First, this tax cut is spread over 7 years and averages about $35 billion a year.

This is just 2 percent of Federal spending over that period. Federal spending has risen almost 300 percent over the last 15 years. Do you really think we cannot give just 2 percent back?

Second, some of this tax cut will go to upper income citizens—but most of it will go to lower and middle income people. Somehow, we never hear about that.

Third, DICK ARMEY, our Republican majority leader, has introduced a flat tax proposal that totally excludes from Federal income taxes the first $26,000 of income for a single person and the first $38,000 for a married couple.

This would do a whole lot more for poor people than all the political rhetoric coming from those who do not want to cut taxes at all.

The people of this Nation need some of their money back—the bureaucrats have taken too much for far too long.

TRUE INTENT OF THE REPUBLICANS' PLANS FOR MEDICARE

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, how can we preserve, protect, and save Medicare, as the Republicans claim to do, by cutting $270 billion out of Medicare and drastically increasing premium fees and payroll taxes for 37 million elderly Americans? We cannot do it, and that is why Republicans are hiding the details of their Medicare plan and holding no hearings. I ask, can you blame them?

Mr. Speaker, they do not want to talk about it. They are setting up the American people and the Congress for a railroading of their plan in less than 10 days, hoping everyone will forget. They hope that no one will know the true intent of this plan, and that is to give a tax cut for America's wealthiest.

Mr. Speaker, that is not right. Let us be open. Let us see the light of day of this Medicare plan, and let us debate it openly.

Democrats have an alternative, and Democrats want to protect Medicare.

THE REPUBLICANS' IGNORANCE-IS-BLISS WAY OF MAKING DECISIONS ON HOUSING PROGRAMS

(Ms. ROYBAL-ALLARD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROYBAL-ALLARD. Mr. Speaker, the House Committee on Banking and Financial Services cut $2.4 billion in banking and housing services for poor and moderate-income Americans. These draconian cuts eliminated the RTC and FDIC affordable housing programs, the FHA Mortgage Assignment Program, the Multifamily Property Disposition System, and neutralized the Community Redevelopment Agency, among others.

Mr. Speaker, these cuts were not based on facts and insights from expert testimony or those impacted by those decisions. Why? Because not one public hearing was held regarding these programs.

During the bill's markup, Mr. Speaker, Republicans and Democrats asked questions that could not be answered, forcing members to make decisions on communities and their housing needs with little understanding of their impact. With these cuts, Mr. Speaker, far too many will suffer before we all realize the painful consequences of the committee's actions.

It is tragic Republicans have applied the same ignorance-is-bliss in determining key policy issues for America.

RAMMING THE MEDICARE PLAN THROUGH CONGRESS REPRESENTS A NEW LOW

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, I have said before that the new majority is going too far, too fast, and now I add the words, ''too low.'' Yes, the way they are trying to ram their Medicare plan through the Congress represents a new low in backroom attacks on our seniors.

Let us make it clear; The new majority is allowing only 1 day of hearings on their Medicare plan. I repeat 1 day of hearings.

As a former city council member, I can tell you that we had more debate on sidewalk improvements than Speaker GINGRICH will allow on Medicare which affects millions of seniors and their families. But, you know, if I was in the new majority, I'd be hiding their Medicare plan, too, because it increases premiums on seniors and takes away their choice of doctor for one reason, and for one reason only: to pay for one of the most outrageous and unfair tax giveaways in American history.

Mr. Speaker, let us see the full details of your Medicare plan. Let us have public hearings. Let us get it out in the open, because as far as I am concerned, a plan that cannot withstand the bright light of day simply is not good enough for the seniors and families of this country.

THE DEMOCRATS' WAY TO ECONOMIC PROSPERITY IS NONSENSE

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, it is fascinating to listen to the parade of people from the minority party come before this Congress and tell us why they are in the minority. They are in the minority in large part because they hate the idea of tax cuts. Giving tax cuts to the middle class is an absolute anathema to them, and so, therefore, they come to the floor day after day and suggest that the idea of giving tax cuts to the middle class is exactly the wrong national policy and we ought to do nothing in terms of a budget that would get us to tax cuts for the middle class, because after all, they know that if we simply give a bigger and bigger Federal Government more money, that that is the way to economic prosperity.

Mr. Speaker, it is nonsense. The American people understand that their entire concept is nonsense.

Now they are talking about Medicare. We have a program to strengthen Medicare in a way to assure that Medicare is there for people in the future. Otherwise in 7 years it goes broke. The Democrats have nothing. They are coming to the floor, and they have nothing. They have offered nothing, they are willing to debate nothing, they have no plan whatsoever. They are willing to countenance bankruptcy.

So understand what their budget policy is. Their budget policy is bankrupt the American family by taxing them to death, and bankrupt the Medicare system so that nobody has medical care in the future.

CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY ACT OF 1995

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

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IN THE COMMITTEE OF THE WHOLE

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

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, September 20, 1995, all time for general debate had expired.

Pursuant to the rule, the amendment in the nature of a substitute consisting of the text of H.R. 2347 is considered as an original bill for the purpose of amendment and is considered read.

The text of the amendment in the nature of a substitute is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Purposes.
Sec. 4. Definitions.

TITLE I—SEEKING SANCTIONS AGAINST THE CASTRO GOVERNMENT

Sec. 101. Statement of policy.
Sec. 102. Enforcement of the economic embargo of Cuba.
Sec. 103. Prohibition against indirect financing of the Castro dictatorship.
Sec. 104. United States opposition to Cuban membership in international financial institutions.
Sec. 105. United States opposition to ending the suspension of the Government of Cuba from the Organization of American States.
Sec. 106. Assistance by the Independent States of the former Soviet Union for the Cuban Government.
Sec. 107. Television broadcasting to Cuba.
Sec. 108. Reports on assistance and commerce received by Cuba from other foreign countries.
Sec. 109. Authorization of support for democratic and human rights groups and international observers.
Sec. 110. Withholding of foreign assistance from countries supporting nuclear plant in Cuba.
Sec. 111. Expulsion of criminals from Cuba.

TITLE II—ASSISTANCE TO A FREE AND INDEPENDENT CUBA

Sec. 201. Policy toward a transition government and a democratically elected government in Cuba.
Sec. 202. Assistance for the Cuban people.
Sec. 203. Coordination of assistance program; implementation and reports to Congress; reprogramming.
Sec. 204. Termination of the economic embargo of Cuba.
Sec. 205. Requirements for a transition government.
Sec. 206. Requirements for a democratically elected government.

TITLE III—PROTECTION OF PROPERTY RIGHTS OF UNITED STATES NATIONALS AGAINST CONFISCATORY TAKINGS BY THE CASTRO REGIME

Sec. 301. Statement of policy.
Sec. 302. Liability for trafficking in property confiscated from United States nationals.
Sec. 303. Determination of claims to confiscated property.
Sec. 304. Exclusivity of Foreign Claims Settlement Commission certification procedure.

TITLE IV—EXCLUSION OF CERTAIN ALIENS

Sec. 401. Exclusion from the United States of aliens who have confiscated property of United States nationals or who traffic in such property.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The economy of Cuba has experienced a decline of at least 60 percent in the last 5 years as a result of—

(A) the end of its subsidization by the former Soviet Union of between 5 billion and 6 billion dollars annually;

(B) 36 years of Communist tyranny and economic mismanagement by the Castro government;

(C) the extreme decline in trade between Cuba and the countries of the former Soviet bloc; and

(D) the stated policy of the Russian Government and the countries of the former Soviet bloc to conduct economic relations with Cuba on strictly commercial terms.

(2) At the same time, the welfare and health of the Cuban people have substantially deteriorated as a result of this economic decline and the refusal of the Castro regime to permit free and fair democratic elections in Cuba.

(3) The Castro regime has made it abundantly clear that it will not engage in any substantive political reforms that would lead to democracy, a market economy, or an economic recovery.

(4) The repression of the Cuban people, including a ban on free and fair democratic elections, and continuing violations of fundamental human rights have isolated the Cuban regime as the only completely nondemocratic government in the Western Hemisphere.

(5) As long as free elections are not held in Cuba, the economic condition of the country and the welfare of the Cuban people will not improve in any significant way.

(6) The totalitarian nature of the Castro regime has deprived the Cuban people of any peaceful means to improve their condition and has led thousands of Cuban citizens to risk or lose their lives in dangerous attempts to escape from Cuba to freedom.

(7) Radio Marti and Television Marti have both been effective vehicles for providing the people of Cuba with news and information and have helped to bolster the morale of the people of Cuba living under tyranny.

(8) The consistent policy of the United States towards Cuba since the beginning of the Castro regime, carried out by both Democratic and Republican administrations, has sought to keep faith with the people of Cuba, and has been effective in sanctioning the totalitarian Castro regime.

(9) The United States has shown a deep commitment, and considers it a moral obligation, to promote and protect human rights and fundamental freedoms as expressed in the Charter of the United Nations and in the Universal Declaration of Human Rights.

(10) The Congress has historically and consistently manifested its solidarity and the solidarity of the American people with the democratic aspirations of the Cuban people.

(11) The Cuban Democracy Act of 1992 calls upon the President to encourage the governments of countries that conduct trade with Cuba to restrict their trade and credit relations with Cuba in a manner consistent with the purposes of that Act.

(12) The 1992 FREEDOM Support Act requires that the President, in providing economic assistance to Russia and the emerging Eurasian democracies, take into account the extent to which they are acting to ''terminate support for the communist regime in Cuba, including removal of troops, closing military facilities, and ceasing trade subsidies and economic, nuclear, and other assistance''.

(13) The Cuban Government engages in the illegal international narcotics trade and harbors fugitives from justice in the United States.

(14) The Castro government threatens international peace and security by engaging in acts of armed subversion and terrorism such as the training and supplying of groups dedicated to international violence.

(15) The Castro government has utilized from its inception and continues to utilize torture in various forms (including by psychiatry), as well as execution, exile, confiscation, political imprisonment, and other forms of terror and repression, as means of retaining power.

(16) Fidel Castro has defined democratic pluralism as ''pluralistic garbage'' and continues to make clear that he has no intention of tolerating the democratization of Cuban society.

(17) The Castro government holds innocent Cubans hostage in Cuba by no fault of the hostages themselves solely because relatives have escaped the country.

(18) Although a signatory state to the 1928 Inter-American Convention on Asylum and the International Covenant on Civil and Political Rights (which protects the right to leave one's own country), Cuba nevertheless surrounds embassies in its capital by armed forces to thwart the right of its citizens to seek asylum and systematically denies that right to the Cuban people, punishing them by imprisonment for seeking to leave the country and killing them for attempting to do so (as demonstrated in the case of the confirmed murder of over 40 men, women, and children who were seeking to leave Cuba on July 13, 1994).

(19) The Castro government continues to utilize blackmail, such as the immigration crisis with which it threatened the United States in the summer of 1994, and other unacceptable and illegal forms of conduct to influence the actions of sovereign states in the Western Hemisphere in violation of the Charter of the Organization of American States and other international agreements and international law.

(20) The United Nations Commission on Human Rights has repeatedly reported on the unacceptable human rights situation in Cuba and has taken the extraordinary step of appointing a Special Rapporteur.

(21) The Cuban Government has consistently refused access to the Special Rapporteur and formally expressed its decision not to ''implement so much as one comma'' of the United Nations Resolutions appointing the Rapporteur.

(22) The United Nations General Assembly passed Resolution 1992/70 on December 4, 1992, Resolution 1993/48/142 on December 20, 1993, and Resolution 1994/49/544 on October 19, 1994, referencing the Special Rapporteur's reports to the United Nations and condemning ''violations of human rights and fundamental freedoms'' in Cuba.

(23) Article 39 of Chapter VII of the United Nations Charter provides that the United Nations Security Council ''shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken . . ., to maintain or restore international peace and security.''.

(24) The United Nations has determined that massive and systematic violations of human rights may constitute a ''threat to peace'' under Article 39 and has imposed sanctions due to such violations of human rights in the cases of Rhodesia, South Africa, Iraq, and the former Yugoslavia.

(25) In the case of Haiti, a neighbor of Cuba not as close to the United States as Cuba, the United States led an effort to obtain and did obtain a United Nations Security Council embargo and blockade against that country due to the existence of a military dictatorship in power less than 3 years.

(26) United Nations Security Council Resolution 940 of July 31, 1994, subsequently authorized the use of ''all necessary means'' to restore the ''democratically elected government of Haiti'', and the democratically elected government of Haiti was restored to power on October 15, 1994.

(27) The Cuban people deserve to be assisted in a decisive manner to end the tyranny that has oppressed them for 36 years and the continued failure to do so constitutes ethically improper conduct by the international community.

(28) For the past 36 years, the Cuban Government has posed and continues to pose a

national security threat to the United States.

SEC. 3. PURPOSES.

The purposes of this Act are as follows:

(1) To assist the Cuban people in regaining their freedom and prosperity, as well as in joining the community of democracies that are flourishing in the Western Hemisphere.

(2) To seek international sanctions against the Castro government in Cuba.

(3) To encourage the holding of free and fair democratic elections in Cuba, conducted under the supervision of internationally recognized observers.

(4) To develop a plan for furnishing assistance to a transition government and, subsequently, to a democratically elected government when such governments meet the eligibility requirements of this Act.

(5) To protect property rights abroad of United States nationals.

(6) To provide for the continued national security of the United States in the face of continuing threats from the Castro government of terrorism, theft of property from United States nationals, and domestic repression from which refugees flee to United States shores.

SEC. 4. DEFINITIONS.

As used in this Act, the following terms have the following meanings:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on International Relations, the Committee on Ways and Means, and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations, the Committee on Finance, and the Committee on Appropriations of the Senate.

(2) COMMERCIAL ACTIVITY.—The term ''commercial activity'' has the meaning given that term in section 1603(d) of title 28, United States Code.

(3) CONFISCATED.—As used in titles I and III, the term ''confiscated'' refers to—

(A) the nationalization, expropriation, or other seizure by the Cuban Government of ownership or control of property, on or after January 1, 1959—

(i) without the property having been returned or adequate and effective compensation provided; or

(ii) without the claim to the property having been settled pursuant to an international claims settlement agreement or other mutually accepted settlement procedure; and

(B) the repudiation by the Cuban Government of, the default by the Cuban Government on, or the failure by the Cuban Government to pay, on or after January 1, 1959—

(i) a debt of any enterprise which has been nationalized, expropriated, or otherwise taken by the Cuban Government;

(ii) a debt which is a charge on property nationalized, expropriated, or otherwise taken by the Cuban Government; or

(iii) a debt which was incurred by the Cuban Government in satisfaction or settlement of a confiscated property claim.

(4) CUBAN GOVERNMENT.—(A) The term ''Cuban Government'' includes the government of any political subdivision of Cuba, and any agency or instrumentality of the Government of Cuba.

(B) For purposes of subparagraph (A), the term ''agency or instrumentality of the Government of Cuba'' means an agency or instrumentality of a foreign state as defined in section 1603(b) of title 28, United States Code, with ''Cuba'' substituted for ''a foreign state'' each place it appears in such section.

(5) DEMOCRATICALLY ELECTED GOVERNMENT IN CUBA.—The term ''democratically elected government in Cuba'' means a government determined by the President to have met the requirements of section 206.

