domination is all about. I can tell my colleagues how my interest in Cuba first started because the oligarchs in Cuba that controlled sugar and slave labor there, which competed with our free collective bargaining individuals in Hawaii that produced sugar. We understand completely what was involved in the 1950s. I do not want to hear crocodile tears at this stage about dictatorships. I understand exactly what is taking place in Cuba there.

If my colleagues want to bring the Mafia back in and they want to bring the people who supported those kinds of people back into power, that is up to them. They can do that. But do not try and sell us at this particular time that somehow our allies, then, in Mexico and Canada are going to be subject to some kind of sanction. If we want to get rid of NAFTA, it is OK with me. I voted against it. But if that is going to be the case, it seems to me that to bring the kind of pressure that at least one of the individuals speaking in favor of the legislation brought to bear today, then I think that we are going to have to abrogate the NAFTA agreement as well. I mean, this may be the vehicle for doing it. I do not know. I had not thought about it previously.

So when Senator DOLE indicates, as previous discussant related to us, that U.S. policy has consequences around the world, I would say that is true. And I think our relationship with Canada and Mexico is a case in point.

I think that if we are talking about whether or not we are in control of our own foreign policy, I think we have to take into account whether or not these provocations do occur and whether or not we are going to sanction it. If it is the policy of the United States to allow these flights to take place, then we should say so. I think we should say so up front.

We are meeting in the Committee on National Security today, and we have had a discussion already in terms of our authorization as to what our policy should be or not be with respect to Cuba. And if it is our idea to have a provocation of the Cuban Government at this time, then I think we need to say so. And if that is what we want to do, go to war with Cuba, I think we ought to talk about whether or not we are going to go to war with Beijing. Are we going to encourage the same kind of approach from Taiwan toward the mainland of China? I think we have to be very, very careful here with respect to whether we allow the emotion of the moment to rule the legislation which comes before us in the wake of it.

With that, Mr. Speaker, I close my remarks and indicate that at some time in the future, I would be delighted to discuss what we should do. And I do not think, unfortunately, the legislation before us today allows that kind of discussion.

Mr. DIAZ-BALART. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New York [Mr. GILMAN], chairman of the Committee on International Relations.

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

Mr. GILMAN. Mr. Speaker, the Cuban Liberty and Democratic Solidarity [Libertad] Act of 1996 has three constructive objectives: to bring an early end to the Castro regime by cutting off capital that keeps it afloat; to start planning now for United States support to a democratic transition in Cuba; and, to 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.

This legislation charts a course for responsible normalization of United States-Cuba relations under specific conditions. And, in the meantime, it helps protect the property of U.S. citizens until they can reclaim it under a democratic government.

Mr. Speaker, ''libertad'' means ''freedom'' for the Cuban people, literally and figuratively.

By approving this Libertad Act with wide bipartisan support, Congress will demonstrate our solidarity with the Cuban people who are struggling to be free.

We are sending an unambiguous response to Castro in the wake of his murderous attack on February 24 that cost the lives of four innocent Americans. And we express our condolences to their families.

Mr. BURTON and I have worked with a strong bipartisan coalition that has reached out to the administration in crafting this conference report.

We are pleased that the administration has publicly agreed to back the Burton-Helms bill. And, I ask that President Clinton's March 5 letter to Speaker GINGRICH endorsing this measure be made part of the RECORD today.

With the tireless work of Representative ROS-LEHTINEN, Representative DIAZ-BALART, Representative MENENDEZ, and Representative TORRICELLI, we have fashioned a sound piece of legislation that advances one of our most critical foreign policy objectives in this hemisphere.

Accordingly, I urge my colleagues to support the rule and this worthy bill.

Mr. BEILENSON. Mr. Speaker, I yield 5 minutes to the gentleman from Coloroado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Speaker, this legislation comes to the floor today propelled by our collective outrage over the recent murderous attack by the Castro regime on two defenseless and clearly marked civilian aircraft. Civilized people everywhere are rightly outraged by this brutal act and by the disregard that the Castro regime has shown for human life and human rights.

It is long past time for Castro and his paranoid regime to follow Brezhnev, Honeker, Ceausescu, and all the other failed Marxist dictators into the dustbin of history. There can be no disagreement about that.

But does it follow that there should be no disagreement about this bill? Emphatically, it does not. In fact, this legislation is a product of outdated dogma about how to fight Communist dictators, just as much as Castro is an outdated Communist dictator.

A vote for this bill is a vote to ratchet up the already tight Cuban embargo. That may be popular as a way to register our moral outrage at Castro's latest actions. Some may even believe it will help push his regime over the edge.

To the contrary, passing this bill is exactly the wrong thing to do right now.

What is our self-interest here? What should be our objective? It should be the peaceful transition to a Cuba with an open economic system and a democratic political system.

What is the best way to get there? I think our recent experience is instructive, our experience with the Soviet Union, with Eastern Europe, with China and Vietnam.

That experience is one of modest success achieved through a policy of tough-minded engagement: Engagement economically with trade and investment, showing the virtues of our economic system on the ground, in person, in their face. Engagement ideologically, promoting the free exchange of information and people with unimpeded travel. And, engagement culturally, through cultural exchange and humanitarian involvement. That's the policy that ultimately contributed to the undoing of the repressive regimes of the old Soviet empire and to economic reforms—admittedly incomplete—underway in China and Vietnam.

In contrast, this bill is just another iteration of an outmoded ideology: mindless isolation, the same failed approach that has been applied to Cuba for more than 30 by years.

What are we afraid of here? A small island nation with no stragegic allies and a failed economic and political system?

This Congress chose a policy of engagement with China even though China poses much a greater risk to us than Cuba. We did this precisely because we know that political, economic, and cultural engagement holds out the best hope of avoiding those very risks, whether economic or military.

This bill takes United States policy in Cuba in the wrong direction. It is absolutely contrary to the long-term interests of the United States. It will increase the prospect of a violent convulsion in Cuba that would be a real security and immigration crisis for the United States.

I do not agree with the President that this isolationist bill is an acceptable measure, even in response to such an offensive provocation by the Cuban Government as occurred last week. Tightening the embargo will only play into Castro's hands, helping him to keep his people in a state of repression and deprivation.

As in the case of our other former, and hold-over adversaries from the cold war era, the best policy for the United States to follow for its own self-interest, and to encourage reform of China's political and economic system, is a policy of tough-minded engagement.

Let us learn from recent history, Mr. Speaker. Let us have the courage to say ''no'' to narrow ideology, to say ''no'' to special-interest group domination of United States policy toward Cuba, and ''no'' to this bill.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. GOSS], my distinguished colleague on the Committee on Rules.

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

Mr. GOSS. Mr. Speaker, I thank my distinguished colleague from Florida for yielding time to me, and I rise today in strong support of this rule and the conference report on the Helms-Burton Libertad bill.

Today, at long last, we discuss this bipartisan legislation knowing that the President has agreed to sign it when it reaches his desk—unlike too many other important measures that have run into his veto pen. Today's vote culminates a long effort to educate the administration about the true nature of the Castro dictatorship. I must point out with some wonderment that it took the brutal tragic death of innocent American citizens to finally convince the Clinton administration that Fidel Castro really does not operate by rules of civilized conduct and he is never to be trusted. The Clinton administration, it seems, had to find this out the hard way—having toyed with a misguided policy of appeasement right up until those humanitarian relief planes were shot out of the sky. It is my hope that those who oppose this bill will soon come to the same realization that President Clinton has: That our only policy option is to clamp down on Fidel Castro once and for all. He is the problem.

Mr. Speaker, this legislation will put U.S. policy with Castro back on track—back to being tough with concrete action designed to restore democracy and encourage Castro's departure from power. We know from what happened in Haiti under the Clinton administration's policy of misery that properly run and fully supported embargoes can have serious impact. In Haiti, the Clinton administration's policy did damage that Haiti will be trying to recover from—and United States taxpayers will probably be paying for—for decades. But the Haiti experience should have taught us that, once and embargo is made the policy of choice, it has to be enforced with a clear focus on the enemy target and a firm commitment to seeing it through to its desired end. We ask our allies help. This legislation is designed to achieve that goal. I urge my colleagues to support the Libertad conference report and I look forward to the day when the United States can once again embrace a free and democratic Cuba.

□ 1245

Mr. BEILENSON. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New York [Mr. RANGEL].

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

Mr. RANGEL. Mr. Speaker, I appreciate this opportunity to address the House, and I guess, since this is an emotional issue votes will not be changed, but I am in opposition to this rule, and most of what I am saying I hope I am saying for the RECORD as opposed to being against the deep feelings of my friends and colleagues that are in support of the rule as well as the bill.

A couple of weeks ago the President of the United States reviewed this bill, and he had indicated that he had serious reservations about this bill interfering with our foreign policy, our trade policy, about it abusing our court system, in that he said in its present form he would veto it. A couple of weeks ago the Helms-Burton bill was, I think politically speaking, put on the back burner in this body. A couple of weeks ago all the Republican candidates were dealing with the issues that they thought were important, but democracy in Cuba never got on anybody's agenda. What happened between that time and this political legislative rush to do this as fast as we can for democracy? What happened?

Four dedicated Americans, loving democracy enough to risk their lives, continued on a mission that went beyond just searching for those who may be lost in the ocean trying to reach the United States, few as they may be in recent days. They were determined to make certain that the issue of the overthrow of Castro and the restoration of democracy in Cuba would not be forgotten. I do not care what my colleagues' beliefs are; if they believe that was sincere and they did these things, we have to pray for their souls and their families and not ignore the courage that they had in doing these things, not once, but many times, in order to focus attention on the injustices, that were being committed in Cuba.

Did they believe that they would be shot down as civilian planes with no weapons? I would hope that no one would believe that in this world that we have people who would say, ''Because you have provoked us, because you have made us angry, that we are prepared to blow up your planes and to murder you,'' and so the United States leads the world in terms of outrage in saying whether those planes were over Cuba, within 12 miles, outside of 12 miles, we just do not do this to people.

If one wakes up in the middle of the night and they think there is a burglar that intruded in their house, and they pick up a gun, and they go, and then they see it is a child that is fleeing without an arm, they may have the legal right, they may have the emotional feeling, but they do not shoot down a defenseless child no matter how much that child provoked them. No matter how we measure the patriotism, the dedication, of these pilots, nobody can make the accusation that they were a threat to the security of the people in Cuba.

So we all have to do the best we can to show not just Castro but anyone that thinks this way it is an outrageous thing to do, but how do we respond as a civilized nation? Do we run there, and grab Castro, and shake him, and say never again? No, our response is that we are going to enact this bill. We are going to show him how tough we are.

And what do we do in this bill? We say that we are going to not only tighten the trade embargo against Cuba, but we are going to take it out of the hands of the President. Who can trust the President? We have got to make it statutory. We have got to say when it comes to embargoes in foreign countries we know best, not Presidents know what is best. And what else are we going to do? We are going to say that our embargo was so effective that once we tightened the screws on our so-called friends, they will capitulate to this United States pressure and join in with us, as they did in South Africa and Haiti, and say this is the moral and the right thing to do and then collapse goes Castro.

Give me a break. This bill has nothing to do with Castro. It has everything to do with our friends and our voters in Florida.

Do my colleagues think for 1 minute that the Organization of American States is going to say I was outraged, too; please let me break every agreement that I have with Cuba? Do my colleagues think that the World Trade Organization is going to say since we have a murderer as a dictator, all the investments we have in Cuba, we got to tell them to forget it. Do my colleagues think the United Nations is going to do anything except condemn the United States in trying to perpetuate our domestic and, indeed, to stretch the word, our foreign policy, to include them? No. The truth of the matter is that we do not care what they believe. We are doing this because we feel good about doing it, and do my colleagues know why we are doing it? Because we got the votes to do it. And do my colleagues know why the President is doing it? Because he wants the votes to continue to be President.

I tell my colleagues this: The people who want democracy in Cuba, do not change those ways, do what feels good, but let some of us who want democracy and freedom at least try some different way to do it. I just do not believe that they are doing anything except saying to the poor people in Cuba who are hopeless, who are jobless, who are suffering, who are in misery, who need food, who need medicine; do my colleagues think for 1 minute that they are marching up and down the streets of Havana saying, ''My God, Castro, you made it worse for us, now the whole world is condemning us''? No, Castro is saying their misery and their pain is due to Americans who singularly have an embargo against them. Is he blaming himself for the failures that he has had in the socialistic communistic government? No.

So who is supposed to be responsible for everything that is going bad? The embargo. And what do we say? Forget what you see, what you hear, it is working, man; it is working, man. And it is working so well, all we have to do is tighten this, and then all of the Cubans will be in such misery and pain and hunger.

Do my colleagues know what they are going to do? No. What will they do? They are going to organize and revolt. Oh, my God. Meaning they are going to overthrow the government? Oh, yes, hungry and sick and tired, without rifles, they are going to this fat, overtrained, overfed army and say, ''Oh, thank God, the Americans have made life miserable for me, we are getting rid of you.''

I tell my colleagues one thing: If we do reach these people, we will get rid of them, and they will be on the rafts, and they will be on the boats, and they will be in Miami, but they will not be fighting that Communist Cuban Army in Havana. My colleagues can believe that.

But I say this: As we bleed for the families of those heroic pilots, I see something new happening here, too. We are, indeed, encouraging other people that, if they do not like our foreign policy, they just get themselves an airplane, buddy. Just put in for a flight plan. Just go where they want to go. And when they say the jets are coming, then say, hey, forget it, I am dedicated.