(6) ECONOMIC EMBARGO OF CUBA.—The term ''economic embargo of Cuba'' refers to the economic embargo imposed against Cuba pursuant to section 620(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a)), section 5(b) of the Trading With the Enemy Act (50 U.S.C. App. 5(b)), the International Emergency Economic Powers Act (50 U.S.C. 1701 and following), and the Export Administration Act of 1979 (50 U.S.C. App. 2401 and following), as modified by the Cuban Democracy Act of 1992 (22 U.S.C. 6001 and following).

(7) FOREIGN NATIONAL.—The term ''foreign national'' means—

(A) an alien; or

(B) any corporation, trust, partnership, or other juridical entity not organized under the laws of the United States, or of any State, the District of Columbia, the Commonwealth of Puerto Rico, or any other territory or possession of the United States.

(8) KNOWINGLY.—The term ''knowingly'' means with knowledge or having reason to know.

(9) PROPERTY.—(A) The term ''property'' means any property (including patents, copyrights, trademarks, and any other form of intellectual property), whether real, personal, or mixed, and any present, future, or contingent right, security, or other interest therein, including any leasehold interest.

(B) For purposes of title III of this Act, the term ''property'' shall not include real property used for residential purposes unless, as of the date of the enactment of this Act—

(i) the claim to the property is owned by a United States national and the claim has been certified under title V of the International Claims Settlement Act of 1949; or

(ii) the property is occupied by a member or official of the Cuban Government or the ruling political party in Cuba.

(10) TRAFFICS.—(A) As used in title III, a person or entity ''traffics'' in property if that person or entity knowingly and intentionally—

(i) sells, transfers, distributes, dispenses, brokers, manages, or otherwise disposes of confiscated property, or purchases, leases, receives, possesses, obtains control of, manages, uses, or otherwise acquires or holds an interest in confiscated property,

(ii) engages in a commercial activity using or otherwise benefiting from confiscated property, or

(iii) causes, directs, participates in, or profits from, trafficking (as described in clauses (i) and (ii)) by another person, or otherwise engages in trafficking (as described in clauses (i) and (ii)) through another person,

without the authorization of the United States national who holds a claim to the property.

(B) The term ''traffics'' does not include—

(i) the delivery of international telecommunication signals to Cuba that are authorized by section 1705(e) of the Cuban Democracy Act of 1992 (22 U.S.C. 6004(e)); or

(ii) the trading or holding of securities publicly traded or held, unless the trading is with or by a person determined by the Secretary of the Treasury to be a specially designated national.

(11) TRANSITION GOVERNMENT IN CUBA.—The term ''transition government in Cuba'' means a government determined by the President to have met the requirements of section 205.

(12) UNITED STATES NATIONAL.—The term ''United States national'' means—

(A) any United States citizen; or

(B) any other legal entity which is organized under the laws of the United States, or of any State, the District of Columbia, the Commonwealth of Puerto Rico, or any other territory or possession of the United States, and which has its principal place of business in the United States.

TITLE I—SEEKING SANCTIONS AGAINST THE CASTRO GOVERNMENT

SEC. 101. STATEMENT OF POLICY.

It is the sense of the Congress that—

(1) the acts of the Castro government, including its massive, systematic, and extraordinary violations of human rights, are a threat to international peace;

(2) the President should advocate, and should instruct the United States Permanent Representative to the United Nations to propose and seek, within the Security Council, a mandatory international embargo against the totalitarian Cuban Government pursuant to chapter VII of the Charter of the United Nations, which is similar to measures taken by United States representatives with respect to Haiti; and

(3) any resumption or commencement of efforts by any state to make operational the nuclear facility at Cienfuegos, Cuba, will have a detrimental impact on United States assistance to and relations with that state.

SEC. 102. ENFORCEMENT OF THE ECONOMIC EMBARGO OF CUBA.

(a) POLICY.—(1) The Congress hereby reaffirms section 1704(a) of the Cuban Democracy Act of 1992 that states the President should encourage foreign countries to restrict trade and credit relations with Cuba.

(2) The Congress further urges the President to take immediate steps to apply the sanctions described in section 1704(b) of that Act against countries assisting Cuba.

(b) DIPLOMATIC EFFORTS.—The Secretary of State shall ensure that United States diplomatic personnel abroad understand and, in their contacts with foreign officials, are communicating the reasons for the United States economic embargo of Cuba, and are urging foreign governments to cooperate more effectively with the embargo.

(c) EXISTING REGULATIONS.—The President should instruct the Secretary of the Treasury and the Attorney General to enforce fully the Cuban Assets Control Regulations set forth in part 515 of title 31, Code of Federal Regulations.

(d) TRADING WITH THE ENEMY ACT.—

(1) CIVIL PENALTIES.—Subsection (b) of section 16 of the Trading With the Enemy Act (50 U.S.C. App. 16(b)) is amended to read as follows:

''(b)(1) A civil penalty of not to exceed $50,000 may be imposed by the Secretary of the Treasury on any person who violates any license, order, rule, or regulation issued in compliance with the provisions of this Act.

''(2) Any property, funds, securities, papers, or other articles or documents, or any vessel, together with its tackle, apparel, furniture, and equipment, that is the subject of a violation under paragraph (1) shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States Government.

''(3) The penalties provided under this subsection may not be imposed for—

''(A) news gathering, research, or the export or import of, or transmission of, information or informational materials; or

''(B) clearly defined educational or religious activities, or activities of recognized human rights organizations, that are reasonably limited in frequency, duration, and number of participants.

''(4) The penalties provided under this subsection may be imposed only on the record after opportunity for an agency hearing in accordance with sections 554 through 557 of title 5, United States Code, with the right to prehearing discovery.

''(5) Judicial review of any penalty imposed under this subsection may be had to the extent provided in section 702 of title 5, United States Code.''.

(2) FORFEITURE OF PROPERTY USED IN VIOLATION.—Section 16 of the Trading With the Enemy Act is further amended by striking subsection (c).

(3) CLERICAL AMENDMENT.—Section 16 of the Trading With the Enemy Act is further amended by inserting ''SEC. 16.'' before ''(a)''.

(e) COVERAGE OF DEBT-FOR-EQUITY SWAPS BY ECONOMIC EMBARGO OF CUBA.—Section 1704(b)(2) of the Cuban Democracy Act of 1992 (22 U.S.C. 6003(b)(2)) is amended—

(1) by striking ''and'' at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following new subparagraph:

''(B) includes an exchange, reduction, or forgiveness of Cuban debt owed to a foreign country in return for a grant of an equity interest in a property, investment, or operation of the Government of Cuba (including the government of any political subdivision of Cuba, and any agency or instrumentality of the Government of Cuba) or of a Cuban national; and''; and

(4) by adding at the end the following flush sentence:

''As used in this paragraph, the term 'agency or instrumentality of the Government of Cuba' means an agency or instrumentality of a foreign state as defined in section 1603(b) of title 28, United States Code, with 'Cuba' substituted for 'a foreign state' each place it appears in such section.''.

SEC. 103. PROHIBITION AGAINST INDIRECT FINANCING OF THE CASTRO DICTATORSHIP.

(a) PROHIBITION.—Notwithstanding any other provision of law, no loan, credit, or other financing may be extended knowingly by a United States national, permanent resident alien, or United States agency, to a foreign national, United States national, or permanent resident alien, in order to finance transactions involving any confiscated property the claim to which is owned by a United States national as of the date of the enactment of this Act.

(b) TERMINATION OF PROHIBITION.—The prohibition of subsection (a) shall cease to apply on the date on which the economic embargo of Cuba terminates under section 205.

(c) PENALTIES.—Violations of subsection (a) shall be punishable by the same penalties as are applicable to violations of the Cuban Assets Control Regulations set forth in part 515 of title 31, Code of Federal Regulations.

(d) DEFINITIONS.—As used in this section—

(1) the term ''permanent resident alien'' means an alien admitted for permanent residence into the United States; and

(2) the term ''United States agency'' has the meaning given the term ''agency'' in section 551(1) of title 5, United States Code.

SEC. 104. UNITED STATES OPPOSITION TO CUBAN MEMBERSHIP IN INTERNATIONAL FINANCIAL INSTITUTIONS.

(a) CONTINUED OPPOSITION TO CUBAN MEMBERSHIP IN INTERNATIONAL FINANCIAL INSTITUTIONS.—(1) Except as provided in paragraph (2), the Secretary of the Treasury shall instruct the United States executive director to each international financial institution to use the voice and vote of the United States to oppose the admission of Cuba as a member of that institution until the President submits a determination under section 203(c)(3) that a democratically elected government in Cuba is in power.

(2) Once the President submits a determination under section 203(c)(1) that a transition government in Cuba is in power, the President is encouraged to take steps to support the processing of Cuba's application for membership in any international financial institution, subject to the membership taking effect after a democratically elected government in Cuba is in power.

(b) REDUCTION IN UNITED STATES PAYMENTS TO INTERNATIONAL FINANCIAL INSTITUTIONS.—If any international financial institution approves a loan or other assistance to the Cuban Government over the opposition of the United States, then the Secretary of the Treasury shall withhold from payment to that institution an amount equal to the amount of the loan or other assistance to the Cuban Government, with respect to each of the following types of payment:

(1) The paid-in portion of the increase in capital stock of the institution.

(2) The callable portion of the increase in capital stock of the institution.

(c) DEFINITION.—For purposes of this section, the term ''international financial institution'' means the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the Inter-American Development Bank.

SEC. 105. UNITED STATES OPPOSITION TO ENDING THE SUSPENSION OF THE GOVERNMENT OF CUBA FROM THE ORGANIZATION OF AMERICAN STATES.

The President should instruct the United States Permanent Representative to the Organization of American States to use the voice and vote of the United States to oppose ending the suspension of the Government of Cuba from the Organization until the President determines under section 203(c)(3) that a democratically elected government in Cuba is in power.

SEC. 106. ASSISTANCE BY THE INDEPENDENT STATES OF THE FORMER SOVIET UNION FOR THE CUBAN GOVERNMENT.

(a) REPORTING REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report detailing progress towards the withdrawal of personnel of any independent state of the former Soviet Union (within the meaning of section 3 of the FREEDOM Support Act (22 U.S.C. 5801)), including advisers, technicians, and military personnel, from the Cienfuegos nuclear facility in Cuba.

(b) CRITERIA FOR ASSISTANCE.—Section 498A(a)(11) of the Foreign Assistance Act of 1961 (22 U.S.C. 2295a(a)(11)) is amended by striking ''of military facilities'' and inserting ''military and intelligence facilities, including the military and intelligence facilities at Lourdes and Cienfuegos''.

(c) INELIGIBILITY FOR ASSISTANCE.—(1) Section 498A(b) of that Act (22 U.S.C. 2295a(b)) is amended—

(A) by striking ''or'' at the end of paragraph (4);

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by inserting after paragraph (4) the following:

''(5) for the government of any independent state effective 30 days after the President has determined and certified to the appropriate congressional committees (and Congress has not enacted legislation disapproving the determination within that 30-day period) that such government is providing assistance for, or engaging in nonmarket based trade (as defined in section 498B(k)(3)) with, the Cuban Government; or''.

(2) Subsection (k) of section 498B of that Act (22 U.S.C. 2295b(k)), is amended by adding at the end the following:

''(3) NONMARKET BASED TRADE.—As used in section 498A(b)(5), the term 'nonmarket based trade' includes exports, imports, exchanges, or other arrangements that are provided for goods and services (including oil and other petroleum products) on terms more favorable than those generally available in applicable markets or for comparable commodities, including—

''(A) exports to the Cuban Government on terms that involve a grant, concessional price, guaranty, insurance, or subsidy;

''(B) imports from the Cuban Government at preferential tariff rates;

''(C) exchange arrangements that include advance delivery of commodities, arrangements in which the Cuban Government is not held accountable for unfulfilled exchange contracts, and arrangements under which Cuba does not pay appropriate transportation, insurance, or finance costs; and

''(D) the exchange, reduction, or forgiveness of Cuban debt in return for a grant by the Cuban Government of an equity interest in a property, investment, or operation of the Cuban Government or of a Cuban national.

''(4) CUBAN GOVERNMENT.—(A) The term 'Cuban Government' includes the government of any political subdivision of Cuba, and any agency or instrumentality of the Government of Cuba.

''(B) For purposes of subparagraph (A), the term 'agency or instrumentality of the Government of Cuba' means an agency or instrumentality of a foreign state as defined in section 1603(b) of title 28, United States Code, with 'Cuba' substituted for 'a foreign state' each place it appears in such section.''.

(d) FACILITIES AT LOURDES, CUBA.—(1) The Congress expresses its strong disapproval of the extension by Russia of credits equivalent to approximately $200,000,000 in support of the intelligence facility at Lourdes, Cuba, in November 1994.

(2) Section 498A of the Foreign Assistance Act of 1961 (22 U.S.C. 2295a) is amended by adding at the end the following new subsection:

''(d) REDUCTION IN ASSISTANCE FOR SUPPORT OF INTELLIGENCE FACILITIES IN CUBA.—(1) Notwithstanding any other provision of law, the President shall withhold from assistance provided, on or after the date of the enactment of this subsection, for an independent state of the former Soviet Union under this chapter an amount equal to the sum of assistance and credits, if any, provided on or after such date by such state in support of intelligence facilities in Cuba, including the intelligence facility at Lourdes, Cuba.

''(2)(A) The President may waive the requirement of paragraph (1) to withhold assistance if the President certifies to the appropriate congressional committees that the provision of such assistance is important to the national security of the United States, and, in the case of such a certification made with respect to Russia, if the President certifies that the Russian Government has assured the United States Government that the Russian Government is not sharing intelligence data collected at the Lourdes facility with officials or agents of the Cuban Government.

''(B) At the time of a certification made with respect to Russia pursuant to subparagraph (A), the President shall also submit to the appropriate congressional committees a report describing the intelligence activities of Russia in Cuba, including the purposes for which the Lourdes facility is used by the Russian Government and the extent to which the Russian Government provides payment or government credits to the Cuban Government for the continued use of the Lourdes facility.

''(C) The report required by subparagraph (B) may be submitted in classified form.

''(D) For purposes of this paragraph, the term 'appropriate congressional committees' includes the Permanent Select Committee

on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

''(3) The requirement of paragraph (1) to withhold assistance shall not apply with respect to—

''(A) assistance to meet urgent humanitarian needs, including disaster and refugee relief;

''(B) democratic political reform and rule of law activities;

''(C) technical assistance for safety upgrades of civilian nuclear power plants;

''(D) the creation of private sector and nongovernmental organizations that are independent of government control;

''(E) the development of a free market economic system; and

''(F) assistance for the purposes described in the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103–160).''.

SEC. 107. TELEVISION BROADCASTING TO CUBA.

(a) CONVERSION TO UHF.—The Director of the United States Information Agency shall implement a conversion of television broadcasting to Cuba under the Television Marti Service to ultra high frequency (UHF) broadcasting.

(b) PERIODIC REPORTS.—Not later than 45 days after the date of the enactment of this Act, and every three months thereafter until the conversion described in subsection (a) is fully implemented, the Director of the United States Information Agency shall submit a report to the appropriate congressional committees on the progress made in carrying out subsection (a).

(c) TERMINATION OF BROADCASTING AUTHORITIES.—Upon transmittal of a determination under section 203(c)(3), the Television Broadcasting to Cuba Act (22 U.S.C. 1465aa and following) and the Radio Broadcasting to Cuba Act (22 U.S.C. 1465 and following) are repealed.