Let us see what is happening in Ireland. As my colleagues know, let us put out some pamphlets there. Let us go to the Middle East and see whether or not they are really prepared to really move the peace process. Let us check out Korea, North and South, and Vietnam, and let us legislate it, do not let the President with his flip-flop self determine 1 day what is good and what is bad. The Congress knows, and who knows better than the Republican majority here about everything?

So this is not a contract for America. This is a contract for the world. If you are for democracy, squeeze the people that are hungry, stop the food and medicine from going, tell American businessmen not in Cuba will you invest, and at the same time support trade in NAFTA, support it in GATT, support it all over the world, but do not support it in Cuba.

I suggest to my colleagues I have the same outrage for murderers that they do, but I hope this country does not embark on having this concrete and firmed up as what we do as a nation and as a Congress when we are outraged.

Mr. DIAZ-BALART. Mr. Speaker, I yield 5 minutes to the gentlewoman from Florida [Ms. ROS-LEHTINEN], my distinguished friend and colleague.

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the gentleman for yielding time to me, as well as for his strong leadership role in the passing of this legislation.

Mr. Speaker, I rise in support of the rule for H.R. 927. This legislation is designed to hasten the demise of the Castro dictatorship, the last undemocratic regime in our hemisphere, which for over three decades has subjected the Cuban people to untold repression and misery.

Over the past month, we have observed the voices of those calling for a softer policy with Castro fall strangely silent as the dictatorship increases its repression against the people of the island. Not only has the regime increased its harassment and intimidation against the growing independent movements in journalism and in other dissident sectors inside Cuba, but the regime's brutal shoot down last week of two civilian unarmed aircraft with U.S. citizens aboard showed us that after three decades the Castro tyranny remains as bloody and ruthless as it ever has been.

The Helms-Burton bill will penalize those who have become Castro's new patron saviors-foreign investors who callously traffick in American confiscated properties in Cuba to profit from the misery of the Cuban worker. These investors care little that they are dealing with a tyrant who promotes terrorism, drug trafficking, and denies the most basic of human liberties to the people of Cuba.

This legislation takes a strong stance against those immoral investors by denying them participation in our United States markets, if they decide to invest in Cuba and prop up the dictator in this way.

Mr. Speaker, I urge my colleagues to join us today in supporting this legislation, thus helping Cubans in their struggle for freedom. This bill will hurt Castro, it will help the Cuban people, and it will send a strong message to those immoral foreign investors. Stop helping the dictator by trafficking in confiscated United States property.

The Helms-Burton bill goes to the heart of the means by which the Cuban tyrant is now financing his repression of the Cuban people; namely, immoral foreign investment. After the millions of dollars in Soviet subsidies to Castro ended, the Cuban dictator and his Communist thugs have tried to obtain the hard currency necessary to keep themselves in power. Foreigners are allowed to invest in Cuba, and many do, in properties which are illegally stolen from American citizens.

In this new slave-like economy, designed by the Castro regime, the Cuban people are not able to participate. Instead they are pawns of the regime and of the foreign investors who are attracted to invest in Cuba because of the low wages and the repression against the Cuban worker. The foreign investors pay Castro in dollars. Castro pays the Cuban worker in devalued Cuban pesos at a small percentage of what was given to the communist dictator.

Mr. Speaker, it is for those four murdered pilots, Armando Alejandre, Mario de la Pena, Pablo Morales, and Carlos Costa, as well as for the thousands and thousands of unknown Cubans who have given their lives to bring liberty to their island that we will pass this legislation today.

□ 1300

Mr. Speaker, it is not only the correct policy to follow, but a moral imperative to assure that the ultimate sacrifice paid by these thousands of freedom fighters will not be in vain.

At times it seems unreal and implausible that only 90 miles from the shores of this great democracy lies an enslaved nation ruled by a ruthless Communist dictatorship, a nation whose citizens are denied the most basic human, civil, and political rights. In my native homeland of Cuba, no one but the dictator has any rights at all, an island which once had the highest standard of living in Latin America but where its citizens today struggle day to day for the bare necessities needed to survive.

Mr. Speaker, it might seem unreal that such a state could exist a few miles from our shores, but of course, unfortunately, it does. The thousands of Cuban rafters who have risked their lives in the Florida Straits to escape

the Castro dictatorship are a vivid reminder of this sad reality. The thousands of dissidents who have been harassed, imprisoned, and indeed killed are testament to the lack of respect for human rights by the Castro regime.

Most recently, the premeditated cold-blooded murder over international waters of four pilots in a humanitarian mission, three of them American citizens, one a Vietnam veteran who served two tours of duty, has awakened the world that in Cuba, the rule of death and fear prevailed over the rule of democratic law and order.

Mr. Speaker, the legislation we are now considering will go a long way toward helping the Cuban people reestablish the rule of democracy and law for which they have battled for 37 years to achieve. I thank the gentleman once again for his strong leadership role in making this legislation possible as well as many of our colleagues on the Democratic side of the aisle.

Mr. DIAZ-BALART. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. CHABOT], a distinguished new Member of the House.

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

Mr. CHABOT. Mr. Speaker, I rise in strong support of the conference report and the rule, and I commend the leadership shown by the chairman of the committee, the gentleman from New York [Mr. GILMAN], the chairman of the subcommittee, the gentleman from Indiana [Mr. BURTON], the gentleman from Florida [Mr. DIAZ-BALART], the gentlewoman from Florida [Ms. ROS-LEHTINEN], and the gentleman from New Jersey [Mr. MENENDEZ].

I also want to applaud President Clinton for finally having voiced support for the Cuban Liberty and Domestic Solidarity Act. It is unfortunate that it took the cold-blooded murder of unarmed American citizens to awaken the President to the harsh reality of the morally reprehensible Castro regime.

Fidel Castro is a thug, an international outlaw. His 37-year reign has been noteworthy for its brutality and its unrelenting resistance to individual liberty and freedom. The misery that has been suffered by the Cuban people at the hands of Fidel Castro is one of the world's great tragedies. This legislation will tighten the existing United States embargo against Cuba, and it protects the rights of United States citizens and businesses whose property has been confiscated unlawfully by the Castro regime. It is a good bill and it is long overdue. I urge passage.

Mr. DIAZ-BALART. Mr. Speaker, I yield 5 minutes to my good friend, the gentleman from New Jersey [Mr. MENENDEZ].

Mr. MENENDEZ. Mr. Speaker, I thank the distinguished gentleman from Florida for yielding time to me.

Mr. Speaker, I am happy that I got some time from the Republican side, since I have been told today we cannot get any time from the Democratic side to speak in favor of the bill, despite the fact that a third of the Democratic Caucus voted for this bill last fall.

Mr. Speaker, I rise not to apologize for Fidel Castro, not to coddle him, not to rationalize or justify whatever he has done. The fact of the matter is that I am really offended when I hear my colleagues refer to this issue as ''This is about voters in Florida.'' To say that is to say that seeking peace in Ireland or giving a visa to Gerry Adams is about Irish voters, or that our collective outrage against the barbaric acts that have taken place in Israel is about Jewish voters, or, for that matter, to say that our movements to end apartheid in South Africa, to bring democracy to Haiti, and our efforts to give relief in Somalia were about African-American voters. It is an insult to this community.

This is about democracy. It is about promoting human rights. It is not about votes of some group in some State or States. That is why we had a strong bipartisan vote. That is why yesterday in the Senate, 74 Senators joined in favor of creating democracy in Cuba. That is why 294 Members of this House last fall voted for it, with a third of the Democratic Caucus joining an overwhelming number of the Republican Party because they understand the realities.

Mr. Speaker, let me say that in fact when we hear about creating peaceful change, we are all for peaceful change. That is our goal. But what has Castro's response been to peaceful efforts within Cuba, like those of the Concilio Cubano, a group of 120 organizations who promote peaceful democratic change in Cuba? Our Members go there and visit Cuba. They have a cigar with Fidel. They enjoy some time there. And as soon as they leave, these people get arrested.

What happened in the week preceding the killing of the four American citizens? What happened? These people who seek peaceful democratic change by Cubans in Cuba, not about some bygone era that people like to allude to, the response to their request which they made to the regime for a national meeting, what we enjoy here in the United States, to simply sit down and say, ''How do we move towards democratic change within Cuba,'' what was the response? One hundred of them were arrested and imprisoned. Dozens of others are under house arrest. Women were strip-searched so they would be intimidated from participating in the organization. That is the answer to peaceful democratic change in Cuba.

For those who believe in some romanticism, that when the people go and say, Please, we want to move towards democracy, Fidel is going to act the right way, they have seen it. For those who keep saying that this is after the cold war, I agree, it is after the cold war, but nobody told Mr. Castro.

The fact of the matter is he has shown us what he is willing to do with the third largest military in the entire Western Hemisphere. He represses his people who ask for peaceful democratic change, and we are silent for the most part. Those who say they are for democracy in Cuba, peaceful democratic change, why are they not speaking out on behalf of the Concilio Cubano?

What is the response to four U.S. citizens flying in international airspace, unquestioned by our Government through all of their intelligence that they were in international airspace? This is the response, Mr. Speaker. Let me read the transcript that Madeleine Albright presented to the United Nations: ''Cuban fighters, a small white and blue Cessna that they were tracking, and their excitement was clearly palpable * * * 'The target is in sight, the target is in sight,' the small aircraft, the MiG pilot radioed back to his ground controller. 'It is flying at a low altitude. Give me instructions,' said the pilot. The answer was 'Fire. Authorized to destroy;' '' not to warn, not to try to seek under international law to move them, but, even though they were not in Cuban airspace, no, to destroy.

Thirty-three seconds later, the response from the MiG 29 pilot was ''We took out his * * *'' and I will not add the expletive. ''That one won't mess around with us anymore.'' Two and one-half minutes later another pilot sighting the second Cessna said, ''Give me the authority.'' He was responded, ''You are authorized to destroy it,'' and it was destroyed. ''Fatherland or death, the other is down also.'' These are the transcripts that our U.S. Ambassador to the United Nations presented to the world.

Mr. Speaker, the fact of the matter is this bill is bipartisan. It has the support of the President. President Clinton sent a letter to the Speaker of this House saying that he supports the bill, and urges all Members to vote on behalf of it.

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

Just in the last century, Mr. Speaker, after the Cuban people were fighting almost 100 years for their freedom from Spanish colonialism, it was the United States that stood by their side and helped them achieve freedom and independence. History has a way of repeating itself. Now it is the American people through their Government, and today speaking through their Congress and the President, standing with the Cuban people against the worst oppressor in the history of this hemisphere.

So we think of the hundreds of political prisoners now imprisoned, the thousands who have been killed, including the American citizens just a few days ago. We dedicate this legislation to them. It is going to be a great sign of solidarity with the Cuban people. I would ask my colleagues to support the rule and support the conference report.

The SPEAKER pro tempore. 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. DIAZ-BALART. 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 Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 347, nays 67, not voting 17, as follows:

[Roll No. 46]

YEAS—347

Ackerman
Allard
Andrews
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Beilenson
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Borski
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Chrysler
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Coyne
Cramer
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Luther
Manton
Manzullo
Martinez
Martini
Mascara
Matsui
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Minge
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quinn
Radanovich
Rahall
Ramstad
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spratt
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—67

Abercrombie
Becerra
Berman
Bonior
Boucher
Clay
Collins (IL)
Conyers
DeFazio
DeLauro
Dellums
Evans
Fattah
Flake
Foglietta
Frank (MA)
Furse
Gejdenson
Gibbons
Gonzalez
Hall (OH)
Harman
Hilliard
Hinchey
Jackson (IL)
Johnston
Lewis (GA)
Lincoln
Lofgren
Lowey
Maloney
Markey
McDermott
McHale
McKinney
Miller (CA)
Mink
Moran
Nadler
Oberstar
Obey
Olver
Owens
Payne (NJ)
Pelosi
Rangel
Roybal-Allard
Rush
Sabo
Sanders
Schroeder
Schumer
Scott
Serrano
Skaggs
Stark
Studds
Torres
Towns
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Woolsey
Yates

NOT VOTING—17

Archer
Bryant (TX)
Chapman
Christensen
Collins (MI)
Crane
Durbin
Frelinghuysen
Hayes
Hunter
LaFalce
McCarthy
Quillen
Sisisky
Spence
Stokes
Waldholtz

□ 1334

The Clerk announced the following pair:

On this vote:

Ms. McCarthy for, with Mrs. Collins of Illinois against.

Mr. FLAKE, Mr. SCHUMER, and Mrs. MALONEY changed their vote from ''yea'' to ''nay.''

Mrs. CLAYTON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CLYBURN, and Mr. FIELDS of Louisiana changed their vote from ''nay'' to ''yea.''

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.

Mr. GILMAN. Mr. Speaker, pursuant to House Resolution 370, I call up the conference report on 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 Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. EWING). Pursuant to House Resolution 370, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Monday, March 4, 1996, page H1645.)

The SPEAKER pro tempore. The gentleman from New York [Mr. GILMAN] will be recognized for 30 minutes, and the gentleman from Indiana, [Mr. HAMILTON] will be recognized for 30 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

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

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

Mr. SKELTON. Mr. Speaker, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from Missouri.

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

Mr. SKELTON. Mr. Speaker, I wish to associate myself with the position of the gentleman from New York in relation to this measure.