SEC. 108. REPORTS ON ASSISTANCE AND COMMERCE RECEIVED BY CUBA FROM OTHER FOREIGN COUNTRIES.

(a) REPORTS REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and every year thereafter, the President shall submit a report to the appropriate congressional committees on assistance and commerce received by Cuba from other foreign countries during the preceding 12-month period.

(b) CONTENTS OF REPORTS.—Each report required by subsection (a) shall, for the period covered by the report, contain the following, to the extent such information is known:

(1) A description of all bilateral assistance provided to Cuba by other foreign countries, including humanitarian assistance.

(2) A description of Cuba's commerce with foreign countries, including an identification of Cuba's trading partners and the extent of such trade.

(3) A description of the joint ventures completed, or under consideration, by foreign nationals involving facilities in Cuba, including an identification of the location of the facilities involved and a description of the terms of agreement of the joint ventures and the names of the parties that are involved.

(4) A determination whether or not any of the facilities described in paragraph (3) is the subject of a claim by a United States national.

(5) A determination of the amount of Cuban debt owed to each foreign country, including—

(A) the amount of debt exchanged, forgiven, or reduced under the terms of each investment or operation in Cuba involving foreign nationals; and

(B) the amount of debt owed to the foreign country that has been exchanged, reduced, or forgiven in return for a grant by the Cuban Government of an equity interest in a property, investment, or operation of the Cuban Government or of a Cuban national.

(6) A description of the steps taken to ensure that raw materials and semifinished or finished goods produced by facilities in Cuba involving foreign nationals do not enter the United States market, either directly or through third countries or parties.

(7) An identification of countries that purchase, or have purchased, arms or military supplies from the Cuban Government or that otherwise have entered into agreements with the Cuban Government that have a military application, including—

(A) a description of the military supplies, equipment, or other materiel sold, bartered, or exchanged between the Cuban Government and such countries;

(B) a listing of the goods, services, credits, or other consideration received by the Cuban Government in exchange for military supplies, equipment, or materiel; and

(C) the terms or conditions of any such agreement.

SEC. 109. AUTHORIZATION OF SUPPORT FOR DEMOCRATIC AND HUMAN RIGHTS GROUPS AND INTERNATIONAL OBSERVERS.

(a) AUTHORIZATION.—Notwithstanding any other provision of law, except for section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1) and comparable notification requirements contained in any Act making appropriations for foreign operations, export financing, and related programs, the President is authorized to furnish assistance and provide other support for individuals and independent nongovernmental organizations to support democracy-building efforts for Cuba, including the following:

(1) Published and informational matter, such as books, videos, and cassettes, on transitions to democracy, human rights, and market economies, to be made available to independent democratic groups in Cuba.

(2) Humanitarian assistance to victims of political repression, and their families.

(3) Support for democratic and human rights groups in Cuba.

(4) Support for visits and permanent deployment of independent international human rights monitors in Cuba.

(b) OAS EMERGENCY FUND.—(1) The President shall take the necessary steps to encourage the Organization of American States to create a special emergency fund for the explicit purpose of deploying human rights observers, election support, and election observation in Cuba.

(2) The President should instruct the United States Permanent Representative to the Organization of American States to encourage other member states of the Organization to join in calling for the Cuban Government to allow the immediate deployment of independent human rights monitors of the Organization throughout Cuba and on-site visits to Cuba by the Inter-American Commission on Human Rights.

(3) Notwithstanding section 307 of the Foreign Assistance Act of 1961 (22 U.S.C. 2227) or any other provision of law limiting the United States proportionate share of assistance to Cuba by any international organization, the President should provide not less than $5,000,000 of the voluntary contributions of the United States to the Organization of American States as of the date of the enactment of this Act solely for the purposes of the special fund referred to in paragraph (1).

SEC. 110. WITHHOLDING OF FOREIGN ASSISTANCE FROM COUNTRIES SUPPORTING NUCLEAR PLANT IN CUBA.

(a) FINDINGS.—The Congress makes the following findings:

(1) President Clinton stated in April 1993 that ''the United States opposes the construction of the Juragua nuclear power plant because of our concerns about Cuba's ability to ensure the safe operation of the facility and because of Cuba's refusal to sign the Nuclear Non-Proliferation Treaty or ratify the Treaty of Tlatelolco.''.

(2) Cuba has not signed the Treaty on the Non-Proliferation of Nuclear Weapons or ratified the Treaty of Tlatelolco, the latter of which establishes Latin America and the Caribbean as a nuclear weapons-free zone.

(3) The State Department, the Nuclear Regulatory Commission, and the Department of Energy have expressed concerns about the construction and operation of Cuba's nuclear reactors.

(4) In a September 1992 report to Congress, the General Accounting Office outlined concerns among nuclear energy experts about deficiencies in the nuclear plant project in Juragua, near Cienfuegos, Cuba, including—

(A) a lack in Cuba of a nuclear regulatory structure;

(B) the absence in Cuba of an adequate infrastructure to ensure the plant's safe operation and requisite maintenance;

(C) the inadequacy of training of plant operators;

(D) reports by a former technician from Cuba who, by examining with x-rays weld sites believed to be part of the auxiliary plumbing system for the plant, found that 10 to 15 percent of those sites were defective;

(E) since September 5, 1992, when construction on the plant was halted, the prolonged exposure to the elements, including corrosive salt water vapor, of the primary reactor components; and

(F) the possible inadequacy of the upper portion of the reactors' dome retention capability to withstand only 7 pounds of pressure per square inch, given that normal atmospheric pressure is 32 pounds per square inch and United States reactors are designed to accommodate pressures of 50 pounds per square inch.

(5) The United States Geological Survey claims that it had difficulty determining answers to specific questions regarding earthquake activity in the area near Cienfuegos because the Cuban Government was not forthcoming with information.

(6) The Geological Survey has indicated that the Caribbean plate, a geological formation near the south coast of Cuba, may pose seismic risks to Cuba and the site of the power plant, and may produce large to moderate earthquakes.

(7) On May 25, 1992, the Caribbean plate produced an earthquake numbering 7.0 on the Richter scale.

(8) According to a study by the National Oceanic and Atmospheric Administration, summer winds could carry radioactive pollutants from a nuclear accident at the power plant throughout all of Florida and parts of the States on the gulf coast as far as Texas, and northern winds could carry the pollutants as far northeast as Virginia and Washington, D.C.

(9) The Cuban Government, under dictator Fidel Castro, in 1962 advocated the Soviets' launching of nuclear missiles to the United States, which represented a direct and dangerous provocation of the United States and brought the world to the brink of a nuclear conflict.

(10) Fidel Castro over the years has consistently issued threats against the United States Government, most recently that he would unleash another perilous mass migration from Cuba upon the enactment of this Act.

(11) Despite the various concerns about the plant's safety and operational problems, a feasibility study is being conducted that would establish a support group to include Russia, Cuba, and third countries with the

objective of completing and operating the plant.

(b) WITHHOLDING OF FOREIGN ASSISTANCE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the President shall withhold from assistance allocated, on or after the date of the enactment of this Act, for any country an amount equal to the sum of assistance and credits, if any, provided on or after such date of enactment by that country or any entity in that country in support of the completion of the Cuban nuclear facility at Juragua, near Cienfuegos, Cuba.

(2) EXCEPTIONS.—The requirement of paragraph (1) to withhold assistance shall not apply with respect to—

(A) assistance to meet urgent humanitarian needs, including disaster and refugee relief;

(B) democratic political reform and rule of law activities;

(C) the creation of private sector and nongovernmental organizations that are independent of government control;

(D) the development of a free market economic system; and

(E) assistance for the purposes described in the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103–160).

(3) DEFINITION.—As used in paragraph (1), the term ''assistance'' means assistance under the Foreign Assistance Act of 1961, credits, sales, and guarantees of extensions of credit under the Arms Export Control Act, assistance under titles I and III of the Agricultural Trade Development and Assistance Act of 1954, assistance under the FREEDOM Support Act of 1992, and any other program of assistance or credits provided by the United States to other countries under other provisions of law, except that the term ''assistance'' does not include humanitarian assistance, including disaster relief assistance.

SEC. 111. EXPULSION OF CRIMINALS FROM CUBA.

The President shall instruct all United States Government officials who engage in official conduct with the Cuban Government to raise on a regular basis the extradition of or rendering to the United States all persons residing in Cuba who are sought by the United States Department of Justice for crimes committed in the United States.

TITLE II—ASSISTANCE TO A FREE AND INDEPENDENT CUBA

SEC. 201. POLICY TOWARD A TRANSITION GOVERNMENT AND A DEMOCRATICALLY ELECTED GOVERNMENT IN CUBA.

The policy of the United States is as follows:

(1) To support the self-determination of the Cuban people.

(2) To recognize that the self-determination of the Cuban people is a sovereign and national right of the citizens of Cuba which must be exercised free of interference by the government of any other country.

(3) To encourage the Cuban people to empower themselves with a government which reflects the self-determination of the Cuban people.

(4) To recognize the potential for a difficult transition from the current regime in Cuba that may result from the initiatives taken by the Cuban people for self-determination in response to the intransigence of the Castro regime in not allowing any substantive political or economic reforms, and to be prepared to provide the Cuban people with humanitarian, developmental, and other economic assistance.

(5) In solidarity with the Cuban people, to provide appropriate forms of assistance—

(A) to a transition government in Cuba;

(B) to facilitate the rapid movement from such a transition government to a democratically elected government in Cuba that results from an expression of the self-determination of the Cuban people; and

(C) to support such a democratically elected government.

(6) Through such assistance, to facilitate a peaceful transition to representative democracy and a market economy in Cuba and to consolidate democracy in Cuba.

(7) To deliver such assistance to the Cuban people only through a transition government in Cuba, through a democratically elected government in Cuba, through United States Government organizations, or through United States, international, or indigenous nongovernmental organizations.

(8) To encourage other countries and multilateral organizations to provide similar assistance, and to work cooperatively with such countries and organizations to coordinate such assistance.

(9) To ensure that appropriate assistance is rapidly provided and distributed to the people of Cuba upon the institution of a transition government in Cuba.

(10) Not to provide favorable treatment or influence on behalf of any individual or entity in the selection by the Cuban people of their future government.

(11) To assist a transition government in Cuba and a democratically elected government in Cuba to prepare the Cuban military forces for an appropriate role in a democracy.

(12) To be prepared to enter into negotiations with a democratically elected government in Cuba either to return the United States Naval Base at Guantanamo to Cuba or to renegotiate the present agreement under mutually agreeable terms.

(13) To consider the restoration of diplomatic recognition and support the reintegration of the Cuban Government into Inter-American organizations when the President determines that there exists a democratically elected government in Cuba.

(14) To take steps to remove the economic embargo of Cuba when the President determines that a transition to a democratically elected government in Cuba has begun.

(15) To assist a democratically elected government in Cuba to strengthen and stabilize its national currency.

(16) To pursue trade relations with a free, democratic, and independent Cuba.

SEC. 202. ASSISTANCE FOR THE CUBAN PEOPLE.

(a) AUTHORIZATION.—

(1) IN GENERAL.—The President shall develop a plan for providing economic assistance to Cuba at such time as the President determines that a transition government or a democratically elected government in Cuba (as determined under section 203(c)) is in power.

(2) EFFECT ON OTHER LAWS.—Assistance may be provided under this section subject to an authorization of appropriations and subject to the availability of appropriations.

(b) PLAN FOR ASSISTANCE.—

(1) DEVELOPMENT OF PLAN.—The President shall develop a plan for providing assistance under this section—

(A) to Cuba when a transition government in Cuba is in power; and

(B) to Cuba when a democratically elected government in Cuba is in power.

(2) TYPES OF ASSISTANCE.—Assistance under the plan developed under paragraph (1) may, subject to an authorization of appropriations and subject to the availability of appropriations, include the following:

(A) TRANSITION GOVERNMENT.—(i) Except as provided in clause (ii), assistance to Cuba under a transition government shall, subject to an authorization of appropriations and subject to the availability of appropriations, be limited to—

(I) such food, medicine, medical supplies and equipment, and assistance to meet emergency energy needs, as is necessary to meet the basic human needs of the Cuban people; and

(II) assistance described in subparagraph (C).

(ii) Assistance provided only after the President certifies to the appropriate congressional committees, in accordance with procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961, that such assistance is essential to the successful completion of the transition to democracy.

(iii) Only after a transition government in Cuba is in power, remittances by individuals to their relatives of cash or goods, as well as freedom to travel to visit them without any restrictions, shall be permitted.

(B) DEMOCRATICALLY ELECTED GOVERNMENT.—Assistance to a democratically elected government in Cuba may, subject to an authorization of appropriations and subject to the availability of appropriations, consist of additional economic assistance, together with assistance described in subparagraph (C). Such economic assistance may include—

(i) assistance under chapter 1 of part I (relating to development assistance), and chapter 4 of part II (relating to the economic support fund), of the Foreign Assistance Act of 1961;

(ii) assistance under the Agricultural Trade Development and Assistance Act of 1954;

(iii) financing, guarantees, and other forms of assistance provided by the Export-Import Bank of the United States;

(iv) financial support provided by the Overseas Private Investment Corporation for investment projects in Cuba;

(v) assistance provided by the Trade and Development Agency;

(vi) Peace Corps programs; and

(vii) other appropriate assistance to carry out the policy of section 201.

(C) MILITARY ADJUSTMENT ASSISTANCE.—Assistance to a transition government in Cuba and to a democratically elected government in Cuba shall also include assistance in preparing the Cuban military forces to adjust to an appropriate role in a democracy.

(c) STRATEGY FOR DISTRIBUTION.—The plan developed under subsection (b) shall include a strategy for distributing assistance under the plan.

(d) DISTRIBUTION.—Assistance under the plan developed under subsection (b) shall be provided through United States Government organizations and nongovernmental organizations and private and voluntary organizations, whether within or outside the United States, including humanitarian, educational, labor, and private sector organizations.

(e) INTERNATIONAL EFFORTS.—The President shall take the necessary steps—

(1) to seek to obtain the agreement of other countries and of international financial institutions and multilateral organizations to provide to a transition government in Cuba, and to a democratically elected government in Cuba, assistance comparable to that provided by the United States under this Act; and

(2) to work with such countries, institutions, and organizations to coordinate all such assistance programs.

(f) COMMUNICATION WITH THE CUBAN PEOPLE.—The President shall take the necessary steps to communicate to the Cuban people the plan for assistance developed under this section.

(g) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report describing in detail the plan developed under this section.

(h) TRADE AND INVESTMENT RELATIONS.—

(1) REPORT TO CONGRESS.—The President, following the transmittal to the Congress of a determination under section 203(c)(3) that a democratically elected government in Cuba is in power, shall submit to the appropriate congressional committees a report that describes—

(A) acts, policies, and practices that constitute significant barriers to, or distortions of, United States trade in goods or services or foreign direct investment with respect to Cuba;

(B) policy objectives of the United States regarding trade relations with a democratically elected government in Cuba, and the reasons therefor, including possible—

(i) reciprocal extension of nondiscriminatory trade treatment (most-favored- nation treatment);

(ii) designation of Cuba as a beneficiary developing country under title V of the Trade Act of 1974 (relating to the Generalized System of Preferences) or as a beneficiary country under the Caribbean Basin Economic Recovery Act, and the implications of such designation with respect to trade with any other country that is such a beneficiary developing country or beneficiary country or is a party to the North American Free Trade Agreement; and

(iii) negotiations regarding free trade, including the accession of Cuba to the North American Free Trade Agreement;

(C) specific trade negotiating objectives of the United States with respect to Cuba, including the objectives described in section 108(b)(5) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3317(b)(5)); and

(D) actions proposed or anticipated to be undertaken, and any proposed legislation necessary or appropriate, to achieve any of such policy and negotiating objectives.