Mr. Speaker, I strongly support this measure, and I compliment the committee and the sponsors on bringing it to this Chamber for a vote.

We all know what Castro has brought to the land of Cuba. This measure send a firm message that we, in this body, stand for freedom and democracy in Cuba. There are so many violations of human rights and rules of decency inflicted on the Cuban people by Castro. Further, we abhor the tragedy he caused regarding the American airplanes just a few days ago.

Let us Americans stand together, let us vote for this bill and send an unequivocal message that we stand for democracy and freedom for the Cuban people.

Mr. GILMAN. Mr. Speaker, I urge my colleagues to join me in supporting the conference report Cuban Liberty and Democratic Solidarity [LIBERTAD] Act of 1996.

This legislation advocates a responsible course to encourage and support genuine, fundamental reforms in Cuba.

And, in the interim, 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.

Recently, President Clinton expressed his full support for this bill, which he has described as ''a strong, bipartisan response that tightens the economic embargo against the Cuban regime and permits us to continue to promote democratic change in Cuba.''

Mr. Speaker, allow me to address several of the concerns raised by the few remaining critics of this legislation.

First, the only companies that will run afoul of this new law are those that are knowingly and intentionally trafficking in the stolen property of U.S. citizens.

International law and comity were not conceived to protect the corporate scavengers who are profiting at the expense of the Cuban people, pilfering the purloined assets of American citizens, and propping up a bandit regime.

To the extent that this act holds us all to higher standards and defends universally recognized property rights, international law and the rules of the corporate game are improved for the better.

Second, this act does much more than stiffen sanctions. It outlines a reasonable course for normalizing relations with a democratic Cuba. And, it offers the Cuban people an early helping hand in making a peaceful transition.

When inevitable change comes to, I am convinced that no country in the world will do more than ours to help the Cuban people—and they will know that we never sold them out.

Third, this legislation authorizes immediate United States support for Cuban prodemocracy groups and for the immediate deployment of international human rights observers and election-monitors in Cuba.

We simply ask our neighbors in this hemisphere to hold Fidel Castro to the same standards that they hold themselves.

My friends, the day unfettered human rights monitors are allowed to inspect Castro's prisons will be one of Castro's last.

Let us not pass up this historic opportunity to bring about a peaceful change in Cuba. I urge my colleagues to support this conference report on H.R. 927.

Mr. Speaker, I am including at this point in the RECORD the March 5, 1996, letter from President Clinton and the March 5, 1996, letter from the distinguished chairman of the Committee on Ways and Means, the gentleman from Texas [Mr. ARCHER], regarding this conference report.

THE WHITE HOUSE,
Washington, DC, March 5, 1996.

Hon. NEWT GINGRICH,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: The Cuban regime's decision on February 24 to shoot down two U.S. civilian planes, causing the deaths of three American citizens and one U.S. resident, demanded a firm, immediate response.

Beginning on Sunday, February 25, I ordered a series of steps. As a result of U.S. efforts, the United Nations Security Council unanimously adopted a Presidential Statement strongly deploring Cuba's actions. We will seek further condemnation by the international community in the days and weeks ahead. In addition, the United States is taking a number of unilateral measures to obtain justice from the Cuban government, as well as its agreement to abide by international law in the future.

As part of these measures, I asked my Administration to work vigorously with the Congress to set aside our remaining differences and reach rapid agreement on the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act. Last week, we achieved that objective. The conference report is a strong, bipartisan response that tightens the economic embargo against the Cuban regime and permits us to continue to promote democratic change in Cuba.

I urge the Congress to pass the LIBERTAD bill in order to send Cuba a powerful message that the United States will not tolerate further loss of American life.

Sincerely,

BILL CLINTON.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, March 5, 1996.

Hon. NEWT GINGRICH,
The Speaker, The Capitol, Washington, DC.

DEAR MR. SPEAKER: I am writing to you regarding Section 102 of the Conference Report on H.R. 927, the Cuban Liberty and Democratic Solidarity Act of 1996, in which the Committee on Ways and Means has a jurisdictional interest.

Specifically, Section 102 codifies existing Executive Orders and regulations on the Cuban embargo. This provision falls within this Committee's jurisdiction over trade laws affecting imports and revenues. This provision was not included in the version of H.R. 927 that was passed by the House on September 21, 1995, but rather was added in conference.

In order to expedite the consideration of the conference report, I will not object to the inclusion of Section 102. However, this is being done with the understanding that the Committee will be treated without prejudice as to its jurisdictional prerogatives on such or similar provisions in the future, and it should not be considered as precedent for consideration of matters of jurisdictional interest to the Committee on Ways and Means in the future.

Thank you for your consideration of this matter. With warm personal regards,

Sincerely,

BILL ARCHER,
Chairman.

Mr. GILMAN. Mr. Speaker, I ask unanimous consent to yield the balance of my time to the gentleman from Indiana [Mr. BURTON], our able chairman of the Subcommittee on the Western Hemisphere, and the principal House sponsor of this measure, and that he be permitted to manage the balance of the debate on this side.

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

There was no objection.

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

Mr. HAMILTON. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from California [Mr. CAMPBELL].

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

Mr. CAMPBELL. Mr. Speaker, we must have an effective policy to respond to what Fidel Castro did to four American citizens—killing them in international airspace—in contravention of international law. That is the first and most important point I have to share with my colleagues today.

In order to have an effective policy, we must have the support of our allies, and my objection to this bill is because I am convinced it will alienate, instead of bring together, our allies. It will divide, instead of uniting them, and the reason it will do that is because this bill—in a manner unprecedented in American law—extends the extraterritorial reach of the United States's jurisdiction.

As we go around the world, and I trust that all of my colleagues would agree with this, there are very few countries where people say, ''You know we admire the American civil justice system. We would like to have class actions, plaintiffs' attorneys' fees, we would like to have all of that system in place for our country.'' And the reason is that we have a rather extensive and what most foreign countries consider onerous rules in our civil justice system.

What this bill does is to extend for the first time the right for a private citizen, not the Government of the United States, but a private citizen to bring the full crushing weight of the American civil justice system, with discovery, with delays, with attorneys' fees to bear upon a private party of another country.

Now, normally, other country's citizens and corporations follow the rule of international law, which is very important for international commerce. And if you know the law of your own country and you know the law of the country where the investment is located, you are all right. You will abide by your own country's law. You will abide by the law of the country where your investment is.

But in this bill today, a person who in good faith accepted title to property under the laws of the nation where that property was located will have to check not only the laws of that country, his or her own laws, but the laws of the United States as well. And I note particularly to my colleagues on the majority that we do today what we generally abhor: We create a statutory right for a new legal action, and we give attorneys' fees only to the prevailing plaintiff. We do not give attorneys' fees to the other side. And many of us, I am sure, have spoken about the burden of one-sided fee shifting, the ability to haul somebody into court, put them to a huge expense, and then say, ''If I am wrong, I am sorry. You are still stuck with your legal fees.'' That is in this bill, one-sided plaintiff-only litigation, attorneys' fees.

□ 1345

Now, the problem is that this comes at a time when we need Canada, we

need Australia, we need Western Europe. The only time sanctions have worked, economic effective sanctions have worked, is when we are joined by our allies. For over 30 years we have attempted to isolate Cuba, and our efforts at economic sanctions have failed because they have been only ours and not engaged our allies. In title III of this bill, what we do is guarantee we will not have the support of our allies in any action that we intend to bring pressure upon the Castro regime.

What is most critical here is to unite and to present to the Cuban Government, the Castro regime, a Europe, North America, a Latin America, and an Asia that say that we will no longer trade in your goods. Instead, what we have is a direct affront to rules of international law on jurisdiction.

I repeat, there is no precedent for extending American law to investments made in another country pursuant to laws of that country. Indeed, in 1964, the Supreme Court of the United States ruled in Banco Nacional de Cuba versus Sabbatino that American courts could not inquire into the legality of the expropriation acts of the Cuban Government when done in Cuba.

Lastly, what we embark upon today has the most serious ramifications for our hope to infuse investment in Eastern Europe. Think about it for a moment. If today's law becomes law, if title III stays in this law, then anyone who invests in Poland, the Czech Republic, or Slovakia, regimes that were formerly Communist, will have to worry that at some point the United States will call into question those investments, because under the exact same pattern as this law, we extend extraterritorially a right of action against someone who traffics or profits in property located in another regime, even if it was legal at the time.

I conclude with a plea: We must unite in opposition all countries that respect civilized behavior. What happened over the Strait of Florida was not civilized behavior. This bill divides. It does not unite. I urge a no on this bill.

Mr. BURTON of Indiana. Mr. Speaker, I yield 2 minutes to the gentleman from Florida, Mr. LINCOLN DIAZ-BALART, my distinguished colleague and great helper and supporter of this bill.

Mr. DIAZ-BALART. Mr. Speaker, it is really a shame my erudite and learned legal scholar colleague, the gentleman from California [Mr. CAMPBELL], is so incorrect in his interpretation of this legislation. First of all, and I heard him before the Committee on Rules yesterday where he pointed out that there was unfair treatment of some of the parties, I want to point out that on page 35 in title III, the provisions of title 28 of the United States Code and the Rules of Courts, they apply under this section to the same extent as those provisions with regard to any other action.

The point I am trying to make is this is not an extraterritorial law, and when we say we will protect the property of American citizens that was stolen by a dictatorship, we are protecting the rights of American citizens' property, and not the rights of other citizens from other countries. So this is not an extraterritorial piece of legislation.

Now, the essence of what we are trying to do is to shatter the arguments of the opponents of this legislation, that despite the fact that they supported embargoes against South Africa and Haiti, they now say that we should have a policy of helping the regime through trade and through investment in Cuba. It is a double standard that has been rejected by this Congress before and that is going to be rejected again. It has been rejected by the administration as well.

The statement that is going to go out today, a bipartisan statement, is that with regard to Cuba, just as in the 19th century, the American people are standing with the Cuban people against oppression, and are not going to stand with the oppressors of the Cuban people. Those people will be free. They will remember who their friends were, and they will remember who stood ignoring them and using double standards in this Congress, like our opponents time and time again, despite even murders of American citizens in international waters continue.

I think it is shameful that people, even after the murder of American citizens, still find excuses for Castro, still find pretenses for Castro, and get up here and find excuse after excuse after excuse.

There is no more excuse for murder, that is no more excuse for that tyranny. It is time that the American people show their unity, as they are going to today in this Congress.

Mr. MORAN. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, from a political standpoint, this makes compelling sense, but from a substantive foreign policy standpoint, it is nonsense.

Mr. Speaker, this is not the way we won the cold war. This is not the way we tore down the Iron Curtain. We are going to be punishing the Cuban people, when what we really want to do is punish an antiquated despot.

But there are worse things about this that need to be brought to light. In the Baltimore Sun last May, it was reported that this bill was largely written by Nick Gutierrez, who represents the sugar mill owners and the tobacco industry, and Mr. Ignacio Sanchez, who represents the Barcardi Rum Co. Their competitors operate in Cuba, specifically the British American Tobacco Co. [BAT] and Perrot Ricard rum distillery.

What is going to happen here is we are not going to shut down these industries. What is going to happen is these Cuban-American lawyers are going to make settlements out of court so they can get equity participation in these competitor firms.

Now, in the first place, the bill limits legal recourse in American courts to people who had property in Cuba during the Batista dictatorship that was valued over $50,000 in 1960. There were not many Cubans who had property worth more than $50,000 back in 1960 before the revolution. You had to be a member of the Batista regime and in good standing to do so. But what this does is to enable people who owned large property to be able to settle out of court to get a large share, or at least a significant share, of the profits of these rum companies and tobacco firms currently operating in Cuba. They know they are not going to shut down these plants. They don't necessarily want to shut them down. They want to own them. They know it is cheaper for these Cuban operations to make an out-of-court settlement to comply with this new bill. In fact this bill specifically states that ''a lawsuit may be brought and settled without the necessity of obtaining any license or permission from any agency of the United States.''

That is what this is all about. What we are going to be doing is propping up many of the people who created the environment which caused Castro to be able to bring forth the revolution and has enabled him to sustain that revolution.

That is not what we want. We want to enact legislation that will help the real people of Cuba, the butchers and the bakers and the candlestick makers and all the laborers and farmers. The people who were brutally exploited by the Batista regime. Those are the people we ought to help, and those people are excluded from this legislation.

This legislation prevents the United States President from effectively helping in a transition to democracy and shuts out America's values and its people from exposure to the Cuban people and their thirst for the same principles and values.

This is not good foreign policy. It ought to be defeated on its merits.

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

Mr. Speaker, just to respond to my colleague, I would say that the opponents of this bill asked for the $50,000 threshold. We granted it to you and to the administration so we could keep a flood of litigation from going into the courts. So we did what you asked. Then you go to the well and say we are doing the wrong thing. We just tried to accommodate you.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida [Ms. ROS-LEHTINEN].

Ms. ROS–LEHTINEN. Mr. Speaker, I thank the gentleman for yielding me time and I thank him for all the help he has given to this cause for freedom for the Cuban people.

Mr. Speaker, as the previous speakers have pointed out, those same allies who stood with us against undemocratic regimes in Haiti and South Africa and Iraq and many other places have

decided to turn their backs on Cuba, preferring to gain a quick and easy dollar from the repression against the people on the island.

Thankfully, America, a land which has given a second chance to many people like myself who escaped Communist tyranny, will once again live up to its reputation as the defender of freedom and human rights in the world.

Mr. Speaker, this legislation reasserts our commitment to the Cuban people that this Nation will not engage the Castro dictatorship economically or politically. It recognizes that such an unlawful regime deserves our rejection, and it further emphasizes our support for the Cuban people by outlining a framework to assist a free and democratic transitional government in my native homeland.

Mr. Speaker, the Committee on International Relations recently had the opportunity to listen to some of the relatives of the four murdered pilots, innocent civilians who were brutally attacked and murdered by the Castro regime. They strongly support even tougher sanctions against the tyrant. This legislation will help reduce the immoral investments by sending a clear message to these foreign investors: If you traffic in confiscated American property in Cuba, you will not be able to do business as usual in the United States.

Simply stated, those investors who wish to invest in Cuba have to make a choice between becoming accomplices to Castro's dictatorship or participating in the United States market. It is unfortunate that many of our allies have opposed this legislation, but to them I ask: How many more have to be harrassed, arrested or killed before you stop helping the Cuban tyrant? Again, to our allies: How many more have to give their lives to free their homeland before you desist in engaging in commerce and financing Castro's communist dictatorship? To our allies, join with us in helping to establish freedom and democracy to the enslaved and oppressed people of Cuba.

Mr. MORAN. Mr. Speaker, I yield 4 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. Speaker, it is very troubling when you come to the well and speak and have the full realization that nothing you say will finally sway the vote. This bill will pass and the President will sign it, because the President has been advised that Miami has votes that he can pick up. I will support him in New York, and he has a lot of votes in New York. But he has no votes in Miami, and that is the travesty of this situation.

What we have here is more of the same. It is more of a policy that has not worked. It has not worked for those of us who feel that the Cubans should be left alone to determine their own destiny, and it has not worked for those who wanted to get the Cuban Government to throw out Fidel Castro and hang him by his toenails.

Except that this time, Mr. Speaker, as has been stated on this floor, it goes further. It goes deeper. Now we are telling our allies that we have no respect for their own sovereignty. Not only do we not have any respect for the Cuban sovereignty, but now we are going to tell Canada, Mexico, and everyone else that they must behave the way we behave.

When the embargo was the simple embargo, as some people would like to think it is, no one in the world supported us. Now that it will try to include even our allies, we think that Canada and everyone will jump up and say this is a great bill, and HELMS and BURTON were correct; they can save the world for democracy.

Well, our arrogance is such that we do not care what some of our allies say, especially those that used to be our enemies a few years ago. But it is interesting to note that the Yeltsin government this morning, or last night, said you cannot do this, and we will continue to deal with Cuba regardless of what you say, because this is wrong.

The part that no one wants to mention here, because it is very delicate, is the fact that we are not reacting here to the issue in general. We are reacting to the downing of two airplanes. And I have stood on this floor on various occasions and said that that was an act that we should all condemn. But our Government knew those planes were flying over on 25 different occasions, and we did nothing. And our Government knew that the person who was heading that group flew without a license on a couple of occasions, including this last one, where they had to turn back.

We had removed that person's license because we confirmed that that group flew over Cuba last July, buzzed the Capitol building, and dropped half a million leaflets. That is why we are here today. We are not here today and the President is not on board because our desire to bring down the Castro government has changed. We are here today because the Florida primaries are coming soon, and because people have to play up to that whole situation.

That is sad, Mr. Speaker. For these kinds of comments people like me take a lot of heat. But it has to be said, because the truth shall set everybody free, and maybe we need to be free as much as other people in the Caribbean need to be free.

Tonight we will stand up and say we are tough. We will continue to deal with China, but we are tough on Cuba. We will deal with Vietnam, but we will be tough on Cuba. We are going to meet with North Korea, but we are tough on Cuba.

If you really wanted to make a change in the Cuban Government from afar, which I think it is none of our business, all you have done is taken the leader of that country and wrapped him up in the Cuban flag once again as a nationalist hero. Why? Because you are pounding on that little island once again.

So where is the victory? There is no victory. I stand here today more than ever saying we are wrong. Instead of doing this, what we should do is tomorrow begin to find a way to speak to the Cuban Government. And if not on all issues, then why not be fair?

□ 1400

When there was an immigration problem we spoke about immigration. Let us talk about air space now. Let us find out who is telling the truth. It might save us from future tragedies.

Mr. BURTON of Indiana. Mr. Speaker, I yield 1 minute to my distinguished colleague, the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Speaker, this debate would be interesting, and the gentleman who just spoke his remarks would have resonance if we were not dealing with a first degree murderer. In 1974, at a seminar in Virginia, a former ambassador, now long gone to heaven, told me that Castro personally executed in the parking lot of a movie theater with gunshots, himself pulling the trigger, the young man who had beaten him for student union president in the late forties. I could not believe my ears. I checked it out with the State Department, Library of Congress. It appears to be a fact. Again, he has killed people in cold blooded murder.

I am just back from Bosnia. I do not care what the Europeans do. They traded with Haiphong while we were dying for freedom in all of Southeast Asia. I do not care what anybody does. Our country has to do what is right, and Castro is a first degree murderer. If we want to hand him a baseball bat like Dan Rather of CBS and an elite party in Manhattan, then you are an accessory in encouraging this first degree murderer. He has ordered people beaten to death with baseball bats.

What an absurd debate.

Mr. MORAN. Mr. Speaker, I yield 4 minutes to the gentleman from New York [Mr. RANGEL].

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

Mr. RANGEL. Mr. Speaker, I hate to say this is a political piece of legislation for fear of offending my friends, so please look into the Federal Election Commission, and ignore all of these campaign contributions that are pouring in here to Members that have taken the position that now is the time to get the murderer through locking up the people in Cuba. For those people that are offended because someone suggests that it might be political, let me make it clear. The fact that the only Democratic opponent I had in a primary in the last 25 years, that 85 percent of his campaign funds came out of Miami, hey, that is not political, and I

challenge people who would even think that.

But let us get down to the merits. We are outraged at murder. The Speaker is gone; he was here. What do we do about it? Hold the people of Cuba American hostage and tell them that they have to fly over Cuba and put pamphlets down there in order to get Americans' attention? Cut off food, cut off trade, cut off relationships with the people in Cuba because we do not like the bum that is running it? Are we in love with whoever runs China? As my colleagues know, what are we going to do there; put an embargo on China, on North Vietnam or North Korea? No. There are no votes in the United States for those people. My colleagues know it and I know it.

They sure got my President's attention; let us see what we can do now with these Republican candidates. Let us get it on their agenda, and let me congratulate the authors of this historic piece of legislation. I thought it was born dead. But the courage of four Americans out of Miami has not only given it new life, it has shattered reason and common sense as relates to trade and foreign policy.

Let me say this. This is a done deal. We cannot do anything about it. But do me a favor. Tell our brave Cuban Americans in Miami do not risk any more lives, mission accomplished, they were brave enough to take the gamble, they won, they won, the bill is here, no one challenges it, the President. Everything that was bad about this bill, four murderers now have corrected it. Wow, is that a legislative history.

But if people are breaking our laws, breaking international law, flying over a country, and we would know it, and we condone it, and we do not stop them from saving their own lives, that is morally wrong. Are we saying that if these pilots want to go off in a storm against their best interests that we cannot stop them? Let us hope that these courageous acts of these people who were shot out of the sky are not mimicked by other people who believe we have to take it one step further.

Oh, I know there are some of my colleagues waiting for the invasion, and if we send that signal that we are ready to go in like Haiti and we are ready to do whatever we can do, we may have 4 more pilots saying let us do it at least between now and the general election. We made mistakes; we will make others.

I am not nearly as concerned as I appear to be because this law is written so poorly we cannot even enforce it.

They are not going to be angry with us, my colleague, the gentleman from California [Mr. CAMPBELL], not our allies. They are going to feel sorry for us. No great Nation like ours can have the arrogance to tell some other country what they can do with their foreign trade. And the whole idea that this is going to be something to bring down Castro is one that I do not think the authors believe.

After the Democratic victories in November, come, can we not talk together?

Mr. BURTON of Indiana. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. TORRICELLI], my colleague who has done so much work in this area.

Mr. TORRICELLI. Mr. Speaker, I want to thank my colleague, the gentleman from Indiana, Chairman BURTON, for yielding me time on what should be the proudest day of his congressional career. The gentleman has done great service to the United States and to the people of Cuba by bringing this legislation forward, and he has my congratulations.

I never thought, however, Mr. Speaker, that I would hear a day when Members of Congress would come to the floor while the bodies of four Americans are still lost in the Straits of Florida, having been murdered by Fidel Castro, talking about consideration for Canadian investors, worrying about European corporations while there are still hundreds of American corporations whose property was stolen from them and is being resold; consideration for the Canadian investors, worrying about the Spanish companies, extraterritoriality.

People are going to American courts under this bill, I would say to the gentleman from California [Mr. Campbell], because the Cuban courts are unavailable. If they could get their grievances redressed in Cuban courts for the last 30 years, they would have gone there. They would have gone there. They cannot. So we are opening ours up.

Consideration for our European allies? If this were an island in the Mediterranean, 35 years later, hundreds of people in jail, planes being shot down off our coast, do my colleagues think we would be silent? As allies, we would have been there demanding elections and freedom and taking a stand. Now we are asked to have consideration for our European allies.

If America stands alone for freedom in Cuba, for the rights of our own citizens against the jails and the torture, then America has never been in better company.

This legislation is the final in a series of acts in uniting this Congress on a bipartisan basis and making clear to the people of Cuba there is no reconciliation with Fidel Castro, there is no compromise, it is time to bring the dictatorship to a close, and we do this as we did against South Africa with apartheid, as we do today against Libya and Iraq, by using our economic leverage.

Mr. Speaker, I am proud to be a cosponsor of this bill. I congratulate by bipartisan colleagues and the President of the United States for offering his signature, and to the gentleman from Indiana [Mr. BURTON], on this good day.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida [Mr. GIBBONS].

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

Mr. GIBBONS. Mr. Speaker, I reluctantly get up here and oppose most of my Florida colleagues and people who I think mean to be right but, unfortunately, their solution is wrong. Let me put it in some perspective.

If my colleagues had come here 34 years ago, as I was privileged to do, and listened on this floor and in this well, my colleagues would have heard the same speeches made then as we do now. Every day more than half of the 1-minute speeches were devoted to trashing Castro and the Cuban Government, and in that same session of Congress we passed every looney law that one can think of, and most of them are still on the books. In fact, they are all still on the books.

I tried to isolate Cuba and tried to bring down Castro through American law. I made those speeches, I voted for those laws, I have come to the conclusion that they were a mistake.

What has happened is that we have empowered Castro to make a villain out of the United States, and by villainizing us he has been able to acquire the political clout that he needs to keep the kind of control he has had in Cuba. We would have been far wiser and much more successful had we not isolated Cuba and the Cuban people, and we continued to work with them, to listen to them, to trade with them, and to have commerce with then. The tourism that we enjoyed with each other, the fruits and vegetables that came from the island, all of those things; we would have been better off, and the Cubans would have been better off, and Castro would have long been gone from power had we done that.

This law, as well-intended as it is, is not going to work. There is a good chance that it will boomerang on us. The mistakes we made, mistakes that we made here in law, are copied over and over again, and this could hurt us more than it will ever hurt Castro. Please vote no.

Mr. BURTON of Indiana. Mr. Speaker, I yield 1 minute to the gentleman from South Carolina [Mr. SANFORD].

Mr. SANFORD. Mr. Speaker, during this discussion we have heard a lot of debate, and the problem with that debate is that it has been filled with Washington voices. If there is anything that we have learned, it is that Washington does not know best. So I think the missing ingredient in this discussion is, what is it the Cuban people living in Cuba think? And in testimony after testimony with the gentleman from Indiana, Chairman BURTON, what we have heard is that the people at home in Cuba think that the way that we solve this problem is not by sending tourist dollars to prop up Fidel Castro, not by allowing investment dollars to go in and prop up Fidel Castro, but rather by tightening the embargo.

In this case I think we should listen to those voices.

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

Mr. MILLER of California. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, the Cuban Government committed a reprehensible and tragic act when it decided to shoot down two civilian airplanes flown by the Cuban-American organization Brothers to the Rescue last month. And I send my condolences to the families of the victims.

The shootdown was a tragedy in so many ways. It could and should have been avoided.

The Cubans could have taken alternate steps. But they specifically had warned the United States and Brothers that this would happen. The group and the administration did not heed those warnings. The United States failed to prevent the group from continuing its flights of fancy and I believe the group deliberately ventured into hostile territory to provoke a U.S. reaction.

The shootdown was a tragedy as well because but for that tragic action this legislation would not have won the last support that it needed. And the legislation is wrong. Instead, we should continue to open United States policy toward Cuba—for the benefit of Cuban-Americans, for American businesses, and for regional peace, and, yes, democracy.

But now Congress is poised to leap backward today as it considers the so-called Cuban Liberty Act.

We should not do that.

Mr. Speaker, this legislation was wrong before the shootdown happened and it remains wrong today.

The shootdown has not provided a single justification for a policy that even the administration that now embraces it had just recently denounced.

It is extremely likely that America will be cited for trade violations over this act.

And Fidel Castro, after having outlived over 35 years of U.S. embargo, surely will not back down in his remaining years because of additional embargoes. United States hostility to Cuba in fact has been his political savior.

Do not listen to those who say that a vote against this bill is a vote for Fidel Castro. That is McCarthyism.

Denounce Cuba in the United Nations, yes. But summon the courage to vote against this bill.