(2) CONSULTATIONS.—The President shall consult with the appropriate congressional committees and shall seek advice from the appropriate advisory committees established under section 135 of the Trade Act of 1974 regarding the policy and negotiating objectives and the legislative proposals described in paragraph (1).

SEC. 203. COORDINATION OF ASSISTANCE PROGRAM; IMPLEMENTATION AND REPORTS TO CONGRESS; REPROGRAMMING.

(a) COORDINATING OFFICIAL.—The President shall designate a coordinating official who shall be responsible for—

(1) implementing the strategy for distributing assistance described in section 202(b);

(2) ensuring the speedy and efficient distribution of such assistance; and

(3) ensuring coordination among, and appropriate oversight by, the agencies of the United States that provide assistance described in section 202(b), including resolving any disputes among such agencies.

(b) UNITED STATES-CUBA COUNCIL.—Upon making a determination under subsection (c)(3) that a democratically elected government in Cuba is in power, the President, after consultation with the coordinating official, is authorized to designate a United States-Cuba council—

(1) to ensure coordination between the United States Government and the private sector in responding to change in Cuba, and in promoting market-based development in Cuba; and

(2) to establish periodic meetings between representatives of the United States and Cuban private sectors for the purpose of facilitating bilateral trade.

(c) IMPLEMENTATION OF PLAN; REPORTS TO CONGRESS.—

(1) IMPLEMENTATION WITH RESPECT TO TRANSITION GOVERNMENT.—Upon making a determination that a transition government in Cuba is in power, the President shall transmit that determination to the appropriate congressional committees and shall, subject to an authorization of appropriations and subject to the availability of appropriations, commence the delivery and distribution of assistance to such transition government under the plan developed under section 202(b).

(2) REPORTS TO CONGRESS.—(A) The President shall transmit to the appropriate congressional committees a report setting forth the strategy for providing assistance described in section 202(b)(2) (A) and (C) to the transition government in Cuba under the plan of assistance developed under section 202(b), the types of such assistance, and the extent to which such assistance has been distributed in accordance with the plan.

(B) The President shall transmit the report not later than 90 days after making the determination referred to in paragraph (1), except that the President shall transmit the report in preliminary form not later than 15 days after making that determination.

(3) IMPLEMENTATION WITH RESPECT TO DEMOCRATICALLY ELECTED GOVERNMENT.—The President shall, upon determining that a democratically elected government in Cuba is in power, submit that determination to the appropriate congressional committees and shall, subject to an authorization of appropriations and subject to the availability of appropriations, commence the delivery and distribution of assistance to such democratically elected government under the plan developed under section 202(b).

(4) ANNUAL REPORTS TO CONGRESS.—Not later than 60 days after the end of each fiscal year, the President shall transmit to the appropriate congressional committees a report on the assistance provided under the plan developed under section 202(b), including a description of each type of assistance, the amounts expended for such assistance, and a description of the assistance to be provided under the plan in the current fiscal year.

(d) REPROGRAMMING.—Any changes in the assistance to be provided under the plan developed under section 202(b) may not be made unless the President notifies the appropriate congressional committees at least 15 days in advance in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1).

SEC. 204. TERMINATION OF THE ECONOMIC EMBARGO OF CUBA.

(a) PRESIDENTIAL ACTIONS.—Upon submitting a determination to the appropriate congressional committees under section 203(c)(1) that a transition government in Cuba is in power, the President, after consulting with the Congress, is authorized to take steps to suspend the economic embargo of Cuba to the extent that such action contributes to a stable foundation for a democratically elected government in Cuba.

(b) SUSPENSION OF CERTAIN PROVISIONS OF LAW.—In carrying out subsection (a), the President may suspend the enforcement of—

(1) section 620(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a));

(2) section 620(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(f)) with regard to the ''Republic of Cuba'';

(3) sections 1704, 1705(d), and 1706 of the Cuban Democracy Act (22 U.S.C. 6003, 6004(d), 6005);

(4) section 902(c) of the Food Security Act of 1985; and

(5) the prohibitions on transactions described in part 515 of title 31, Code of Federal Regulations.

(c) ADDITIONAL PRESIDENTIAL ACTIONS.—Upon submitting a determination to the appropriate congressional committees under section 203(c)(3) that a democratically elected government in Cuba is in power, the President shall take steps to terminate the economic embargo of Cuba.

(d) CONFORMING AMENDMENTS.—On the date on which the President submits a determination under section 203(c)(3)—

(1) section 620(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a)) is repealed;

(2) section 620(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(f)) is amended by striking ''Republic of Cuba'';

(3) sections 1704, 1705(d), and 1706 of the Cuban Democracy Act of 1992 (22 U.S.C. 6003, 6004(d), and 6005) are repealed; and

(4) section 902(c) of the Food Security Act of 1985 is repealed.

(e) REVIEW OF SUSPENSION OF ECONOMIC EMBARGO.—

(1) REVIEW.—If the President takes action under subsection (a) to suspend the economic embargo of Cuba, the President shall immediately so notify the Congress. The President shall report to the Congress no less frequently than every 6 months thereafter, until he submits a determination under section 203(c)(3) that a democratically elected government in Cuba is in power, on the progress being made by Cuba toward the establishment of such a democratically elected government. The action of the President under subsection (a) shall cease to be effective upon the enactment of a joint resolution described in paragraph (2).

(2) JOINT RESOLUTIONS.—For purposes of this subsection, the term ''joint resolution'' means only a joint resolution of the 2 Houses of Congress, the matter after the resolving clause of which is as follows: ''That the Congress disapproves the action of the President under section 204(a) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995 to suspend the economic embargo of Cuba, notice of which was submitted to the Congress on ____.'', with the blank space being filled with the appropriate date.

(3) REFERRAL TO COMMITTEES.—Joint resolutions introduced in the House of Representatives shall be referred to the Committee on International Relations and joint resolutions introduced in the Senate shall be referred to the Committee on Foreign Relations.

(4) PROCEDURES.—(A) Any joint resolution shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(B) For the purpose of expediting the consideration and enactment of joint resolutions, a motion to proceed to the consideration of any joint resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

(C) Not more than 1 joint resolution may be considered in the House of Representatives and the Senate in the 6-month period beginning on the date on which the President notifies the Congress under paragraph (1) of the action taken under subsection (a), and in each 6-month period thereafter.

SEC. 205. REQUIREMENTS FOR A TRANSITION GOVERNMENT.

For purposes of this Act, a transition government in Cuba is a government in Cuba which—

(1) is demonstrably in transition from communist totalitarian dictatorship to representative democracy;

(2) has recognized the right to independent political activity and association;

(3) has released all political prisoners and allowed for investigations of Cuban prisons by appropriate international human rights organizations;

(4) has ceased any interference with Radio or Television Marti broadcasts;

(5) makes public commitments to and is making demonstrable progress in—

(A) establishing an independent judiciary;

(B) dissolving the present Department of State Security in the Cuban Ministry of the Interior, including the Committees for the Defense of the Revolution and the Rapid Response Brigades;

(C) respecting internationally recognized human rights and basic freedoms as set forth in the Universal Declaration of Human Rights, to which Cuba is a signatory nation;

(D) effectively guaranteeing the rights of free speech and freedom of the press;

(E) organizing free and fair elections for a new government—

(i) to be held in a timely manner within a period not to exceed 1 year after the transition government assumes power;

(ii) with the participation of multiple independent political parties that have full access to the media on an equal basis, including (in the case of radio, television, or other telecommunications media) in terms of allotments of time for such access and the times of day such allotments are given; and

(iii) to be conducted under the supervision of internationally recognized observers, such as the Organization of American States, the United Nations, and other elections monitors;

(F) assuring the right to private property;

(G) taking appropriate steps to return to United States citizens (and entities which are 50 percent or more beneficially owned by United States citizens) property taken by the Cuban Government from such citizens and entities on or after January 1, 1959, or to provide equitable compensation to such citizens and entities for such property;

(H) granting permits to privately owned telecommunications and media companies to operate in Cuba; and

(I) allowing the establishment of independent trade unions as set forth in conventions 87 and 98 of the International Labor Organization, and allowing the establishment of independent social, economic, and political associations;

(6) does not include Fidel Castro or Raul Castro;

(7) has given adequate assurances that it will allow the speedy and efficient distribution of assistance to the Cuban people;

(8) permits the deployment throughout Cuba of independent and unfettered international human rights monitors; and

(9) has extradited or otherwise rendered to the United States all persons sought by the United States Department of Justice for crimes committed in the United States.

SEC. 206. REQUIREMENTS FOR A DEMOCRATICALLY ELECTED GOVERNMENT.

For purposes of this Act, a democratically elected government in Cuba, in addition to continuing to comply with the requirements of section 205, is a government in Cuba which—

(1) results from free and fair elections conducted under the supervision of internationally recognized observers;

(2) has permitted opposition parties ample time to organize and campaign for such elections, and has permitted full access to the media to all candidates in the elections;

(3) is showing respect for the basic civil liberties and human rights of the citizens of Cuba;

(4) has made demonstrable progress in establishing an independent judiciary;

(5) is substantially moving toward a market-oriented economic system;

(6) is committed to making constitutional changes that would ensure regular free and fair elections that meet the requirements of paragraph (2); and

(7) has made demonstrable progress in returning to United States citizens (and entities which are 50 percent or more beneficially owned by United States citizens) property taken by the Cuban Government from such citizens and entities on or after January 1, 1959, or providing full compensation for such property in accordance with international law standards and practice.

TITLE III—PROTECTION OF PROPERTY RIGHTS OF UNITED STATES NATIONALS AGAINST CONFISCATORY TAKINGS BY THE CASTRO REGIME

SEC. 301. STATEMENT OF POLICY.

The Congress makes the following findings:

(1) The right of individuals to hold and enjoy property is a fundamental right recognized by the United States Constitution and international human rights law, including the Universal Declaration of Human Rights.

(2) The illegal confiscation or taking of property by governments, and the acquiescence of governments in the confiscation of property by their citizens, undermines the comity among nations, the free flow of commerce, and economic development.

(3) It is in the interest of all nations to respect equally the property rights of their citizens and nationals of other countries.

(4) Nations that provide an effective mechanism for prompt, adequate, and fair compensation for the confiscation of private property will continue to have the support of the United States.

(5) The United States Government has an obligation to its citizens to provide protection against illegal confiscation by foreign nations and their citizens, including the provision of private remedies.

(6) Nations that illegally confiscate private property should not be immune to another nation's laws whose purpose is to protect against the confiscation of lawfully acquired property by its citizens.

(7) Trafficking in illegally acquired property is a crime under the laws of the United States and other nations, yet this same activity is allowed under international law.

(8) International law, by not providing effective remedies, condones the illegal confiscation of property and allows for the unjust enrichment from the use of confiscated property by governments and private entities at the expense of those who hold legal claim to the property.

(9) The development of an international mechanism sanctioning those governments and private entities that confiscate and unjustly use private property so confiscated should be a priority objective of United States foreign policy.

SEC. 302. LIABILITY FOR TRAFFICKING IN PROPERTY CONFISCATED FROM UNITED STATES NATIONALS.

(a) CIVIL REMEDY.—

(1) LIABILITY FOR TRAFFICKING.—(A) Except as provided in paragraphs (3) and (4), any person, including any agency or instrumentality of a foreign state in the conduct of a commercial activity, that, after the end of the 6-month period beginning on the date of the enactment of this Act, traffics in confiscated property shall be liable to any United States national who owns the claim to such property for money damages in an amount equal to the sum of—

(i) the amount which is the greater of—

(I) the amount, if any, certified to the claimant by the Foreign Claims Settlement Commission under the International Claims Settlement Act of 1949, plus interest;

(II) the amount determined under section 303(a)(2), plus interest; or

(III) the fair market value of that property, calculated as being the then current value of the property, or the value of the property when confiscated plus interest, whichever is greater; and

(ii) reasonable costs and attorneys' fees.

(B) Interest under subparagraph (A)(i) shall be at the rate set forth in section 1961 of title 28, United States Code, computed by the court from the date of the confiscation of the property involved to the date on which the action is brought under this subsection.

(2) PRESUMPTION IN FAVOR OF CERTIFIED CLAIMS.—There shall be a presumption that the amount for which a person, including any agency or instrumentality of a foreign state in the conduct of a commercial activity, is liable under clause (i) of paragraph (1)(A) is the amount that is certified under subclause (I) of that clause. The presumption shall be rebuttable by clear and convincing evidence that the amount described in subclause (II) or (III) of that clause is the appropriate amount of liability under that clause.

(3) INCREASED LIABILITY FOR PRIOR NOTICE.—Except as provided in paragraph (4), any person, including any agency or instrumentality of a foreign state in the conduct of a commercial activity, that traffics in confiscated property after having received—

(A) notice of a claim to ownership of the property by a United States national who owns a claim to the confiscated property, and

(B) notice of the provisions of this section, shall be liable to that United States national for money damages in an amount which is the sum of the amount equal to the amount determined under paragraph (1)(A)(ii) plus triple the amount determined applicable under subclause (I), (II), or (III) of paragraph (1)(A)(i).

(4) APPLICABILITY.—(A) Except as otherwise provided in this paragraph, actions may be brought under paragraph (1) with respect to property confiscated before, on, or after the date of the enactment of this Act.

(B) In the case of property confiscated before the date of the enactment of this Act, no United States national may bring an action under this section unless such national acquired ownership of the claim to the confiscated property before such date.

(C) In the case of property confiscated on or after the date of the enactment of this Act, no United States national who acquired ownership of a claim to confiscated property by assignment for value after such date of enactment may bring an action on the claim under this section.

(5) TREATMENT OF CERTAIN ACTIONS.—(A) In the case of any action brought under this section by a United States national who was eligible to file the underlying claim in the action with the Foreign Claims Settlement Commission under title V of the International Claims Settlement Act of 1949 but did not so file the claim, the court may hear the case only if the court determines that the United States national had good cause for not filing the claim.

(B) In the case of any action brought under this section by a United States national whose claim in the action was timely filed with the Foreign Claims Settlement Commission under title V of the International Claims Settlement Act of 1949 but was denied by the Commission, the court may assess the basis for the denial and may accept the findings of the Commission on the claim as conclusive in the action under this section unless good cause justifies another result.

(6) INAPPLICABILITY OF ACT OF STATE DOCTRINE.—No court of the United States shall decline, based upon the act of state doctrine, to make a determination on the merits in an action brought under paragraph (1).

(b) DEFINITION.—As used in this subsection, the term ''agency or instrumentality of a foreign state'' has the meaning given that term in section 1603(b) of title 28, United States Code.

(c) JURISDICTION.—

(1) IN GENERAL.—Chapter 85 of title 28, United States Code, is amended by inserting after section 1331 the following new section:

"§ 1331a. Civil actions involving confiscated property

''The district courts shall have exclusive jurisdiction of any action brought under section 302 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995, regardless of the amount in controversy.''.