Vote against this bill because it is bad policy. Vote against this bill because it violates international trade law and will be an international embarrassment for the United States. Vote against this bill, my colleagues, because it is contrary to our best interests.

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Mr. BURTON of Indiana. Mr. Speaker, I am happy to yield 1 minute to my colleague, the gentleman from New Jersey [Mr. ZIMMER].

Mr. ZIMMER. Mr. Speaker, I thank my colleague for yielding time to me.

Mr. Speaker, some who are opposed to this legislation argue, against all evidence, that conciliation and appeasement will liberalize the Castro regime, when 35 years of history has proved exactly the opposite. The downing of those airplanes shows that Fidel Castro cares only about his power and only about the maintenance of his corrupt regime. It was the pretext he was looking for to crack down on Concilio Cubano and other democratic organizations that were beginning to flower within Cuba. It was not the fault of the U.S. Government. It was not the fault of the Americans who flew those planes. It was the fault of Fidel Castro, who insisted on perpetuating his dictatorship.

Mr. Speaker, I am pleased that the President has agreed to sign this legislation, but I am disappointed that he has asked for the power to waive its key provisions. I urge the President, do not waive these provisions. The time has come to be tough with Fidel Castro. We know appeasement does not work. We know only firmness will.

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, I would like to know where the outrage of some of my colleagues was when the United States supported the Khmer Rouge and when the Khmer Rouge killed 1.2 million Cambodians. I guess the Cambodians do not vote in large numbers in this country.

Mr. Speaker, I rise in opposition today to this bill. I oppose this bill, even though I know that it has support in this Congress. I oppose this bill even though I strongly condemn the Castro government's brutal murder of civilian Americans in the Florida Straits. I oppose this bill even though I strongly support freedom and democracy for the Cuban people.

I oppose this bill because it is an unworkable solution to an intractable problem. The legislation would clog our Nation's courts with unenforceable new claims against foreign governments, companies, and individuals. It creates a quagmire of inflexibility which we will come to regret when needed change comes to Cuba. It would harm America's important relationships with our sister democracies abroad. It sets a dangerous precedent of rash action instead of reasoned and deliberate progress.

Let us not do serious damage to our own national interest in response to atrocities which we universally abhor and condemn. Vote against this conference report.

Mr. BURTON of Indiana. Mr. Speaker, I am happy to yield 2 minutes to my colleague, the gentleman from Florida [Mr. DEUTSCH].

Mr. DEUTSCH. Mr. Speaker, I rise in support of this bipartisan effort to change the direction of the dictatorship in Cuba. My district represents the Florida Keys, and when I stand in Key West, FL, I am closer to Havana than I am to Miami. I live about 40 miles north of Miami.

This is not an esoteric philosophical issue in south Florida. This truly is a local issue, because we have a better sense, I think, than most of this country, unfortunately, of what is going on in an evil empire 90 miles from our shore, an empire that really is in the world's Hall of Fame of atrocities today, not yesterday, not just killing four Americans and planes, but torturing and killing the civilians that live in their own country. That is the empire that is 90 miles from our shore.

What does this bill do? This bill specifically gives a legal right of action to Americans whose property was taken illegally. That is the substance of this bill. The thrust behind it is to prevent other people, other nationals in other countries, from investing in Cuba, to try to end the empire that exists today. The investments of Canadians, of Spaniards, have not changed the empire, the evil empire in Cuba. It goes on today with their investments.

What we need to do is we need to strangle those investments. We need to end those investments, and let the people of Cuba know that there is hope, that the dictatorship, that the Castro dictatorship which is holding on by its fingernails is going to end, and that this Congress, the center of hope and democracy and freedom in the world, is part of that effort.

Mr. Speaker, I am sure that my colleagues in a short time will join me, both Democrats and Republicans throughout the country, in acknowledging that we want freedom in Cuba, we want a free society, a free economy, a freedom of thought, a freedom of action that this bill will be part of creating.

I can think of nothing that I am prouder of as part of my legislative career than to have been part of the adoption, the drafting, and hopefully now, very shortly, the passage of this bill.

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

Ms. VELAZQUEZ. Mr. Speaker, I rise today to express my strong opposition to the conference report, not just because this is the wrong bill, but it is the wrong bill at the wrong time. No one will deny that last week's tragedy is truly regrettable, but I will urge my colleagues to respond in a level-headed manner, not with a reflex policy for the moment.

Tightening a 35-year embargo will only cause more pain to these innocent people. Under the current embargo the human cost has already been too high. Cubans cannot even get basic necessities like food and medicine. How much more pain do we have to inflict on these people before it is enough? After more than 3 decades, we should be ready to admit that this embargo has failed miserably. The Castro government has survived the storm. The

average Cuban looks at Fidel as a hero, and the United States Government as the enemy. Nobody wants a repeat of last week, but today's action will further isolate and deprive the Cuban people, increasing tensions and setting the stage for another violent crisis.

As world leaders, we should extend a peaceful hand and keep dialog between our two countries open. It is time we live by our humanitarian ideals and stop playing the bully. If we are serious about democracy, then more dialog, not an embargo, is the answer.

Mr. Speaker, we must not allow heated passion to blind us. This bill leads us down the same wrong path we have followed for 3 decades. I urge my colleagues to vote ''no'' on this conference report. We must learn to look before we legislate.

Mr. BURTON of Indiana. Mr. Speaker, I am very happy to yield 1 minute to our colleague, the gentleman from Rhode Island [Mr. KENNEDY], who has been a big help on this bill.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I would like to take a little exception with talk that has been heard around here a lot about ''let us not act in heated passion.'' Why should we not react in heated passion when human rights abuses are being seen in Cuba, 90 miles off our shore? Why should we not react in passion when Fidel Castro knowingly gives the military orders for two civilian aircraft with American citizens on board to be shot down over international waters?

I am passionate about that, and I am passionate about human rights abuse in Cuba. A lot of people have said that the embargo that was first instituted by President Kennedy has not worked. There is a good explanation for that. The Soviet Union used to subsidize Castro's regime for the last 30-odd years. That is no longer the case. That is why Fidel Castro is looking for foreign investment to help prop up his dictatorial regime and further oppress the people. Make no mistake about it, the reason why this bill is so important right now is because he needs foreign investment now more than he did before.

Mr. Speaker, I ask my colleagues to support this bill. It is bipartisan. The President supported it. I am in strong support of this bill.

Mr. HAMILTON. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Washington [Mr. MCDERMOTT].

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

Mr. MCDERMOTT. Mr. Speaker, on Sunday, February 25, most of us picked up our morning paper to read that two planes, piloted by Cuban-Americans, had been shot down near Cuba. This unfortunate incident was appropriately denounced by both President Clinton and the U.N. Security Council.

In addition to this initial response, the President quickly imposed several restrictions on Cuba and ensured that the families of those killed would be compensated.

The downing of the planes was an inexcusable action by the Cuban authorities, and I believe that President Clinton was right to initiate an immediate and direct response.

This is a very emotional situation and the immediate reaction is to strike back, but that is the wrong reaction. It is wrong to define our long-term relationship on the basis of this tragic incident. Passage of the Helms-Burton bill is a shortsighted, irrational response to this international incident.

This legislation will not topple Castro, this legislation will only tie the hands of President Clinton and increase the pain and suffering of the Cuban people.

In my opinion, this legislation not only violates international law, it punishes our international allies by attempting to force them to comply with our 34-year-old embargo. An embargo that has not worked. This legislation will allow Cuban-Americans to use United States courts to sue foreign companies who invest in properties that were confiscated by the Castro government. While emotionally justifiable, it infringes upon our allies' sovereignty, and possibly violates our trade agreements.

Helms-Burton would limit the authority of the President to alter or lift parts of the embargo—even for strict humanitarian purposes—by Executive decree. The Executive orders which make up our policy on Cuba become frozen into law. If the President sought to ease restrictions on Cuba in response to democratic changes, he would only be able to do so with congressional approval.

We all know that the Cuban economy is suffering. Cuba is forced to pay a premium for importing staple foods for its people. Medicines are in short supply, causing health care delivery to crumble. Is this what we really want for the Cuban people? Is this how our democracy should operate?

Engaging Cuba, increasing dialog, and pressuring for increased human rights and democratic reform is the best way to genuinely democratize Cuba and improve relations with one of our closest neighbors.

Passage of Helms-Burton will only deepen the rift between our two countries and cause further suffering of the very people we are trying to help.

Mr. BURTON of Indiana. Mr. Speaker, I yield 3 minutes to my colleague, the gentleman from New Jersey [Mr. MENENDEZ], who has been a tremendous help on this bill.

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

Mr. MENENDEZ. Mr. Speaker, I thank the distinguished chairman of the subcommittee, and congratulate him on his bill, which I have helped coauthor.

Mr. Speaker, let me thank my 347 fellow Members of this House, including 121 Democrats who have joined with us and the President in striking a blow for democracy and striking a blow against the Castro regime. I want to answer some of the issues. This question of extraterritoriality, under the Cuban Democracy Act everybody acknowledges that, and many people voted for it in this House who oppose this today. The fact of the matter is that under that act we heard all these issues from Canada and Mexico and everybody else, that in fact this was extraterritorial. What is the relationship today? We entered into the most significant trade agreement with Canada and Mexico, and they are trading with us, and so much, I think, for the comment.

This is not about trade. Someone said this is about trade. No, this is about trafficking intentionally in illegally confiscated properties of U.S. citizens and U.S. companies. Canadians are arguing for their citizens and their interests and their rights. I am coming here to argue for American citizens and American businesses and their rights. I am not going to get up here and start arguing for other countries.

The fact of the matter is that if you know that that property was not legally yours, and you are willing to buy it even though you know it was stolen from somebody else, you are in receipt of stolen property. If you want to do that, fine, then take the risk. And we do this prospectively, so you know that you are going to have to continue to traffic in the property or purchase properties in the future.

Title III has a suspension authority for the President of all the hobgoblins we have heard about come to reality. The President, in his letter to all of us, said, he asked the administration to work vigorously with the Congress to set aside our remaining differences and reach rapid agreement on the Libertad Act. Last week we achieved that objective. The conference report is ''* * * a strong bipartisan response that tightens the economic embargo against the Cuban regime and permits us to continue to promote democratic change in Cuba.''

Last, let me just say that if Members are proud of China's record of prison camps, slave labor, dissident jailings, 20 years later after our relationships and our investments, if they are proud of the Canadian and Mexican and Spanish investments in Cuba over the last several years that have produced no democracy, that have produced greater repression, and that have kept the regime afloat, then they should vote against the bill.

But if in fact what Members want to do is what I believe the overwhelming Members of this House already by the rule vote and in past votes want to do, to strike a blow for democracy and strike, in fact, a blow on behalf of the Cuban people and against the Castro regime, they will be voting with us on this bill.

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to gentleman from California [Mr. BECERRA].

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

Mr. Speaker, first let us all agree that what happened a week ago that took the lives of several Americans was regrettable and should not have happened, but it is always bad policy when you try to achieve political ends through economic means, especially when they are indirect economic means.

The actual three and one-half-decade-old embargo against Cuba is a perfect example of why we cannot achieve that through an economic embargo. The Castro government remains, and the only people who have been hurt are the people of Cuba, the women and children of Cuba. What we are doing through this bill is using our economic might to bully our international allies and friends to do what we think is best, even though the entire international community has spoken against this type of embargo.

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Indeed, even Canada, our northern neighbor, our great friend, has said it will take us to international court to say that this is a means, a barrier against free trade throughout the world. This is not the way to do things.

Let us address what happened last week in the taking of several American lives, but let us not try to mix the things up that we have here today and say that because some people died, regrettably, that now we should institute a policy that will ultimately take the lives of many people in a country called Cuba though politically we may disagree with what is going on with the government. This is not the way to do it. We should focus where we should. Let us not create bad policy because a bad situation occurred.

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

Mr. Speaker, the reason I waited until near the end of the debate to take my time is because, as is always the case, there is a lot of misinformation that takes place in this debate and I wanted to make sure I clarified these arguments.

First of all, a lot of my colleagues have said we are going to hurt the people of Cuba. When Castro has a foreign investor invest in Cuba, the money that is paid by the employees of that firm goes to Castro. Let us say that they get $400 a month. Castro gets the $400 a month and then he pays them in the local currency, $400 of that local currency. But the exchange rate is 700 to 1, which means the average Cuban is making less than $5 a month.

We cannot hurt those poor people much worse than Castro has hurt them. The embargo is not going to hurt the Cuban people. Castro has murdered the Cuban people economically, and literally in many cases.

And I would like to say to my colleagues who opposed the embargo, when we talked about these same issues when we had the embargo against South Africa, they took a different position. There is no consistency in their arguments.

When Castro took power, Cuba had the highest standard of living in Latin America. Today it is the lowest, not because of the United States embargo, because for the past 35 years they have been propped up by the Soviet Union, but because of Castro's Communist government control policies that do not work. He is the one that has been hurting the Cuban people, not the United States and not the embargo, because the embargo had no teeth in it until 3 years ago.

Somebody said that the OAS was not with us on this. The fact of the matter is Castro has been excommunicated from the Organization of American States because of his actions, because of his exporting of revolution.

My colleagues have said, you know, we are going to penalize people who invest in Cuba and have invested in Cuba. This is a prospective bill. People who have already bought confiscated U.S. property will not be penalized unless they buy more American property. So if they have already got property down there, they are not going to fall under this bill.