(2) CONFORMING AMENDMENT.—The table of sections for chapter 85 of title 28, United States Code, is amended by inserting after the item relating to section 1331 the following:

''1331a. Civil actions involving confiscated property.''.

(d) CERTAIN PROPERTY IMMUNE FROM EXECUTION.—Section 1611 of title 28, United States Code, is amended by adding at the end the following:

''(c) Notwithstanding the provisions of section 1610 of this chapter, the property of a foreign state shall be immune from attachment and from execution in an action brought under section 302 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995 to the extent the property is a facility or installation used by an accredited diplomatic mission for official purposes.''.

(e) ELECTION OF REMEDIES.—

(1) ELECTION.—Subject to paragraph (2)—

(A) any United States national that brings an action under this section may not bring any other civil action or proceeding under the common law, Federal law, or the law of any of the several States, the District of Columbia, or any territory or possession of the United States, that seeks monetary or nonmonetary compensation by reason of the same subject matter; and

(B) any person who brings, under the common law or any provision of law other than this section, a civil action or proceeding for monetary or nonmonetary compensation arising out of a claim for which an action would otherwise be cognizable under this section may not bring an action under this section on that claim.

(2) TREATMENT OF CERTIFIED CLAIMANTS.—In the case of any United States national that brings an action under this section based on a claim certified under title V of the International Claims Settlement Act of 1949—

(A) if the recovery in the action is equal to or greater than the amount of the certified claim, the United States national may not receive payment on the claim under any agreement entered into between the United States and Cuba settling claims covered by such title, and such national shall be deemed to have discharged the United States from any further responsibility to represent the United States national with respect to that claim;

(B) if the recovery in the action is less than the amount of the certified claim, the United States national may receive payment under a claims agreement described in subparagraph (A) but only to the extent of the difference between the amount of the recovery and the amount of the certified claim; and

(C) if there is no recovery in the action, the United States national may receive payment on the certified claim under a claims agreement described in subparagraph (A) to the same extent as any certified claimant who does not bring an action under this section.

(f) DEPOSIT OF EXCESS PAYMENTS BY CUBA UNDER CLAIMS AGREEMENT.—Any amounts paid by Cuba under any agreement entered into between the United States and Cuba settling certified claims under title V of the International Claims Settlement Act of 1949 that are in excess of the payments made on such certified claims after the application of subsection (e) shall be deposited into the United States Treasury.

(g) TERMINATION OF RIGHTS.—

(1) IN GENERAL.—All rights created under this section to bring an action for money damages with respect to property confiscated before the date of the enactment of this Act shall cease upon the transmittal to the Congress of a determination of the President under section 203(c)(3).

(2) PENDING SUITS.—The termination of rights under paragraph (1) shall not affect suits commenced before the date of such termination, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this subsection had not been enacted.

SEC. 303. DETERMINATION OF CLAIMS TO CONFISCATED PROPERTY.

(a) EVIDENCE OF OWNERSHIP.—

(1) CONCLUSIVENESS OF CERTIFIED CLAIMS.—In any action brought under this title, the courts shall accept as conclusive proof of ownership a certification of a claim to ownership that has been made by the Foreign Claims Settlement Commission pursuant to title V of the International Claims Settlement Act of 1949 (22 U.S.C. 1643 and following).

(2) CLAIMS NOT CERTIFIED.—In the case of a claim that has not been certified by the Foreign Claims Settlement Commission before the enactment of this Act, a court may appoint a special master, including the Foreign Claims Settlement Commission, to make determinations regarding the amount and validity of claims to ownership of confiscated property. Such determinations are only for evidentiary purposes in civil actions brought under this title and do not constitute certifications pursuant to title V of the International Claims Settlement Act of 1949.

(3) EFFECT OF DETERMINATIONS OF FOREIGN ENTITIES.—In determining ownership, courts shall not accept as conclusive evidence of ownership any findings, orders, judgments, or decrees from administrative agencies or courts of foreign countries or international organizations that invalidate the claim held by a United States national, unless the invalidation was found pursuant to binding international arbitration to which United States national submitted the claim.

(b) AMENDMENT OF THE INTERNATIONAL CLAIMS SETTLEMENT ACT OF 1949.—Title V of the International Claims Settlement Act of 1949 (22 U.S.C. 1643 and following) is amended by adding at the end the following new section:

''EVALUATION OF OWNERSHIP CLAIMS REFERRED BY DISTRICT COURTS OF THE UNITED STATES

''SEC. 514. Notwithstanding any other provision of this title and only for purposes of section 302 of the Cuban Liberty and Solidarity (LIBERTAD) Act, a United States district court, for fact-finding purposes, may refer to the Commission, and the Commission may determine, questions of the amount and ownership of a claim by a United States national (as defined in section 4 of the Cuban Liberty and Solidarity (LIBERTAD) Act) resulting from the confiscation of property by the Government of Cuba described in section 503(a), whether or not the United States national qualified as a national of the United States (as defined in section 502(1)) at the time of the action by the Government of Cuba.''.

(c) RULE OF CONSTRUCTION.—Nothing in this Act or section 514 of the International Claims Settlement Act of 1949, as added by subsection (b), shall be construed—

(1) to require or otherwise authorize the claims of Cuban nationals who became United States citizens after their property was confiscated to be included in the claims certified to the Secretary of State by the Foreign Claims Settlement Commission for purposes of future negotiation and espousal of claims with a friendly government in Cuba when diplomatic relations are restored; or

(2) as superseding, amending, or otherwise altering certifications that have been made pursuant to title V of the International Claims Settlement Act of 1949 before the enactment of this Act.

SEC. 304. EXCLUSIVITY OF FOREIGN CLAIMS SETTLEMENT COMMISSION CERTIFICATION PROCEDURE.

Title V of the International Claims Settlement Act of 1949 (22 U.S.C. 1643 and following), as amended by section 303, is further amended by adding at the end the following new section:

''EXCLUSIVITY OF FOREIGN CLAIMS SETTLEMENT COMMISSION CERTIFICATION PROCEDURE

''SEC. 515. (a) Subject to subsection (b), neither any national of the United States who was eligible to file a claim under section 503 but did not timely file such claim under that section, nor any national of the United States (on the date of the enactment of this section) who was not eligible to file a claim under that section, nor any national of Cuba, including any agency, instrumentality, subdivision, or enterprise of the Government of Cuba or any local government of Cuba in place on the date of the enactment of this section, nor any successor thereto, whether or not recognized by the United States, shall have a claim to, participate in, or otherwise have an interest in, the compensation proceeds or other nonmonetary compensation paid or allocated to a national of the United States by virtue of a claim certified by the Commission under section 507, nor shall any court of the United States or any State court have jurisdiction to adjudicate any such claim.

''(b) Nothing in subsection (a) shall be construed to detract from or otherwise affect any rights in the shares of the capital stock of nationals of the United States owning claims certified by the Commission under section 507.''.

TITLE IV—EXCLUSION OF CERTAIN ALIENS

SEC. 401. EXCLUSION FROM THE UNITED STATES OF ALIENS WHO HAVE CONFISCATED PROPERTY OF UNITED STATES NATIONALS OR WHO TRAFFIC IN SUCH PROPERTY.

(a) GROUNDS FOR EXCLUSION.—The Secretary of State, in consultation with the Attorney General, shall exclude from the United States any alien who the Secretary of State determines is a person who—

(1) has confiscated, or has directed or overseen the confiscation of, property a claim to which is owned by a United States national, or converts or has converted for personal gain confiscated property, a claim to which is owned by a United States national;

(2) traffics in confiscated property, a claim to which is owned by a United States national;

(3) is a corporate officer, principal, or shareholder with a controlling interest of an entity which has been involved in the confiscation of property or trafficking in confiscated property, a claim to which is owned by a United States national; or

(4) is a spouse, minor child, or agent of a person excludable under paragraph (1), (2), or (3).

(b) DEFINITIONS.—As used in this section, the following terms have the following meanings:

(1) CONFISCATED; CONFISCATION.—The terms ''confiscated'' and ''confiscation'' refer to—

(A) the nationalization, expropriation, or other seizure by foreign governmental authority of ownership or control of property on or after January 1, 1959—

(i) without the property having been returned or adequate and effective compensation provided; or

(ii) without the claim to the property having been settled pursuant to an international claims settlement agreement or other mutually accepted settlement procedure; and

(B) the repudiation by foreign governmental authority of, the default by foreign governmental authority on, or the failure by foreign governmental authority to pay, on or after January 1, 1959—

(i) a debt of any enterprise which has been nationalized, expropriated, or otherwise taken by foreign governmental authority;

(ii) a debt which is a charge on property nationalized, expropriated, or otherwise taken by foreign governmental authority; or

(iii) a debt which was incurred by foreign governmental authority in satisfaction or settlement of a confiscated property claim.

(2) PROPERTY.—The term ''property'' does not include claims arising from a territory in dispute as a result of war between United Nations member states in which the ultimate resolution of the disputed territory has not been resolved.

(3) TRAFFICS.—(A) A person or entity ''traffics'' in property if that person or entity knowingly and intentionally—

(i) sells, transfers, distributes, dispenses, brokers, manages, or otherwise disposes of confiscated property, or purchases, leases, receives, possesses, obtains control of, manages, uses, or otherwise acquires or holds an interest in confiscated property,

(ii) engages in a commercial activity using or otherwise benefiting from confiscated property, or

(iii) causes, directs, participates in, or profits from, trafficking (as described in clauses (i) and (ii)) by another person, or otherwise engages in trafficking (as described in clauses (i) and (ii)) through another person,

without the authorization of the United States national who holds a claim to the property.

(B) The term ''traffics'' does not include—

(i) the delivery of international telecommunication signals to Cuba that are authorized by section 1705(e) of the Cuban Democracy Act of 1992 (22 U.S.C. 6004(e)); or

(ii) the trading or holding of securities publicly traded or held, unless the trading is with or by a person determined by the Secretary of the Treasury to be a specially designated national.

(c) NATIONAL INTEREST EXEMPTION.—This section shall not apply where the Secretary of State finds, on a case-by-case basis, that making a determination under subsection (a) would be contrary to the national interest of the United States.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—This section applies to aliens seeking to enter the United States on or after the date of the enactment of this Act.

(2) TRAFFICKING.—This section applies only with respect to acts within the meaning of ''traffics'' that occur on or after the date of the enactment of this Act.

The CHAIRMAN. Before consideration of any other amendment it shall be in order to consider a further amendment in the nature of a substitute by the gentleman from Indiana [Mr. HAMILTON] or his designee. That amendment shall be considered read, shall be debatable for 1 hour, equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment.

If that amendment is rejected or not offered, no further amendment shall be in order except the amendments printed in House Report 104–253. Each further amendment may be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered read, shall be debatable for 20 minutes, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment and may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MCDERMOTT

Mr. MCDERMOTT. Mr. Chairman, pursuant to the rule, I offer an amendment in the nature of a substitute.

The CHAIRMAN. Is the gentleman from Washington the designee of the gentleman from Indiana [Mr. HAMILTON]?

Mr. MCDERMOTT. I am, Mr. Chairman.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. MCDERMOTT:

Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Purposes.
Sec. 4. Definitions.

TITLE I—SEEKING SANCTIONS AGAINST THE CASTRO GOVERNMENT

Sec. 101. Statement of policy.
Sec. 102. Enforcement of the economic embargo of Cuba.
Sec. 103. Prohibition against indirect financing of the Castro dictatorship.
Sec. 104. United States opposition to Cuban membership in international financial institutions.
Sec. 105. United States opposition to ending the suspension of the Government of Cuba from the Organization of American States.
Sec. 106. Assistance by the Independent States of the former Soviet Union for the Cuban Government.
Sec. 107. Television broadcasting to Cuba.
Sec. 108. Reports on assistance and commerce received by Cuba from other foreign countries.
Sec. 109. Authorization of support for democratic and human rights groups and international observers.
Sec. 110. Withholding of foreign assistance from countries supporting nuclear plant in Cuba.
Sec. 111. Expulsion of criminals from Cuba.
Sec. 112. Exports of food or medical items.

TITLE II—ASSISTANCE TO A FREE AND INDEPENDENT CUBA

Sec. 201. Policy toward a transition government and a democratically elected government in Cuba.
Sec. 202. Assistance for the Cuban people.
Sec. 203. Coordination of assistance program; implementation and reports to Congress; reprogramming.
Sec. 204. Termination of the economic embargo of Cuba.
Sec. 205. Requirements for a transition government.
Sec. 206. Requirements for a democratically elected government.

TITLE III—PROTECTION OF PROPERTY RIGHTS OF UNITED STATES NATIONALS AGAINST CONFISCATORY TAKINGS BY THE CASTRO REGIME

Sec. 301. Statement of policy.
Sec. 302. Liability for trafficking in property confiscated from United States nationals.
Sec. 303. Determination of claims to confiscated property.
Sec. 304. Exclusivity of Foreign Claims Settlement Commission certification procedure.

TITLE IV—EXCLUSION OF CERTAIN ALIENS

Sec. 401. Exclusion from the United States of aliens who have confiscated property of United States nationals or who traffic in such property.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The economy of Cuba has experienced a decline of at least 60 percent in the last 5 years as a result of—

(A) the end of its subsidization by the former Soviet Union of between 5 billion and 6 billion dollars annually;

(B) 36 years of Communist tyranny and economic mismanagement by the Castro government;

(C) the extreme decline in trade between Cuba and the countries of the former Soviet bloc; and

(D) the stated policy of the Russian Government and the countries of the former Soviet bloc to conduct economic relations with Cuba on strictly commercial terms.

(2) At the same time, the welfare and health of the Cuban people have substantially deteriorated as a result of this economic decline and the refusal of the Castro regime to permit free and fair democratic elections in Cuba.

(3) The Castro regime has made it abundantly clear that it will not engage in any substantive political reforms that would lead to democracy, a market economy, or an economic recovery.

(4) The repression of the Cuban people, including a ban on free and fair democratic elections, and continuing violations of fundamental human rights have isolated the Cuban regime as the only completely nondemocratic government in the Western Hemisphere.

(5) As long as free elections are not held in Cuba, the economic condition of the country and the welfare of the Cuban people will not improve in any significant way.

(6) The totalitarian nature of the Castro regime has deprived the Cuban people of any peaceful means to improve their condition and has led thousands of Cuban citizens to risk or lose their lives in dangerous attempts to escape from Cuba to freedom.

(7) Radio Marti and Television Marti have both been effective vehicles for providing the people of Cuba with news and information and have helped to bolster the morale of the people of Cuba living under tyranny.

(8) The consistent policy of the United States towards Cuba since the beginning of the Castro regime, carried out by both Democratic and Republican administrations, has sought to keep faith with the people of Cuba, and has been effective in sanctioning the totalitarian Castro regime.

(9) The United States has shown a deep commitment, and considers it a moral obligation, to promote and protect human rights and fundamental freedoms as expressed in the Charter of the United Nations and in the Universal Declaration of Human Rights.

(10) The Congress has historically and consistently manifested its solidarity and the solidarity of the American people with the democratic aspirations of the Cuban people.

(11) The Cuban Democracy Act of 1992 calls upon the President to encourage the governments of countries that conduct trade with Cuba to restrict their trade and credit relations with Cuba in a manner consistent with the purposes of that Act.

(12) The 1992 FREEDOM Support Act requires that the President, in providing economic assistance to Russia and the emerging Eurasian democracies, take into account the extent to which they are acting to ''terminate support for the communist regime in Cuba, including removal of troops, closing military facilities, and ceasing trade subsidies and economic, nuclear, and other assistance''.

(13) The Cuban Government engages in the illegal international narcotics trade and harbors fugitives from justice in the United States.

(14) The Castro government threatens international peace and security by engaging in acts of armed subversion and terrorism such as the training and supplying of groups dedicated to international violence.

(15) The Castro government has utilized from its inception and continues to utilize torture in various forms (including by psychiatry), as well as execution, exile, confiscation, political imprisonment, and other forms of terror and repression, as means of retaining power.

(16) Fidel Castro has defined democratic pluralism as ''pluralistic garbage'' and continues to make clear that he has no intention of tolerating the democratization of Cuban society.

(17) The Castro government holds innocent Cubans hostage in Cuba by no fault of the hostages themselves solely because relatives have escaped the country.

(18) Although a signatory state to the 1928 Inter-American Convention on Asylum and the International Covenant on Civil and Political Rights (which protects the right to leave one's own country), Cuba nevertheless surrounds embassies in its capital by armed forces to thwart the right of its citizens to seek asylum and systematically denies that right to the Cuban people, punishing them by imprisonment for seeking to leave the country and killing them for attempting to do so (as demonstrated in the case of the confirmed murder of over 40 men, women, and children who were seeking to leave Cuba on July 13, 1994).

(19) The Castro government continues to utilize blackmail, such as the immigration crisis with which it threatened the United States in the summer of 1994, and other unacceptable and illegal forms of conduct to influence the actions of sovereign states in the Western Hemisphere in violation of the Charter of the Organization of American States and other international agreements and international law.

(20) The United Nations Commission on Human Rights has repeatedly reported on the unacceptable human rights situation in Cuba and has taken the extraordinary step of appointing a Special Rapporteur.

(21) The Cuban Government has consistently refused access to the Special Rapporteur and formally expressed its decision not to ''implement so much as one comma'' of the United Nations Resolutions appointing the Rapporteur.

(22) The United Nations General Assembly passed Resolution 1992/70 on December 4, 1992, Resolution 1993/48/142 on December 20, 1993, and Resolution 1994/49/544 on October 19, 1994, referencing the Special Rapporteur's reports to the United Nations and condemning ''violations of human rights and fundamental freedoms'' in Cuba.

(23) Article 39 of Chapter VII of the United Nations Charter provides that the United Nations Security Council ''shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken . . ., to maintain or restore international peace and security.''.

(24) The United Nations has determined that massive and systematic violations of human rights may constitute a ''threat to peace'' under Article 39 and has imposed sanctions due to such violations of human rights in the cases of Rhodesia, South Africa, Iraq, and the former Yugoslavia.

(25) In the case of Haiti, a neighbor of Cuba not as close to the United States as Cuba, the United States led an effort to obtain and did obtain a United Nations Security Council embargo and blockade against that country due to the existence of a military dictatorship in power less than 3 years.

(26) United Nations Security Council Resolution 940 of July 31, 1994, subsequently authorized the use of ''all necessary means'' to restore the ''democratically elected government of Haiti'', and the democratically elected government of Haiti was restored to power on October 15, 1994.

(27) The Cuban people deserve to be assisted in a decisive manner to end the tyranny that has oppressed them for 36 years and the continued failure to do so constitutes ethically improper conduct by the international community.

(28) For the past 36 years, the Cuban Government has posed and continues to pose a national security threat to the United States.

SEC. 3. PURPOSES.

The purposes of this Act are as follows:

(1) To assist the Cuban people in regaining their freedom and prosperity, as well as in joining the community of democracies that are flourishing in the Western Hemisphere.

(2) To seek international sanctions against the Castro government in Cuba.

(3) To encourage the holding of free and fair democratic elections in Cuba, conducted under the supervision of internationally recognized observers.

(4) To develop a plan for furnishing assistance to a transition government and, subsequently, to a democratically elected government when such governments meet the eligibility requirements of this Act.

(5) To protect property rights abroad of United States nationals.

(6) To provide for the continued national security of the United States in the face of continuing threats from the Castro government of terrorism, theft of property from United States nationals, and domestic repression from which refugees flee to United States shores.

SEC. 4. DEFINITIONS.

As used in this Act, the following terms have the following meanings:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on International Relations, the Committee on Ways and Means, and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations, the Committee on Finance, and the Committee on Appropriations of the Senate.

(2) COMMERCIAL ACTIVITY.—The term ''commercial activity'' has the meaning given that term in section 1603(d) of title 28, United States Code.

(3) CONFISCATED.—As used in titles I and III, the term ''confiscated'' refers to—

(A) the nationalization, expropriation, or other seizure by the Cuban Government of ownership or control of property, on or after January 1, 1959—

(i) without the property having been returned or adequate and effective compensation provided; or

(ii) without the claim to the property having been settled pursuant to an international claims settlement agreement or other mutually accepted settlement procedure; and

(B) the repudiation by the Cuban Government of, the default by the Cuban Government on, or the failure by the Cuban Government to pay, on or after January 1, 1959—

(i) a debt of any enterprise which has been nationalized, expropriated, or otherwise taken by the Cuban Government;

(ii) a debt which is a charge on property nationalized, expropriated, or otherwise taken by the Cuban Government; or

(iii) a debt which was incurred by the Cuban Government in satisfaction or settlement of a confiscated property claim.

(4) CUBAN GOVERNMENT.—(A) The term ''Cuban Government'' includes the government of any political subdivision of Cuba, and any agency or instrumentality of the Government of Cuba.

(B) For purposes of subparagraph (A), the term ''agency or instrumentality of the Government of Cuba'' means an agency or instrumentality of a foreign state as defined in section 1603(b) of title 28, United States Code, with ''Cuba'' substituted for ''a foreign state'' each place it appears in such section.

(5) DEMOCRATICALLY ELECTED GOVERNMENT IN CUBA.—The term ''democratically elected government in Cuba'' means a government determined by the President to have met the requirements of section 206.

(6) ECONOMIC EMBARGO OF CUBA.—The term ''economic embargo of Cuba'' refers to the economic embargo imposed against Cuba pursuant to section 620(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a)), section 5(b) of the Trading With the Enemy Act (50 U.S.C. App. 5(b)), the International Emergency Economic Powers Act (50 U.S.C. 1701 and following), and the Export Administration Act of 1979 (50 U.S.C. App. 2401 and following), as modified by the Cuban Democracy Act of 1992 (22 U.S.C. 6001 and following).

(7) FOREIGN NATIONAL.—The term ''foreign national'' means—

(A) an alien; or

(B) any corporation, trust, partnership, or other juridical entity not organized under the laws of the United States, or of any State, the District of Columbia, the Commonwealth of Puerto Rico, or any other territory or possession of the United States.

(8) KNOWINGLY.—The term ''knowingly'' means with knowledge or having reason to know.

(9) PROPERTY.—(A) The term ''property'' means any property (including patents, copyrights, trademarks, and any other form of intellectual property), whether real, personal, or mixed, and any present, future, or contingent right, security, or other interest therein, including any leasehold interest.

(B) For purposes of title III of this Act, the term ''property'' shall not include real property used for residential purposes unless, as of the date of the enactment of this Act—

(i) the claim to the property is owned by a United States national and the claim has been certified under title V of the International Claims Settlement Act of 1949; or

(ii) the property is occupied by a member or official of the Cuban Government or the ruling political party in Cuba.

(10) TRAFFICS.—(A) As used in title III, a person or entity ''traffics'' in property if that person or entity knowingly and intentionally—

(i) sells, transfers, distributes, dispenses, brokers, manages, or otherwise disposes of confiscated property, or purchases, leases, receives, possesses, obtains control of, manages, uses, or otherwise acquires or holds an interest in confiscated property,

(ii) engages in a commercial activity using or otherwise benefiting from confiscated property, or

(iii) causes, directs, participates in, or profits from, trafficking (as described in clauses (i) and (ii)) by another person, or otherwise engages in trafficking (as described in clauses (i) and (ii)) through another person,

without the authorization of the United States national who holds a claim to the property.

(B) The term ''traffics'' does not include—

(i) the delivery of international telecommunication signals to Cuba that are authorized by section 1705(e) of the Cuban Democracy Act of 1992 (22 U.S.C. 6004(e)); or

(ii) the trading or holding of securities publicly traded or held, unless the trading is with or by a person determined by the Secretary of the Treasury to be a specially designated national.

(11) TRANSITION GOVERNMENT IN CUBA.—The term ''transition government in Cuba'' means a government determined by the President to have met the requirements of section 205.

(12) UNITED STATES NATIONAL.—The term ''United States national'' means—

(A) any United States citizen; or

(B) any other legal entity which is organized under the laws of the United States, or of any State, the District of Columbia, the Commonwealth of Puerto Rico, or any other territory or possession of the United States, and which has its principal place of business in the United States.

TITLE I—SEEKING SANCTIONS AGAINST THE CASTRO GOVERNMENT

SEC. 101. STATEMENT OF POLICY.

It is the sense of the Congress that—

(1) the acts of the Castro government, including its massive, systematic, and extraordinary violations of human rights, are a threat to international peace;

(2) the President should advocate, and should instruct the United States Permanent Representative to the United Nations to propose and seek, within the Security Council, a mandatory international embargo against the totalitarian Cuban Government pursuant to chapter VII of the Charter of the United Nations, which is similar to measures taken by United States representatives with respect to Haiti; and

(3) any resumption or commencement of efforts by any state to make operational the nuclear facility at Cienfuegos, Cuba, will have a detrimental impact on United States assistance to and relations with that state.

SEC. 102. ENFORCEMENT OF THE ECONOMIC EMBARGO OF CUBA.

(a) POLICY.—(1) The Congress hereby reaffirms section 1704(a) of the Cuban Democracy Act of 1992 that states the President should encourage foreign countries to restrict trade and credit relations with Cuba.

(2) The Congress further urges the President to take immediate steps to apply the sanctions described in section 1704(b) of that Act against countries assisting Cuba.

(b) DIPLOMATIC EFFORTS.—The Secretary of State shall ensure that United States diplomatic personnel abroad understand and, in their contacts with foreign officials, are communicating the reasons for the United States economic embargo of Cuba, and are urging foreign governments to cooperate more effectively with the embargo.

(c) EXISTING REGULATIONS.—The President should instruct the Secretary of the Treasury and the Attorney General to enforce fully the Cuban Assets Control Regulations set forth in part 515 of title 31, Code of Federal Regulations.

(d) TRADING WITH THE ENEMY ACT.—

(1) CIVIL PENALTIES.—Subsection (b) of section 16 of the Trading With the Enemy Act (50 U.S.C. App. 16(b)) is amended to read as follows:

''(b)(1) A civil penalty of not to exceed $50,000 may be imposed by the Secretary of the Treasury on any person who violates any license, order, rule, or regulation issued in compliance with the provisions of this Act.

''(2) Any property, funds, securities, papers, or other articles or documents, or any vessel, together with its tackle, apparel, furniture, and equipment, that is the subject of a violation under paragraph (1) shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States Government.

''(3) The penalties provided under this subsection may not be imposed for—

''(A) news gathering, research, or the export or import of, or transmission of, information or informational materials; or

''(B) clearly defined educational or religious activities, or activities of recognized human rights organizations, that are reasonably limited in frequency, duration, and number of participants.

''(4) The penalties provided under this subsection may be imposed only on the record after opportunity for an agency hearing in accordance with sections 554 through 557 of title 5, United States Code, with the right to prehearing discovery.

''(5) Judicial review of any penalty imposed under this subsection may be had to the extent provided in section 702 of title 5, United States Code.''.

(2) FORFEITURE OF PROPERTY USED IN VIOLATION.—Section 16 of the Trading With the Enemy Act is further amended by striking subsection (c).

(3) CLERICAL AMENDMENT.—Section 16 of the Trading With the Enemy Act is further amended by inserting ''SEC. 16.'' before ''(a)''.

(e) COVERAGE OF DEBT-FOR-EQUITY SWAPS BY ECONOMIC EMBARGO OF CUBA.—Section 1704(b)(2) of the Cuban Democracy Act of 1992 (22 U.S.C. 6003(b)(2)) is amended—

(1) by striking ''and'' at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following new subparagraph:

''(B) includes an exchange, reduction, or forgiveness of Cuban debt owed to a foreign country in return for a grant of an equity interest in a property, investment, or operation of the Government of Cuba (including the government of any political subdivision of Cuba, and any agency or instrumentality of the Government of Cuba) or of a Cuban national; and''; and

(4) by adding at the end the following flush sentence:

''As used in this paragraph, the term 'agency or instrumentality of the Government of Cuba' means an agency or instrumentality of a foreign state as defined in section 1603(b) of title 28, United States Code, with 'Cuba' substituted for 'a foreign state' each place it appears in such section.''.

SEC. 103. PROHIBITION AGAINST INDIRECT FINANCING OF THE CASTRO DICTATORSHIP.

(a) PROHIBITION.—Notwithstanding any other provision of law, no loan, credit, or other financing may be extended knowingly by a United States national, permanent resident alien, or United States agency, to a foreign national, United States national, or permanent resident alien, in order to finance transactions involving any confiscated property the claim to which is owned by a United States national as of the date of the enactment of this Act.

(b) TERMINATION OF PROHIBITION.—The prohibition of subsection (a) shall cease to apply on the date on which the economic embargo of Cuba terminates under section 205.

(c) PENALTIES.—Violations of subsection (a) shall be punishable by the same penalties as are applicable to violations of the Cuban Assets Control Regulations set forth in part 515 of title 31, Code of Federal Regulations.

(d) DEFINITIONS.—As used in this section—

(1) the term ''permanent resident alien'' means an alien admitted for permanent residence into the United States; and

(2) the term ''United States agency'' has the meaning given the term ''agency'' in section 551(1) of title 5, United States Code.

SEC. 104. UNITED STATES OPPOSITION TO CUBAN MEMBERSHIP IN INTERNATIONAL FINANCIAL INSTITUTIONS.

(a) CONTINUED OPPOSITION TO CUBAN MEMBERSHIP IN INTERNATIONAL FINANCIAL INSTITUTIONS.—(1) Except as provided in paragraph (2), the Secretary of the Treasury shall instruct the United States executive director to each international financial institution to use the voice and vote of the United States to oppose the admission of Cuba as a member of that institution until the President submits a determination under section 203(c)(3) that a democratically elected government in Cuba is in power.

(2) Once the President submits a determination under section 203(c)(1) that a transition government in Cuba is in power, the President is encouraged to take steps to support the processing of Cuba's application for membership in any international financial institution, subject to the membership taking effect after a democratically elected government in Cuba is in power.

(b) REDUCTION IN UNITED STATES PAYMENTS TO INTERNATIONAL FINANCIAL INSTITUTIONS.—If any international financial institution approves a loan or other assistance to the Cuban Government over the opposition of the United States, then the Secretary of the Treasury shall withhold from payment to that institution an amount equal to the amount of the loan or other assistance to the Cuban Government, with respect to each of the following types of payment:

(1) The paid-in portion of the increase in capital stock of the institution.

(2) The callable portion of the increase in capital stock of the institution.