But people who buy confiscated American property in the future are going to be penalized because there will be a cause of action in U.S. courts unless suspended by the President. And, No. 2, anybody that traffics in confiscated U.S. property will not be able to get a visa to come to the United States.

They know full well, the Canadians, the Spanish and everybody else, they know that this bill takes effect on the date of enactment, and if they buy property that is taken away from Americans, stolen from Americans by Fidel Castro, they know what they are getting into. So I have no sympathy for those people who want to buy confiscated, stolen American property to give Castro the hard currency that he needs to stay in power.

Now, a lot of my colleagues say, you know, we ought to do business with this guy, especially since Boris Yeltsin says we should. Well, Russia and the Soviet Union have been supporting Castro all along, so that does not surprise me, but the facts of the matter are these: Castro has exported communist revolution in Africa, in Central America, in South Africa where Che Guevara was killed. He has exported communism wherever he could. He is a committed revolutionary and he still believes.

That Castro has killed innocent human beings. He has put thousands and thousands of people in his Communist gulags. If you want to know how they are treated, read Armando Valderas' book ''Against All Hope'' and it will tell you very clearly how he treats people who disagree with him.

My colleague, the gentleman from California [Mr. DORNAN], talked about a fellow who defeated him in a college race for student body president, and Castro shot him to death. That is the kind of guy we are talking about. He is a horrible human being, one that should not be in power, especially not for 35 years.

Two years ago, on the high seas, he had his Cuban Navy pull up alongside a tugboat with people on it who were fleeing to freedom. Women were holding their babies above their heads, and he ordered his Navy to wash them off the decks with power hoses. The women took the babies, the children, into the hold of the tugboat, and Castro brought his navy ship alongside. They directed the hoses into the hold and they sunk that ship, that tugboat, and killed those women and children like rats.

This is the kind of government you guys want to do business with, and my colleagues' answer is, well, the way to work with Castro is to open up trade and do business with him, that will solve the problem. Really? Do you really believe that? We have opened up trade with Communist China. It has not changed the Communist regime over there. We have opened up trade with Communist Vietnam. That has not changed anything.

And here we are, 90 miles from our border they are shooting down planes with innocent Americans in them, in international air space, and we are supposed to say we are going to solve this problem by doing business with him. Baloney. The way you deal with Fidel Castro, since he is on his last legs, is do not let him have the hard dollars that he needs to stay in power, and that is what this bill does.

This bill will force him from power, I really believe that, in the next 2 or 3 years, and then the people of Cuba will have freedom, democracy, and human rights because there is going to be about $3 or $4 billion invested very quickly, and they will have the freedom that they wanted all these years.

Get out of here, Castro. We want you gone. We want freedom, democracy, and human rights throughout this hemisphere, and you are the last holdout.

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

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Speaker, whenever an economic sanction has worked in our history, whether it be South Africa, Haiti, Iraq, or even worked in part, it is because our allies have agreed with it. What we do today alienates our allies at a time when we need them most.

It is not out of any concern for investors in Canada or investors in Spain that I rise in opposition to title III of this bill. It is precisely because I want to put pressure on Fidel Castro's Cuba. But I know that the only way to put effective pressure, whether it be a sugar

embargo, a tobacco embargo, limited sanctions or a total quarantine, is when we have our trading partners and our allies with us.

Today, for the first time in the history of American jurisprudence, we are applying a law not to goods that come into our country, not to acts that happen within our country, but to goods and acts that are outside of our country. However great our outrage, that is not American jurisprudence. That is extraterritoriality. It drives our allies away at a time we need them most.

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

Mr. Speaker, I rise in opposition to the conference report. I think there should be no doubt that after the reprehensible actions by Mr. Castro and the regime, there is no disagreement among us here. We condemn that.

The difference here is the best way to respond and how best to bring an end to his regime. We knew that Fidel Castro was a reprehensible thug 3 weeks ago. We knew that he was 30 years ago. There is no change in that. He remains so today, but his recent actions should not change how we define or pursue the U.S. national interest.

I think this bill that is before us is a huge mistake, and I believe that for several reasons. First of all, as a matter of policy, it picks isolation over engagement. By increasing Cuba's isolation and by squeezing the Cuban people, the conference report risks a violent upheaval in Cuba and increases the risk of a massive flow of refugees.

I understand that now is not the time to lift the embargo. Bad deeds should not be rewarded. But ultimately the engagement of the Cuban people in trade and contacts with Cuba will open the door to a free Cuba. I say to my friend on the other side of the aisle that the most distinguished foreign policy spokesman of the Republican Party in the last generation was President Richard Nixon, and he believed that the isolation policy of the Cuban people was the wrong policy.

I also believe that this conference report is going to tie the hands of the President in knots. I understand that he accepts this bill but I think that is a mistake. The conference report restricts the ability of the United States to respond to changing conditions in Cuba. The transition from a Communist government to a free government is not going to be easy. We have learned that time and time again. What this bill does is, it freezes us out of the action at the very time that we want to be engaged, when we want to influence events in Cuba.

With regard to title III, the gentleman from California [Mr. CAMPBELL] has explained that very well, but let me just make this observation. My friends who are proponents of this bill have said over and over again, title III is the heart of the bill. But you know what they did? They gave it away. They gave away title III with the waiver to the President. If in fact title III is so important, if it is the heart of the bill, then why just give it away with a waiver to the President of the United States?

Incidentally, that title III defends only the interests of the rich, only the fellow who has a very large claim. The poor small claim holder is not going to get any remedy from this bill. This bill is going to shore up Castro, not bring him down. It enables him to do what he has done so effectively for 30 years, and that is to fan the flames of nationalism, to put all of the blame for the mess he has made of Cuba onto the United States, so it plays into his hands.

We ought to be targeting our policy not at Castro and what is bad for Castro. The policy of the United States should be aimed at what is good for the Cuban people. This bill, this conference report, puts us at odds with all of our friends and allies, and it deeply offends them. The conference report departs from the proven and sound U.S. policies that we have used in other areas of the world.

Mr. Speaker, let me conclude, the conference report is going to increase the isolation of Cuba and its people. It is going to skew U.S. policy from the present course of promoting peaceful change. It is going to put the United States on the sidelines when this transition is underway in Cuba. It creates an unprecedented right for those who had property confiscated in Cuba to sue in United States courts. It hands Castro a deck of nationalist cards that he will play with consummate skill, and it contravenes U.S. international commitments and antagonizes our closest allies and trading partners.

This conference report is a mistake. It is a huge mistake for this country to make because it locks in the President of the United States in the conduct of American policy towards Cuba. I urge a vote against it.

Mr. BROWN of Indiana. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, Castro is in trouble. He just rounded up the human rights activists and the people who oppose him. He put hundreds of them in prison just recently.

My colleague said that there is no guts in this bill except for title III. Title IV prohibits people who traffic in confiscated American property from getting visas to come to the United States of America, so they are going to have to choose: Do they want to do business with Castro or the United States? I believe they are going to want to do business with the United States. That is going to dry up hard currency for Castro.

You folk on that side of the aisle, the people who oppose this bill, wanted that $50,000 limit to make sure that we would not have the courts flooded with litigation. The fact of the matter is, you asked for it, you got it, now you are complaining about it.

And, finally, when there is a transition, when democracy starts to come to Cuba and Castro is gone, there are provisions in the bill for the United States to help aid in the transition to democracy. So we are not going to be on the sidelines, Mr. Hamilton. We are going to be in there helping the Cuban people.

Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. TORRES].

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

Mr. TORRES. Mr. Speaker, I rise to oppose the conference report on H.R. 927.

I am grateful to my colleague, the gentleman from Indiana [Mr. BURTON] for this opportunity to explain why the passage of H.R. 927 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. Yes, we all deplore the incident of the downing of Americans flying provocative flights over Cuban airspace but, they were warned countless times to desist. This legislation will not correct that situation.

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 United States 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-quarter the total land area of the District of Columbia. One of the stated military missions 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 United States.

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 US 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.

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Mr. BURTON of Indiana. Mr. Speaker, I yield 30 seconds to my colleague, 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 am one of the cosponsors of the Helms-Burton bill, and I have every strong rationale to do so. I know what the Cuban people have experienced. I have seen them from 1960 to 1961.

Mr. Speaker, I rise in strong support of the conference agreement on the Libertad bill—the Cuban Liberty and Democratic Solidarity Act—which will tighten the embargo against Castro and his barbaric regime.

I am an original cosponsor of this bill, and I am pleased that President Clinton will sign it into law when it reaches his desk.

From time to time, we are called upon to take strong action against evil in the world.

We took strong action against apartheid in South Africa. We took strong action against a murderous dictatorship in Haiti. Today, Mr. Speaker, we have the opportunity to take strong and decisive action against the evil of Fidel Castro.

By now, every American knows of the murderous attack by Cuban Mig fighters only 11 days ago. Two U.S. civilian aircraft were destroyed, and four U.S. citizens were killed in this unjustified and unwarranted terrorist attack against unarmed civilians.

Brothers to the Rescue is a peaceful, humanitarian group responsible for saving over 6,000 lives. It is perfectly in character that Castro chose to viciously attack the members of this caring, dedicated group.

But in Miami, FL, which I represent in Congress, this senseless, brutal attack is the latest in a long list of murders, firing squads, imprisonments, harassments, human rights abuses, and political oppression perpetrated by Castro against the Cuban people.

Many of my constituents know Castro's ruthlessness first hand. Many fled from Castro's prisons. Many of my constituents still have relatives—mothers and fathers, brothers and sisters, nephews and cousins—who must endure the daily hardship and oppression of this cruel regime.

Is there any wonder why so many people were willing to leave everything they ever worked for and everything they ever owned to come to this country—just for the chance to live in freedom and raise their children without fear.

The Cuban Liberty and Democratic Solidarity Act will put new international pressure on the Castro regime. Under its provisions:

The embargo against Cuba will be enacted into law. Up until now, the embargo has been enforced via an Executive order and subject to change by every new administration;

The owners of illegally confiscated properties in Cuba will be allowed to pursue legal action in United States District Court against those corporations and individuals who currently occupy and profit from those properties;

Corporate executives who purchase confiscated U.S. properties will have their visas to the United States revoked. Foreign business executives who invest in Cuba after the passage of this legislation will be subject to the same punitive action; and

To encourage democratic change, humanitarian and military transition assistance will be provide to a future Cuban Government that is committed to democracy.

Mr. Speaker, just as we helped the people of South Africa, and the people of Haiti, we must help the people of Cuba in the time of their greatest need.

Castro is desperately clinging to power. He must be cut off, not thrown a lifetime. I believe that the Cuban Liberty and Democratic Solidarity Act will greatly hasten the fall of Fidel Castro's dictatorship.

And Mr. Speaker, I look forward to the time—in the near future—when I can greet—here in this Capitol—the democratically elected President of a free Cuba, as I have the democratically elected Presidents of a free South Africa and a free Haiti.

I strongly urge my colleagues to support this bill.

Mr. BURTON of Indiana. Mr. Speaker, I yield the balance of my time to the distinguished Speaker, the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Mr. Speaker, I thank my friend, the gentleman from Indiana, for yielding to me.

I am delighted to have a chance to share with the House some thoughts on the conference report on H.R. 927, which I really see as a freedom contract with the Cuban people.

I found it interesting that the very distinguished ranking member of the committee, the gentleman from Indiana [Mr. HAMILTON], did not seem to think this bill would be effective. I would just want to start by quoting from a letter from President Clinton, who said,

> The conference report is a strong bipartisan response that tightens the economic embargo against the Cuban regime and permits us to continue to promote democratic change in Cuba. I urge the Congress to pass the Libertad bill in order to send Cuba a powerful message that the United States will not tolerate further loss of American life.

I am delighted that the President is now supporting this. But I must say even more decisive than the tragedy of the last few weeks has been a commitment which the gentleman from Indiana [Mr. BURTON] led as chairman of the subcommittee, a commitment which the gentlewoman from Florida [Ms. ROS-LEHTINEN] led, a commitment which the gentleman from Florida [Mr. DIAZ-BALART] led and others in both the House and Senate, that said for a long time, we are committed to freedom for Cuba.

Let me remind my colleagues of the game that has been played. No dictator on the planet has been better than Fidel Castro at managing to create a sense that somehow he will always survive no matter what. No one has been better than Fidel at playing off various parts of the world and somehow magically appearing, bearded, in uniform, and prepared to talk about baseball, just a wonderfully pleasant, interesting person standing in the church pulpit, and, oh, by the way, forget the prisons, forget the secret police, forget the torture, forget the murders, forget the dictatorship, forget the poverty, forget the willingness to take on anyone and drive them out of Cuba, because after all he is such an interesting, charismatic figure. And so, for the last couple years, life has gotten harder because with the fall of the Berlin Wall, with the collapse of the Soviet Empire, the subsidies are gone. The money is not there. The military protection is not there.

Suddenly, the Castro dictatorship was beginning to weaken. And now Fidel had a new line. He said to the younger Cuban bureaucracy, ''Stick with me. I will manipulate the Americans. I will manage the transition. I will manipulate the European Union. I will find the money. And in the end I am still going to be here.'' And sadly, from the Clinton administration and from others, there were signals that maybe Fidel could pull it off. There were signals that maybe America was going to cave.

Business leaders went down to Cuba and began to praise the great opportunities the dictatorship offered. Oh, you might have to build that hotel near a prison camp, but what the heck, there will be profits. We began do have Members of Congress go down, because after all, the dictatorship was getting a more human face.