(c) DEFINITION.—For purposes of this section, the term ''international financial institution'' means the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the Inter-American Development Bank.

SEC. 105. UNITED STATES OPPOSITION TO ENDING THE SUSPENSION OF THE GOVERNMENT OF CUBA FROM THE ORGANIZATION OF AMERICAN STATES.

The President should instruct the United States Permanent Representative to the Organization of American States to use the voice and vote of the United States to oppose ending the suspension of the Government of Cuba from the Organization until the President determines under section 203(c)(3) that a democratically elected government in Cuba is in power.

SEC. 106. ASSISTANCE BY THE INDEPENDENT STATES OF THE FORMER SOVIET UNION FOR THE CUBAN GOVERNMENT.

(a) REPORTING REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report detailing progress towards the withdrawal of personnel of any independent state of the former Soviet Union (within the meaning of section 3 of the FREEDOM Support Act (22 U.S.C. 5801)), including advisers, technicians, and military personnel, from the Cienfuegos nuclear facility in Cuba.

(b) CRITERIA FOR ASSISTANCE.—Section 498A(a)(11) of the Foreign Assistance Act of 1961 (22 U.S.C. 2295a(a)(11)) is amended by striking ''of military facilities'' and inserting ''military and intelligence facilities, including the military and intelligence facilities at Lourdes and Cienfuegos''.

(c) INELIGIBILITY FOR ASSISTANCE.—(1) Section 498A(b) of that Act (22 U.S.C. 2295a(b)) is amended—

(A) by striking ''or'' at the end of paragraph (4);

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by inserting after paragraph (4) the following:

''(5) for the government of any independent state effective 30 days after the President has determined and certified to the appropriate congressional committees (and Congress has not enacted legislation disapproving the determination within that 30-day period) that such government is providing assistance for, or engaging in nonmarket based trade (as defined in section 498B(k)(3)) with, the Cuban Government; or''.

(2) Subsection (k) of section 498B of that Act (22 U.S.C. 2295b(k)), is amended by adding at the end the following:

''(3) NONMARKET BASED TRADE.—As used in section 498A(b)(5), the term 'nonmarket based trade' includes exports, imports, exchanges, or other arrangements that are provided for goods and services (including oil and other petroleum products) on terms more favorable than those generally available in applicable markets or for comparable commodities, including—

''(A) exports to the Cuban Government on terms that involve a grant, concessional price, guaranty, insurance, or subsidy;

''(B) imports from the Cuban Government at preferential tariff rates;

''(C) exchange arrangements that include advance delivery of commodities, arrangements in which the Cuban Government is not held accountable for unfulfilled exchange contracts, and arrangements under which Cuba does not pay appropriate transportation, insurance, or finance costs; and

''(D) the exchange, reduction, or forgiveness of Cuban debt in return for a grant by the Cuban Government of an equity interest in a property, investment, or operation of the Cuban Government or of a Cuban national.

''(4) CUBAN GOVERNMENT.—(A) The term 'Cuban Government' includes the government of any political subdivision of Cuba, and any agency or instrumentality of the Government of Cuba.

''(B) For purposes of subparagraph (A), the term 'agency or instrumentality of the Government of Cuba' means an agency or instrumentality of a foreign state as defined in section 1603(b) of title 28, United States Code, with 'Cuba' substituted for 'a foreign state' each place it appears in such section.''.

(d) FACILITIES AT LOURDES, CUBA.—(1) The Congress expresses its strong disapproval of the extension by Russia of credits equivalent to approximately $200,000,000 in support of the intelligence facility at Lourdes, Cuba, in November 1994.

(2) Section 498A of the Foreign Assistance Act of 1961 (22 U.S.C. 2295a) is amended by adding at the end the following new subsection:

''(d) REDUCTION IN ASSISTANCE FOR SUPPORT OF INTELLIGENCE FACILITIES IN CUBA.—(1) Notwithstanding any other provision of law, the President shall withhold from assistance provided, on or after the date of the enactment of this subsection, for an independent state of the former Soviet Union under this chapter an amount equal to the sum of assistance and credits, if any, provided on or after such date by such state in support of intelligence facilities in Cuba, including the intelligence facility at Lourdes, Cuba.

''(2)(A) The President may waive the requirement of paragraph (1) to withhold assistance if the President certifies to the appropriate congressional committees that the provision of such assistance is important to the national security of the United States, and, in the case of such a certification made with respect to Russia, if the President certifies that the Russian Government has assured the United States Government that the Russian Government is not sharing intelligence data collected at the Lourdes facility with officials or agents of the Cuban Government.

''(B) At the time of a certification made with respect to Russia pursuant to subparagraph (A), the President shall also submit to the appropriate congressional committees a report describing the intelligence activities of Russia in Cuba, including the purposes for which the Lourdes facility is used by the Russian Government and the extent to which the Russian Government provides payment or government credits to the Cuban Government for the continued use of the Lourdes facility.

''(C) The report required by subparagraph (B) may be submitted in classified form.

''(D) For purposes of this paragraph, the term 'appropriate congressional committees' includes the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

''(3) The requirement of paragraph (1) to withhold assistance shall not apply with respect to—

''(A) assistance to meet urgent humanitarian needs, including disaster and refugee relief;

''(B) democratic political reform and rule of law activities;

''(C) technical assistance for safety upgrades of civilian nuclear power plants;

''(D) the creation of private sector and nongovernmental organizations that are independent of government control;

''(E) the development of a free market economic system; and

''(F) assistance for the purposes described in the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103–160).''.

SEC. 107. TELEVISION BROADCASTING TO CUBA.

(a) CONVERSION TO UHF.—The Director of the United States Information Agency shall implement a conversion of television broadcasting to Cuba under the Television Marti Service to ultra high frequency (UHF) broadcasting.

(b) PERIODIC REPORTS.—Not later than 45 days after the date of the enactment of this Act, and every three months thereafter until the conversion described in subsection (a) is fully implemented, the Director of the United States Information Agency shall submit a report to the appropriate congressional committees on the progress made in carrying out subsection (a).

(c) TERMINATION OF BROADCASTING AUTHORITIES.—Upon transmittal of a determination under section 203(c)(3), the Television Broadcasting to Cuba Act (22 U.S.C. 1465aa and following) and the Radio Broadcasting to Cuba Act (22 U.S.C. 1465 and following) are repealed.

SEC. 108. REPORTS ON ASSISTANCE AND COMMERCE RECEIVED BY CUBA FROM OTHER FOREIGN COUNTRIES.

(a) REPORTS REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and every year thereafter, the President shall submit a report to the appropriate congressional committees on assistance and commerce received by Cuba from other foreign countries during the preceding 12-month period.

(b) CONTENTS OF REPORTS.—Each report required by subsection (a) shall, for the period covered by the report, contain the following, to the extent such information is known:

(1) A description of all bilateral assistance provided to Cuba by other foreign countries, including humanitarian assistance.

(2) A description of Cuba's commerce with foreign countries, including an identification of Cuba's trading partners and the extent of such trade.

(3) A description of the joint ventures completed, or under consideration, by foreign nationals involving facilities in Cuba, including an identification of the location of the facilities involved and a description of the terms of agreement of the joint ventures and the names of the parties that are involved.

(4) A determination whether or not any of the facilities described in paragraph (3) is the subject of a claim by a United States national.

(5) A determination of the amount of Cuban debt owed to each foreign country, including—

(A) the amount of debt exchanged, forgiven, or reduced under the terms of each investment or operation in Cuba involving foreign nationals; and

(B) the amount of debt owed to the foreign country that has been exchanged, reduced, or forgiven in return for a grant by the Cuban Government of an equity interest in a property, investment, or operation of the Cuban Government or of a Cuban national.

(6) A description of the steps taken to ensure that raw materials and semifinished or finished goods produced by facilities in Cuba involving foreign nationals do not enter the United States market, either directly or through third countries or parties.

(7) An identification of countries that purchase, or have purchased, arms or military supplies from the Cuban Government or that otherwise have entered into agreements with the Cuban Government that have a military application, including—

(A) a description of the military supplies, equipment, or other materiel sold, bartered, or exchanged between the Cuban Government and such countries;

(B) a listing of the goods, services, credits, or other consideration received by the Cuban Government in exchange for military supplies, equipment, or materiel; and

(C) the terms or conditions of any such agreement.

SEC. 109. AUTHORIZATION OF SUPPORT FOR DEMOCRATIC AND HUMAN RIGHTS GROUPS AND INTERNATIONAL OBSERVERS.

(a) AUTHORIZATION.—Notwithstanding any other provision of law, except for section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1) and comparable notification requirements contained in any Act making appropriations for foreign operations, export financing, and related programs, the President is authorized to furnish assistance and provide other support for individuals and independent nongovernmental organizations to support democracy-building efforts for Cuba, including the following:

(1) Published and informational matter, such as books, videos, and cassettes, on transitions to democracy, human rights, and market economies, to be made available to independent democratic groups in Cuba.

(2) Humanitarian assistance to victims of political repression, and their families.

(3) Support for democratic and human rights groups in Cuba.

(4) Support for visits and permanent deployment of independent international human rights monitors in Cuba.

(b) OAS EMERGENCY FUND.—(1) The President shall take the necessary steps to encourage the Organization of American States to create a special emergency fund for the explicit purpose of deploying human rights observers, election support, and election observation in Cuba.

(2) The President should instruct the United States Permanent Representative to the Organization of American States to encourage other member states of the Organization to join in calling for the Cuban Government to allow the immediate deployment of independent human rights monitors of the Organization throughout Cuba and on-site visits to Cuba by the Inter-American Commission on Human Rights.

(3) Notwithstanding section 307 of the Foreign Assistance Act of 1961 (22 U.S.C. 2227) or any other provision of law limiting the United States proportionate share of assistance to Cuba by any international organization, the President should provide not less than $5,000,000 of the voluntary contributions of the United States to the Organization of American States as of the date of the enactment of this Act solely for the purposes of the special fund referred to in paragraph (1).

SEC. 110. WITHHOLDING OF FOREIGN ASSISTANCE FROM COUNTRIES SUPPORTING NUCLEAR PLANT IN CUBA.

(a) FINDINGS.—The Congress makes the following findings:

(1) President Clinton stated in April 1993 that ''the United States opposes the construction of the Juragua nuclear power plant because of our concerns about Cuba's ability to ensure the safe operation of the facility and because of Cuba's refusal to sign the Nuclear Non-Proliferation Treaty or ratify the Treaty of Tlatelolco.''.

(2) Cuba has not signed the Treaty on the Non-Proliferation of Nuclear Weapons or ratified the Treaty of Tlatelolco, the latter of which establishes Latin America and the Caribbean as a nuclear weapons-free zone.

(3) The State Department, the Nuclear Regulatory Commission, and the Department of Energy have expressed concerns about the construction and operation of Cuba's nuclear reactors.

(4) In a September 1992 report to Congress, the General Accounting Office outlined concerns among nuclear energy experts about deficiencies in the nuclear plant project in Juragua, near Cienfuegos, Cuba, including—

(A) a lack in Cuba of a nuclear regulatory structure;

(B) the absence in Cuba of an adequate infrastructure to ensure the plant's safe operation and requisite maintenance;

(C) the inadequacy of training of plant operators;

(D) reports by a former technician from Cuba who, by examining with x-rays weld sites believed to be part of the auxiliary plumbing system for the plant, found that 10 to 15 percent of those sites were defective;

(E) since September 5, 1992, when construction on the plant was halted, the prolonged exposure to the elements, including corrosive salt water vapor, of the primary reactor components; and

(F) the possible inadequacy of the upper portion of the reactors' dome retention capability to withstand only 7 pounds of pressure per square inch, given that normal atmospheric pressure is 32 pounds per square inch and United States reactors are designed to accommodate pressures of 50 pounds per square inch.

(5) The United States Geological Survey claims that it had difficulty determining answers to specific questions regarding earthquake activity in the area near Cienfuegos because the Cuban Government was not forthcoming with information.

(6) The Geological Survey has indicated that the Caribbean plate, a geological formation near the south coast of Cuba, may pose seismic risks to Cuba and the site of the power plant, and may produce large to moderate earthquakes.

(7) On May 25, 1992, the Caribbean plate produced an earthquake numbering 7.0 on the Richter scale.

(8) According to a study by the National Oceanic and Atmospheric Administration, summer winds could carry radioactive pollutants from a nuclear accident at the power plant throughout all of Florida and parts of the States on the gulf coast as far as Texas, and northern winds could carry the pollutants as far northeast as Virginia and Washington, D.C.

(9) The Cuban Government, under dictator Fidel Castro, in 1962 advocated the Soviets' launching of nuclear missiles to the United States, which represented a direct and dangerous provocation of the United States and brought the world to the brink of a nuclear conflict.

(10) Fidel Castro over the years has consistently issued threats against the United States Government, most recently that he would unleash another perilous mass migration from Cuba upon the enactment of this Act.

(11) Despite the various concerns about the plant's safety and operational problems, a feasibility study is being conducted that would establish a support group to include Russia, Cuba, and third countries with the objective of completing and operating the plant.

(b) WITHHOLDING OF FOREIGN ASSISTANCE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the President shall withhold from assistance allocated, on or after the date of the enactment of this Act, for any country an amount equal to the sum of assistance and credits, if any, provided on or after such date of enactment by that country or any entity in that country in support of the completion of the Cuban nuclear facility at Juragua, near Cienfuegos, Cuba.

(2) EXCEPTIONS.—The requirement of paragraph (1) to withhold assistance shall not apply with respect to—

(A) assistance to meet urgent humanitarian needs, including disaster and refugee relief;

(B) democratic political reform and rule of law activities;

(C) the creation of private sector and nongovernmental organizations that are independent of government control;

(D) the development of a free market economic system; and

(E) assistance for the purposes described in the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103–160).

(3) DEFINITION.—As used in paragraph (1), the term ''assistance'' means assistance under the Foreign Assistance Act of 1961, credits, sales, and guarantees of extensions of credit under the Arms Export Control Act, assistance under titles I and III of the Agricultural Trade Development and Assistance Act of 1954, assistance under the FREEDOM Support Act of 1992, and any other program of assistance or credits provided by the United States to other countries under other provisions of law, except that the term ''assistance'' does not include humanitarian assistance, including disaster relief assistance.

SEC. 111. EXPULSION OF CRIMINALS FROM CUBA.

The President shall instruct all United States Government officials who engage in official conduct with the Cuban Government to raise on a regular basis the extradition of or rendering to the United States all persons residing in Cuba who are sought by the United States Department of Justice for crimes committed in the United States.

SEC. 112. EXPORTS OF FOOD OR MEDICAL ITEMS.

(a) AMENDMENT TO EMBARGO AUTHORITY IN THE FOREIGN ASSISTANCE ACT OF 1961.—Section 620(a)(1) of the Foreign Assistance Act of 1961 (22 u.S.C. 2370(a)(1)) is amended by striking the period at the end of the second sentence and inserting the following: '', except that any such embargo shall not apply with respect to the export of any medicines or medical supplies, instruments, or equipment, or staple foods. For purposes of the preceding sentence, the term 'staple foods' means meat, poultry, fish, bread, cereals, grains, vegetables, fruits, and dairy products.''.