Those who studied knew it was not true. Chairman BURTON knew it was not true. The gentlewoman from Florida [Ms. ROS-LEHTINEN] knew it was not true. The gentleman from Florida [Mr. DIAZ-BALART] knew it was not true. People across America who studied Cuba said, ''Wait a second, this is the same dictatorship, these are the same lies, these are the same false promises.'' And for a long time the Clinton administration opposed this bill.

And then a tragedy occurred, a tragedy that was unnecessary, a tragedy that should have been avoided, a tragedy which I believe strong representation from our State Department might well have avoided by saying to the Castro dictatorship, ''We will not tolerate your shooting down innocent civilian aircraft. It violates every international rule.''

The United Nations had what I thought was a pathetically weak response. They did not condemn. They did not censure. They deeply deplored. Kill a few people, we deeply deplore it.

Well, the U.S. Congress is doing something vastly beyond deplore. This bill says no one in Cuba and no one in the rest of the world should expect this embargo to be lifted until there is democracy in Cuba. There is no future for the Castro dictatorship. There are no

deals. There is no special business investment. There is no loophole. There is no sweetheart agreement.

This also says the Congress will be involved unless the President certifies that the transition to a democratic regime is under way in a measurable, real way. It says one other; maybe it is shocking to some of our friends; it says if Castro has confiscated the property of Americans, we are going to defend the property right of Americans, and, yes, if you come from Canada or you come from France or you come from some other country and you have purchased the confiscated property of Americans, we are going to take steps to protect American citizens against those who would exploit what a dictatorship has done to hurt Americans.

Maybe some of our friends think it is too much for the American Government to protect Americans. Maybe some people think the Cuban market is so huge and so profitable that you ought to cut yourself off from the American market to make sure you can trade in Havana. Well, I am perfectly happy to have companies make that decision. If a European company or a Canadian company wants to say, we will prove our commitment to Fidel, we are going to ship our goods to Havana, and that means we are not going to be in the United States market, I somehow think somewhere on the planet there will be a competitor willing to come to America or there will be an American company willing to provide the goods and service, and we will survive.

It is perfectly fair for us to say to the world we are going to defend Americans, we are going to defend American property rights, we are going to oppose the Castro dictatorship.

And it is even more important, and I want to close this because I think it is vital to understand, we have a history that goes back 98 years from this year, a history that said just about this point a century ago, as the Spanish continued to oppress Cuba and the Cuban people were in a long and bloody and terrible insurrection, just about literally 100 years ago, people began to stand in this well and talk about our obligation to help the Cuban people liberate themselves from Spain.

Fidel Castro has been a tragic detour on what was a long period of the natural friendship between the American people, who have sympathized and supported the Cuban people, and we are prepared to say in this House, with our vote this afternoon, just as you wanted Cuba to be free of the dictatorship of Spain, we want the Cuban people to be free of the dictatorship of Fidel, and we are by this act and by this law committing ourselves to a freedom contract with the people of Cuba and we are saying to every young Cuban leader in Cuba and every younger Cuban bureaucrat, your future is not with Fidel and decay. Your future is with freedom and prosperity. If you will simply help us, we will work with you for the transition, and together we will establish the right to be free once again in our neighbor to the south.

I urge every Member, the President urges a ''yes'' vote, we urge a ''yes'' vote, the Cuban people want a ''yes'' vote, and I think the future of freedom demands a ''yes'' vote.

Mr. FARR of California. Mr. Speaker, I rise today to speak in strong opposition to H.R. 927, the Cuban Liberty Act. This legislation would, in the name of ending the rule of Castro, cause even greater harm to the Cuban people and jeopardize our relations with many of our important allies.

As were all Americans, I was outraged by the February 24 shootdown of two American Cessnas near Cuba. Simply put, there is no excuse for sending two MiG fighters against unarmed passenger planes.

H.R. 927, however, is the wrong way to respond. The bill would not have prevented the tragic events of 2 weeks ago, nor would it significantly improve upon the additional sanctions already taken by the President as a result of the attack.

We should not forget that we already impose a comprehensive travel and trade embargo against Cuba. Virtually no exports are permitted to Cuba, and travel is strictly limited. And American businesses are prohibited from conducting virtually any economic activity in Cuba.

Economic indicators have shown that the embargo has had a dramatic effect on the Cuban economy. Sadly, however, virtually all of the suffering has been felt by the Cuban people. They have faced serious food shortages, as well as a lack of needed medicine and medical supplies, threatening their health and welfare.

Presumably because this embargo has not let to a change in Cuba's leadership—even though it has hurt the people of Cuba—Congress has decided to take the embargo even further: to try to prevent any country from trading with Cuba. Specifically, provisions in this bill would permit Cuban-Americans to sue foreign companies if they use, or profit from, confiscated property from Cuba.

This provision has been strongly opposed by many of our important trading allies, including Canada, Great Britain, France, and Mexico. They rightly see this as a violation of international law, and a violation of their sovereignty—an attempt by one country to force their foreign policy on another.

Mr. Speaker, is it worth risking our relationship with our allies to try to strangle Cuba even further? I don't think so.

If these provisions actually succeed in cutting off additional investment in Cuba, it seems unlikely that the results will benefit the Cuban people. Our embargo has already hurt Cuba's economy severely, yet has only caused more pain for the Cuban people with no change in Cuba's leadership. Given the results of this policy to date, expanding the embargo even more would seem unwise and ineffective, if not downright cruel.

Interestingly, some have suggested that the provision will have no effect on foreign investment in Cuba. Why? Because the bill allows individuals to settle their cases against foreign companies out of court. Thus, foreign companies could still invest in Cuba. However, those few Cuban-Americans who held large amounts of property in Cuba could realize large financial gains from these settlements. The possibility that a few could be enriched by this bill, even as the people of Cuba suffer from the current embargo, concerns me even more.

In any event, I cannot support legislation which, at the very least, threatens the future of our trading relationships, hurts our own economic security, and does nothing to alleviate the suffering of the Cuban people. Let us pursue a policy of more openness and greater engagement with Cuba, not less, if we truly wish to bring about greater change and help the people of Cuba.

Mr. DEUTSCH. Mr. Speaker, I am proud to be standing in front of this body as we get ready to vote on the Helms-Burton bill. This piece of legislation will send a clear message to Castro and other petty dictators around the world that America will not stand for political persecution. We will not put our heads in the sand while this tyrant, only 90 miles from our shores, oppresses his own innocent citizens.

It is a tragedy that it took the recent shooting down of two unarmed, civilian humanitarian planes by Cuban fighters to help bring the Helms-Burton bill to the floor. Fidel Castro has been committing atrocities against the Cuban people for decades and these recent repugnant acts only serve to confirm a conclusion that we already know. Castro will never change. He still has political prisoners, including women and children, languishing in his jails. He still murders his own people as they attempt to flee political persecution. He still is planning to construct a nuclear power plant that can only be considered a humanitarian disaster. There can be no compromise. Castro is an absolute dictator that needs to be taken down absolutely.

The Helms-Burton bill will force Castro from power and put an end to these acts of oppression. It will strangle Castro by cutting off a large segment of foreign investment that is currently propping up his regime. Some of my colleagues feel that lessening our grip on Cuba would be the best way to help the Cuban people. I passionately disagree. Castro's acts over the last several weeks only proves the urgent necessity for this bill and the need to strengthen our resolve against this rogue dictator, rather than weaken it. Mr. Castro, we will not compromise on this issue. The U.S. Congress will not lower our support to ending the Castro regime. We will fight to the end to free the noose that currently surrounds the Cuban people, I urge my colleagues to join with me in voting in support of Helms-Burton, in support of freedom and democracy.

Mr. BERMAN. I rise to oppose this bill. I do this reluctantly. There is much in this legislation that I support and have supported in the past.

I am not, for example, opposed to codifying the embargo on Cuba. There is no doubt that Castro is a dictator and murderer whose rule should be vigorously resisted.

Nor am I opposed to the extraterritorial nature of this legislation although I wish such unilateral American action was not necessary. I would greatly welcome international cooperation in dealing with the world's dictators as well as with other threats to international stability.

However, I must vote against this bill. When this bill was marked up in the International Relations Committee, I introduced an amendment which carved out an exception for some penalties for certain activities. My amendment was

accepted by all sides—including proponents of this legislation, but then, unfortunately, it was dropped in conference.

I do not understand why my amendment was dropped. It was not contrary to the intent of the sponsors of this legislation.

My amendment retained due process protection already contained in the Trading With the Enemy Act [TWEA] and kept exceptions for news gathering, research, and clearly defined educational, religious, and human rights activities.

In 1992, when we passed similar legislation, we added substantial civil penalties to Treasury's enforcement arsenal to prevent a surge of business or tourist travel to Cuba.

We all agreed and continue to agree that trips to acquire a winter suntan or make a quick buck should be discouraged.

However, we wanted to make sure of a couple of things before we broadened Treasury's authority to punish such travelers. First, we ensured that due process protection was given to individuals or firms, including an agency hearing and we also ensured that there would be a couple of categories of travel that would be off limits to civil fines.

We agreed that visits by journalists, researchers, human rights, and religious organizations—visits in other words whose legal tender was information, not hard currency—were in our national interest, since they undermined rather than buttressed the Castro regime.

Now this bill omits all exceptions to civil penalties in the Trading With the Enemy Act and removes the administrative due process provision we wrote into the TWEA, undermining the fairness and credibility of civil sanctions.

I believe the Government should err on the side of liberally interpreting American's right to travel abroad, particularly when it serves our national interests. This legislation does not serve those interests and therefore I cannot support this bill.

Mr. SERRANO. Mr. Speaker, today we will be taking a final vote on the conference report for the so-called Cuban Liberty and Democratic Solidarity Act. Unfortunately, our consideration of this legislation is occurring after the tragic shooting down of the two Brothers to the Rescue aircraft. Although the content of this legislation and this recent tragedy should not be linked, we are today creating a false linkage between the two. This prevents us from carefully weighing the negative impact that passage of this legislation will have on our foreign policy and on the Cuban people—who will only suffer more with the tightening of the economic embargo. Passage of this legislation today is not the correct response to this tragedy.

The United States should not permit the reckless acts of private citizens to dictate our foreign policy. Earlier concerns expressed by this administration should not be ignored simply because this tragedy occurred. The Helms-Burton legislation is an extreme bill that continues and strengthens diplomatic policies that have never been successful. The existing Cuban embargo has failed to cause any change in Cuba's government. Passage of even stricter sanctions against Cuba will not move Cuba any further toward a change in government.

This conference report retains the troubling provisions that make liable for damages in U.S. courts individuals or companies, including those from third countries, who knowingly traffic in property that was owned by a U.S. national and was confiscated by the Cuban Government. Although a provision was included permitting the President to delay implementation of this provision for unlimited 6-month periods, in its September 1995 statement of administration policy, the administration stated that this title should be deleted. ''Applying U.S. law extra-territorially in this fashion would create friction with our allies, be difficult to defend under international law, and would create a precedent that would increase litigation risks for U.S. companies abroad.'' This provision which the administration considered seriously objectionable is still a part of this conference report.

In fact, an article in the Washington Post on March 3, 1996, suggests that this provision, which would allow Cuban-Americans to sue foreign companies in U.S. Federal courts, creates a massive loophole that would permit the wealthiest Cuban-Americans to profit from settling lawsuits brought under this section. The article explains how these settlements may occur without the need to obtain any license or permission from the U.S. Government.

I would also like to reiterate once again, as I have so often in the past, that we have no moral grounds that would allow us to single out Cuba for this trade embargo. We continue to have trade relations with North Vietnam, China, and North Korea, countries with political systems different than ours.

The current United States policy toward Cuba does not have the support of the world community. The majority of our allies do not believe the trade embargo is an effective or wise vehicle for dealing with Cuba, and tightening the embargo will only further damage our relationships with our allies. Specifically, permitting suits against foreign companies that invest in Cuba will infringe on the sovereignty of other countries, and interfere with their trade decisions.

Finally, and most importantly, any tightening of the embargo will increase the suffering of the Cuban people. We all recognize that a terrible tragedy in the shooting of the Brothers to the Rescue aircraft has occurred, but we need to move forward in developing a constructive relationship with Cuba. Passage of this conference report will move our country's foreign policy even further in the wrong direction. We should instead vote against this bill and begin the process of building a peaceful and productive relationship with Cuba.

Mr. MANTON. Mr. Speaker, I rise in strong support for the conference report on H.R. 927, the Cuban Liberty and Democratic Solidarity Act.

Mr. Speaker, on February 24 Castro ordered the downing of unarmed aircraft flying over international waters, murdering all those aboard, including three United States citizens who were committed to promoting peace and freedom in Cuba. This blatant violation of international law and wanton disregard for human life only reaffirms that Castro will stop at nothing to cling to power and suppress freedom in Cuba.

All across Eastern Europe, we have witnessed the dramatic collapse of communism. The seeds of democracy are taking hold, and a people long oppressed by totalitarian rule are awakening to the promise of freedom and self-determination. Yet just 90 miles from the shores of the greatest and oldest democracy in the world, Castro continues to rule with an iron fist.

The conference report on H.R. 927 is designed to force Castro from power by tightening economic sanctions on the Cuban Government. I commend President Clinton for expressing his strong support for this tough legislation.

It is time to stop negotiating with Castro. It is time to force him from power. There can be no just totalitarian state. The only cure for communism and totalitarianism is freedom and democracy. The Cuban people deserve no less.

Specifically, the measure would codify the existing United States trade embargo against Cuba while increasing the protection for the rights of United States nationals whose property has been illegally confiscated in Cuba. Furthermore, the bill directs the President to encourage foreign countries to restrict trade with Cuba and to work for an international embargo against the Cuban Government.

Castro's reign of terror and suppression in Cuba is nearing an end. His ruthless Communist regime is on life support. Let us pull the plug by passing this legislation.

Mr. MARTINI. Mr. Speaker, I rise today to support the conference report to H.R. 927, the Cuban Liberty and Democratic Solidarity Act of 1995. We must stand tough on Castro.

His recent reprehensible act is a testament to his madness. On February 25, 1996, he gave orders to shoot down two Cessna planes operated by the American humanitarian group, Brothers to the Rescue. His orders were successfully carried out and four Americans were killed. These men could not have defended themselves against a hostile aggressor even if they had wanted to. Castro's ignoble action was as pathetic as it was wrong. This senseless act of violence must be condemned in the strongest possible terms. The Cuban Liberty and Solidarity Act is in fact a condemnation of the Castro regime.

We must call on the President to organize an international embargo on Cuba and we must tighten our current embargo. This bill also protects the rights of U.S. citizens and businesses by allowing them to sue parties who knowingly and intentionally traffic in confiscated U.S. property. We cannot allow Castro to infringe on the rights of U.S. citizens, or on the rights of his own people.

The most heartwrenching example of his control is the state of affairs of the people of Cuba. Their aspirations and cries for freedom and democracy remain unacknowledged and as follows, unanswered.

Cuba's liberalization is an impossibility with Castro controlling the reins. He is a despot with little to do but punish men and women who have tenaciously championed the cause for freedom through vigilant, assertive, nonviolent actions. Not only has he killed four American citizens but in the process he has also ignored the will of his people. The people of Cuba do not possess the means to hold Castro responsible for his actions, so we must do what they cannot. We must hold Castro accountable for his actions.

Mr. ACKERMAN. Mr. Speaker, I rise in strong support of the conference report to accompany H.R. 927, the Cuban Liberty and Democratic Solidarity Act.

The shooting down of unarmed U.S. civilian aircraft over the Florida Straits is the heinous and unforgivable act of a rouge regime that ignores international law. Such wanton disregard for human life cannot go unanswered.

Today, Congress is responding in the form of the Cuban Liberty and Democratic Solidarity Act. The bill sends a clear signal to Cuba by strengthening the United States embargo of Cuba, authorizing assistance for democratic elements within Cuba, directing the President to prepare to support a transition to democratic government in Cuba, and increasing protection for the rights of United States nationals whose property has been illegally confiscated in Cuba.

Mr. Speaker, some have raised objections that this bill will impinge on our allies' ability to trade with Cuba and that it will only strengthen Fidel Castro's ability to retain power. I do not believe that we should reward the murderer of four American citizens by relaxing the current embargo. We should, and we will, strengthen the embargo and strangle the Castro regime.

Mr. Speaker, I urge my colleagues to support H.R. 927 and strike a blow for the freedom of Cuba.

Mr. FUNDERBURK. Mr. Speaker, there can be no compromise in dealing with Fidel Castro. We must make sure that the Helms-Burton Cuban liberty bill passes as soon as possible so we can tighten the embargo on Cuba. We can have no sympathy for those who would be inconvenienced because they choose to make a profit over conscience. We must penalize those who would traffic in stolen American property. If the Helms-Burton Cuban liberty bill is a violation of NAFTA as claimed by the Canadian Foreign Minister, maybe it is time for the United States to withdraw from that and any other organization that prevents the United States from pursuing its national interests.

Mr. Speaker, we must demand the Castro's Cuba abide by international law that stipulates that a national air space be set at 12 miles. We must not allow Castro's armed thugs to grossly expand their national air space to the 24th parallel. We must make the Castro regime realize that any attack on civilian aircraft outside Cuba's 12 mile borders would be met with military force. To make this point clear, we should start by flying combat air patrols well south of the 24th parallel. Maybe we can teach Castro's armed thugs the same lesson that we taught Kadafi a few years back.

Mr. RICHARDSON. Mr. Speaker, after much consideration, I find that I must vote against this bill. My decision is based primarily on my belief that this is an intrusion on the President's prerogative to conduct foreign policy. This bill restricts Presidential authority and flexibility by codifying the embargo into law. The Helms-Burton conference report contains a provision requiring the President to seek approval of both the House and Senate before changing any aspect of the current embargo. This is an unacceptable infringement on Presidential authority.

Further, this bill will interfere with the principles of free trade, exemplified by the North American Free Trade Agreement, an issue dear to my heart. Canada, Mexico, and Caribbean nations have already expressed their concerns for this infringement of their sovereignty.

I must convey however, that I did strongly consider voting for this bill as a sign of protest against the downing of the two Hermanos al Rescate planes. That was an indefensible act, and I feel sadness for the people who were killed and their families. In addition, this is an emotional, and enormously important issue for my Cuban-American friends, and I have deep respect for their views, particularly BOB MENENDEZ, LINCOLN DIAZ-BALART, AND ILEANA ROS-LEHTINEN.

Accordingly, my decision to vote ''no'' is a difficult one given the support to have always given President Clinton and the Cuban-American community.

Mr. KIM. Mr. Speaker, I rise today in strong support of the conference report to H.R. 927, the Cuban Liberty and Democratic Solidarity [Libertad] Act of 1995. The recent shoot down of two unarmed civilian planes by Cuban Air Force MiG's clearly underscores the continued hostile focus of the Castro dictatorship and the need for stronger pressure to bring it down. Castro's irresponsible and unnecessary violations of international law must be dealt with in the strongest terms possible. H.R. 927 does just that.

As a strong supporter of former-President Reagan's foreign policy creed—''peace through strength''—I am constantly surprised by the lack of vision this administration has in the foreign policy arena and how frequently American military and civilian lives are put in harm's way. The concessions given to North Korea in the agreed framework and the ill-advised involvement of United States forces in Haiti and Bosnia are just a few of the examples of foreign policy decisions with which I have serious concerns. This is not peace through strength—it's danger through appeasement. The administration's recent kowtowing to Cuba and the resulting aggression by Castro's military further underscores my concern about this administration's lack of direction.

Ironically, since the beginning of his term in office, President Clinton has attempted to weaken the U.S. embargo on Fidel Castro's Communist government. This dramatic shift in policy has turned on its head the longstanding efforts of six previous, bipartisan administration policies of standing firm against the 36-year old dictatorship in Cuba. H.R. 927 responsibly reverses President Clinton's ill-advised appeasement policy by codifying the existing embargo against Cuba. It also strengthens efforts to achieve international sanctions, provides assistance to democratic opposition and human rights groups and protects U.S. interests in illegally confiscated property. By passing H.R. 927, Congress ensures that the United States continues the longstanding ''peace through strength'' approach in dealing with the Castro dictatorship. This policy has proved the most reliable when facing such rogue regimes. It is for these reasons that I strongly support H.R. 927 and commend President Clinton for finally recognizing the importance of this legislation. I am only sorry that it took the lives of four innocent civilians to do so.

Mr. DEFAZIO. Mr. Speaker, I certainly deplore the Cuban Government's decision to shoot down unarmed civilian aircraft. It was unconscionable and outrageous. However, our Government bears some blame for failing to fulfill its obligation to keep U.S. civilian aircraft from conducting harassing raids into foreign airspace from U.S. soil. But that's not the issue here. The issue is what kind of policy will bring Cuba into the fold of democratic nations.

In this case, United States foreign policy has been hijacked by a small population of right-wing Cuban exiles in Miami. The bill before us represents a complete surrender to these extremists by the President and congressional leaders. I urge my colleagues to reject it, though I know they will not.

This bill will do nothing to encourage Cuba's transition to democracy. In fact, the opposite will be the case. By continuing and tightening the fruitless embargo against Cuba, we are strengthening the Castro regime's only remaining claim to legitimacy. The losers are the Cuban people. The winners are Castro and his henchmen—who will remain in power not only in spite of but because of the embargo—and United States politicians eager to pander to the Cuban exile vote in Florida.

The contrast between United States policy toward Cuba and our Government's stance toward the brutal and geriatric communist leaders of China is stark. Despite China's well-documented human rights abuses, its unfair trade practices and its policy of exporting dangerous arms to terrorist regimes around the world, this Congress and the President insist on giving China favored nation trade status. Chinese belligerence and intransigence is not only tolerated by our Government, but rewarded. Yet the impoverished nation of Cuba is deemed to be such a threat to our shores that the most punitive sanctions are justified.

This bill is hypocrisy and pandering at its worst. It should be rejected.

Mr. COYNE. Mr. Speaker, I rise today in opposition to the Cuban Liberty and Democratic Solidarity Act.

I strongly condemn Cuba and Castro's reprehensible and inexcusable actions in shooting down two unarmed American civilian aircraft recently. This was an unacceptable act that no civilized nation can condone. It was a clear and blatant violation of international law. Our hearts go out to the families and friends of the victims of this tragedy.

Nevertheless, while I abhor Cuba's action, I oppose this bill because I believe that enactment of the Cuban Liberty and Democratic Solidarity Act is not in the United States's national interest, and that our national interest and our efforts to promote democracy and human rights in Cuba must take precedence over our anger and revulsion at this cowardly act.

The Cuban Liberty and Democratic Solidarity Act of 1995 is intended to increase the economic pressure on Cuba in the belief that additional hardships imposed on the Cuban people will produce additional dissatisfaction with the Castro regime and accelerate its downfall. The problem with this reasoning is that in many ways it plays into Castro's hands by allowing him to blame the Cuban people's suffering on foreign enemies—namely, the United States. Sanctions like these provide Castro with a convenient scapegoat for the failings of his unsustainable regime.

The best way to replace Castro's dictatorship with a democratic form of self-government and a market economy is though engagement, not isolation. The United States should be engaging the Cuban people. This legislation will alienate them. It will shore up Castro by allowing him to fan the flames of Cuban nationalism against the United States. I believe that the most effective tool for fostering democracy and human rights and economic development in Cuba is exposure of the citizens of Cuba to free democratic societies. I urge my colleagues to reconsider this action and vote no on the conference report.

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

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

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

Mr. BURTON of Indiana. 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 336, nays 86, answered ''present'' 1, not voting 9, as follows:

[Roll No. 47]

YEAS—336

Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Borski
Brewster
Browder
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Chrysler
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Everett
Ewing
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hobson
Hoekstra
Hoke
Holden
Horn
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Luther
Maloney
Manton
Manzullo
Martinez
Martini
Mascara
Matsui
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Paxon
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Schumer
Scott
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—86

Abercrombie
Barrett (WI)
Becerra
Beilenson
Berman
Bonior
Boucher
Brown (CA)
Campbell
Clay
Conyers
Coyne
DeFazio
DeLauro
Dellums
Dixon
Dooley
Eshoo
Evans
Farr
Fattah
Flake
Foglietta
Frank (MA)
Furse
Gejdenson
Gibbons
Hall (OH)
Hamilton
Harman
Hinchey
Hostettler
Houghton
Jackson (IL)
Johnson (CT)
Johnson, E. B.
Johnston
Kennedy (MA)
Kleczka
LaFalce
Lewis (GA)
Lincoln
Lofgren
Lowey
Markey
McDermott
McHale
McKinney
Miller (CA)
Minge
Mink
Moakley
Moran
Morella
Nadler
Oberstar
Obey
Olver
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Rangel
Reed
Richardson
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Serrano
Skaggs
Stark
Studds
Torres
Towns
Velazquez
Vento
Waters
Watt (NC)
Waxman
Williams
Woolsey
Wynn
Yates

ANSWERED ''PRESENT''—1

Owens

NOT VOTING—9

Bryant (TX)
Chapman
Christensen
Clayton
Collins (IL)
Collins (MI)
McCarthy
Slaughter
Stokes

□ 1513

Mr. WYNN and Ms. FURSE changed their vote from ''yea'' to ''nay.''

Ms. RIVERS changed her vote from ''nay'' to ''yea.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. CLAYTON. Mr. Speaker, during rollcall vote No. 47 on H.R. 927 I was unavoidably detained. Had I been present, I would have voted ''no.''

PERSONAL EXPLANATION

Mrs. COLLINS of Illinois. Mr. Speaker, this afternoon, March 6, 1996, I was unavoidably absent for rollcall vote 47, on final passage of H.R. 927, the Cuban Liberty Act conference report, because I had to go to my ophthalmologist for an emergency procedure.

Had I been present, I would have voted ''no.''

□ 1515

GENERAL LEAVE

Mr. HAYWORTH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the conference report just adopted.

The SPEAKER pro tempore (Mr. EWING). Is there objection to the request of the gentleman from Arizona?

There was no objection.

REPORT ON RESOLUTION PROVIDING SPECIAL AUTHORITIES TO COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT TO OBTAIN TESTIMONY ON THE WHITE HOUSE TRAVEL OFFICE MATTER

Mrs. WALDHOLTZ, from the Committee on Rules, submitted a privileged report (Rept. No. 104–472) on the resolution (H. Res. 369) to provide to the Committee on Government Reform and Oversight special authorities to obtain testimony for purposes of investigation and study of the White House Travel Office matter, which was referred to the House Calendar and ordered to be printed.

SPECIAL ORDERS

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

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

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