(b) LIMITATION ON EXISTING RESTRICTIONS ON TRADE WITH CUBA.—Upon the enactment of this Act, any regulation, proclamation, or provision of law, including Presidential Proclamation 3447 of February 8, 1962, the Export Administration Regulations (15 CFR 368–399), and the Cuban Assets Control Regulations (31 CFR 515), that prohibits exports to Cuba or transactions involving exports to Cuba and that is in effect on the date of the enactment of this Act, shall not apply with respect to the export to Cuba of medicines or medical supplies, instruments, or equipment, or staple foods.

(c) LIMITATION ON THE FUTURE EXERCISE OF AUTHORITY.—

(1) EXPORT ADMINISTRATION ACT OF 1979.—After the enactment of this Act, the President may not exercise the authorities contained in the Export Administration Act of 1979 to restrict the exportation to Cuba—

(A) a medicines or medical supplies, instruments, or equipment, except to the extent such restrictions would be permitted under section 5 of that Act for goods containing parts or components subjects to export controls under such section; or

(B) of staple foods.

(2) INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.—After the enactment of this Act, the President may not exercise the authorities contained in section 203 of the International Emergency Economic Powers Act to restrict the export to Cuba—

(A) of medicines or medical supplies, instruments, or equipment, to the extent such authorities are exercised to deal with a threat to the foreign policy or economy of the United States; or

(B) of staple foods.

(d) DEFINITION.—For purposes of this section, the term ''staple foods'' means meat, poultry, fish, bread, cereals, grains, vegetables, fruits, and dairy products.

(e) CONFORMING AMENDMENTS.—(1) Section 1705 of the Cuban Democracy Act of 1992 (22 U.S.C. 6004) is amended—

(A) in subsection (b)—

(i) in the subsection caption by inserting ''AND EXPORTS OF STAPLE FOODS'' after ''FOOD''; and

(ii) by striking the period at the end and inserting the following: ''or prohibit exports to Cuba of staple foods. For purposes of the preceding sentence, the term 'staple foods' means meat, poultry, fish, bread, cereals, grains, vegetables, fruits, and dairy products.'';

(B) by amending subsection (c)(1) to read as follows:

''(1) except to the extent such restrictions—

''(A) would be permitted under section 5 of the Export Administration Act of 1979 for goods containing parts or components subject to export controls under such section; or

''(B) are imposed under section 208 of the International Emergency Economic Powers Act to deal with a threat to the national security of the United States;''; and

(C) by striking subsection (d) and redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively.

(2) Section 1704(b)(2)(B)(i) of the Cuban Democracy Act of 1992 (22 U.S.C. 6003(b)(2)(B)(i)) is amended by inserting after ''Cuba,'' the following: ''or exports of staple foods permitted under section 1705(b),''.

TITLE II—ASSISTANCE TO A FREE AND INDEPENDENT CUBA

SEC. 201. POLICY TOWARD A TRANSITION GOVERNMENT AND A DEMOCRATICALLY ELECTED GOVERNMENT IN CUBA.

The policy of the United States is as follows:

(1) To support the self-determination of the Cuban people.

(2) To recognize that the self-determination of the Cuban people is a sovereign and national right of the citizens of Cuba which must be exercised free of interference by the government of any other country.

(3) To encourage the Cuban people to empower themselves with a government which reflects the self-determination of the Cuban people.

(4) To recognize the potential for a difficult transition from the current regime in Cuba that may result from the initiatives taken by the Cuban people for self-determination in response to the intransigence of the Castro regime in not allowing any substantive political or economic reforms, and to be prepared to provide the Cuban people with humanitarian, developmental, and other economic assistance.

(5) In solidarity with the Cuban people, to provide appropriate forms of assistance—

(A) to a transition government in Cuba;

(B) to facilitate the rapid movement from such a transition government to a democratically elected government in Cuba that results from an expression of the self-determination of the Cuban people; and

(C) to support such a democratically elected government.

(6) Through such assistance, to facilitate a peaceful transition to representative democracy and a market economy in Cuba and to consolidate democracy in Cuba.

(7) To deliver such assistance to the Cuban people only through a transition government in Cuba, through a democratically elected government in Cuba, through United States Government organizations, or through United States, international, or indigenous nongovernmental organizations.

(8) To encourage other countries and multilateral organizations to provide similar assistance, and to work cooperatively with such countries and organizations to coordinate such assistance.

(9) To ensure that appropriate assistance is rapidly provided and distributed to the people of Cuba upon the institution of a transition government in Cuba.

(10) Not to provide favorable treatment or influence on behalf of any individual or entity in the selection by the Cuban people of their future government.

(11) To assist a transition government in Cuba and a democratically elected government in Cuba to prepare the Cuban military forces for an appropriate role in a democracy.

(12) To be prepared to enter into negotiations with a democratically elected government in Cuba either to return the United States Naval Base at Guantanamo to Cuba or to renegotiate the present agreement under mutually agreeable terms.

(13) To consider the restoration of diplomatic recognition and support the reintegration of the Cuban Government into Inter-American organizations when the President determines that there exists a democratically elected government in Cuba.

(14) To take steps to remove the economic embargo of Cuba when the President determines that a transition to a democratically elected government in Cuba has begun.

(15) To assist a democratically elected government in Cuba to strengthen and stabilize its national currency.

(16) To pursue trade relations with a free, democratic, and independent Cuba.

SEC. 202. ASSISTANCE FOR THE CUBAN PEOPLE.

(a) AUTHORIZATION.—

(1) IN GENERAL.—The President shall develop a plan for providing economic assistance to Cuba at such time as the President determines that a transition government or a democratically elected government in Cuba (as determined under section 203(c)) is in power.

(2) EFFECT ON OTHER LAWS.—Assistance may be provided under this section subject to an authorization of appropriations and subject to the availability of appropriations.

(b) PLAN FOR ASSISTANCE.—

(1) DEVELOPMENT OF PLAN.—The President shall develop a plan for providing assistance under this section—

(A) to Cuba when a transition government in Cuba is in power; and

(B) to Cuba when a democratically elected government in Cuba is in power.

(2) TYPES OF ASSISTANCE.—Assistance under the plan developed under paragraph (1) may, subject to an authorization of appropriations and subject to the availability of appropriations, include the following:

(A) TRANSITION GOVERNMENT.—(i) Except as provided in clause (ii), assistance to Cuba under a transition government shall, subject to an authorization of appropriations and subject to the availability of appropriations, be limited to—

(I) such food, medicine, medical supplies and equipment, and assistance to meet emergency energy needs, as is necessary to meet the basic human needs of the Cuban people; and

(II) assistance described in subparagraph (C).

(ii) Assistance provided only after the President certifies to the appropriate congressional committees, in accordance with procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961, that such assistance is essential to the successful completion of the transition to democracy.

(iii) Only after a transition government in Cuba is in power, remittances by individuals to their relatives of cash or goods, as well as freedom to travel to visit them without any restrictions, shall be permitted.

(B) DEMOCRATICALLY ELECTED GOVERNMENT.—Assistance to a democratically elected government in Cuba may, subject to an authorization of appropriations and subject to the availability of appropriations, consist of additional economic assistance, together with assistance described in subparagraph (C). Such economic assistance may include—

(i) assistance under chapter 1 of part I (relating to development assistance), and chapter 4 of part II (relating to the economic support fund), of the Foreign Assistance Act of 1961;

(ii) assistance under the Agricultural Trade Development and Assistance Act of 1954;

(iii) financing, guarantees, and other forms of assistance provided by the Export-Import Bank of the United States;

(iv) financial support provided by the Overseas Private Investment Corporation for investment projects in Cuba;

(v) assistance provided by the Trade and Development Agency;

(vi) Peace Corps programs; and

(vii) other appropriate assistance to carry out the policy of section 201.

(C) MILITARY ADJUSTMENT ASSISTANCE.—Assistance to a transition government in Cuba and to a democratically elected government in Cuba shall also include assistance in preparing the Cuban military forces to adjust to an appropriate role in a democracy.

(c) STRATEGY FOR DISTRIBUTION.—The plan developed under subsection (b) shall include a strategy for distributing assistance under the plan.

(d) DISTRIBUTION.—Assistance under the plan developed under subsection (b) shall be provided through United States Government organizations and nongovernmental organizations and private and voluntary organizations, whether within or outside the United States, including humanitarian, educational, labor, and private sector organizations.

(e) INTERNATIONAL EFFORTS.—The President shall take the necessary steps—

(1) to seek to obtain the agreement of other countries and of international financial institutions and multilateral organizations to provide to a transition government in Cuba, and to a democratically elected government in Cuba, assistance comparable to that provided by the United States under this Act; and

(2) to work with such countries, institutions, and organizations to coordinate all such assistance programs.

(f) COMMUNICATION WITH THE CUBAN PEOPLE.—The President shall take the necessary steps to communicate to the Cuban people the plan for assistance developed under this section.

(g) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report describing in detail the plan developed under this section.

(h) TRADE AND INVESTMENT RELATIONS.—

(1) REPORT TO CONGRESS.—The President, following the transmittal to the Congress of a determination under section 203(c)(3) that a democratically elected government in Cuba is in power, shall submit to the appropriate congressional committees a report that describes—

(A) acts, policies, and practices that constitute significant barriers to, or distortions of, United States trade in goods or services or foreign direct investment with respect to Cuba;

(B) policy objectives of the United States regarding trade relations with a democratically elected government in Cuba, and the reasons therefor, including possible—

(i) reciprocal extension of nondiscriminatory trade treatment (most-favored-nation treatment);

(ii) designation of Cuba as a beneficiary developing country under title V of the Trade

Act of 1974 (relating to the Generalized System of Preferences) or as a beneficiary country under the Caribbean Basin Economic Recovery Act, and the implications of such designation with respect to trade with any other country that is such a beneficiary developing country or beneficiary country or is a party to the North American Free Trade Agreement; and

(iii) negotiations regarding free trade, including the accession of Cuba to the North American Free Trade Agreement;

(C) specific trade negotiating objectives of the United States with respect to Cuba, including the objectives described in section 108(b)(5) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3317(b)(5)); and

(D) actions proposed or anticipated to be undertaken, and any proposed legislation necessary or appropriate, to achieve any of such policy and negotiating objectives.

(2) CONSULTATIONS.—The President shall consult with the appropriate congressional committees and shall seek advice from the appropriate advisory committees established under section 135 of the Trade Act of 1974 regarding the policy and negotiating objectives and the legislative proposals described in paragraph (1).

SEC. 203. COORDINATION OF ASSISTANCE PROGRAM; IMPLEMENTATION AND REPORTS TO CONGRESS; REPROGRAMMING.

(a) COORDINATING OFFICIAL.—The President shall designate a coordinating official who shall be responsible for—

(1) implementing the strategy for distributing assistance described in section 202(b);

(2) ensuring the speedy and efficient distribution of such assistance; and

(3) ensuring coordination among, and appropriate oversight by, the agencies of the United States that provide assistance described in section 202(b), including resolving any disputes among such agencies.

(b) UNITED STATES-CUBA COUNCIL.—Upon making a determination under subsection (c)(3) that a democratically elected government in Cuba is in power, the President, after consultation with the coordinating official, is authorized to designate a United States-Cuba council—

(1) to ensure coordination between the United States Government and the private sector in responding to change in Cuba, and in promoting market-based development in Cuba; and

(2) to establish periodic meetings between representatives of the United States and Cuban private sectors for the purpose of facilitating bilateral trade.

(c) IMPLEMENTATION OF PLAN; REPORTS TO CONGRESS.—

(1) IMPLEMENTATION WITH RESPECT TO TRANSITION GOVERNMENT.—Upon making a determination that a transition government in Cuba is in power, the President shall transmit that determination to the appropriate congressional committees and shall, subject to an authorization of appropriations and subject to the availability of appropriations, commence the delivery and distribution of assistance to such transition government under the plan developed under section 202(b).

(2) REPORTS TO CONGRESS.—(A) The President shall transmit to the appropriate congressional committees a report setting forth the strategy for providing assistance described in section 202(b)(2) (A) and (C) to the transition government in Cuba under the plan of assistance developed under section 202(b), the types of such assistance, and the extent to which such assistance has been distributed in accordance with the plan.

(B) The President shall transmit the report not later than 90 days after making the determination referred to in paragraph (1), except that the President shall transmit the report in preliminary form not later than 15 days after making that determination.

(3) IMPLEMENTATION WITH RESPECT TO DEMOCRATICALLY ELECTED GOVERNMENT.—The President shall, upon determining that a democratically elected government in Cuba is in power, submit that determination to the appropriate congressional committees and shall, subject to an authorization of appropriations and subject to the availability of appropriations, commence the delivery and distribution of assistance to such democratically elected government under the plan developed under section 202(b).

(4) ANNUAL REPORTS TO CONGRESS.—Not later than 60 days after the end of each fiscal year, the President shall transmit to the appropriate congressional committees a report on the assistance provided under the plan developed under section 202(b), including a description of each type of assistance, the amounts expended for such assistance, and a description of the assistance to be provided under the plan in the current fiscal year.

(d) REPROGRAMMING.—Any changes in the assistance to be provided under the plan developed under section 202(b) may not be made unless the President notifies the appropriate congressional committees at least 15 days in advance in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1).

SEC. 204. TERMINATION OF THE ECONOMIC EMBARGO OF CUBA.

(a) PRESIDENTIAL ACTIONS.—Upon submitting a determination to the appropriate congressional committees under section 203(c)(1) that a transition government in Cuba is in power, the President, after consulting with the Congress, is authorized to take steps to suspend the economic embargo of Cuba to the extent that such action contributes to a stable foundation for a democratically elected government in Cuba.

(b) SUSPENSION OF CERTAIN PROVISIONS OF LAW.—In carrying out subsection (a), the President may suspend the enforcement of—

(1) section 620(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a));

(2) section 620(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(f)) with regard to the ''Republic of Cuba'';

(3) sections 1704, 1705(d), and 1706 of the Cuban Democracy Act (22 U.S.C. 6003, 6004(d), 6005);

(4) section 902(c) of the Food Security Act of 1985; and

(5) the prohibitions on transactions described in part 515 of title 31, Code of Federal Regulations.

(c) ADDITIONAL PRESIDENTIAL ACTIONS.—Upon submitting a determination to the appropriate congressional committees under section 203(c)(3) that a democratically elected government in Cuba is in power, the President shall take steps to terminate the economic embargo of Cuba.

(d) CONFORMING AMENDMENTS.—On the date on which the President submits a determination under section 203(c)(3)—

(1) section 620(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a)) is repealed;

(2) section 620(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(f)) is amended by striking ''Republic of Cuba'';

(3) sections 1704, 1705(d), and 1706 of the Cuban Democracy Act of 1992 (22 U.S.C. 6003, 6004(d), and 6005) are repealed; and

(4) section 902(c) of the Food Security Act of 1985 is repealed.

(e) REVIEW OF SUSPENSION OF ECONOMIC EMBARGO.—

(1) REVIEW.—If the President takes action under subsection (a) to suspend the economic embargo of Cuba, the President shall immediately so notify the Congress. The President shall report to the Congress no less frequently than every 6 months thereafter, until he submits a determination under section 203(c)(3) that a democratically elected government in Cuba is in power, on the progress being made by Cuba toward the establishment of such a democratically elected government. The action of the President under subsection (a) shall cease to be effective upon the enactment of a joint resolution described in paragraph (2).

(2) JOINT RESOLUTIONS.—For purposes of this subsection, the term ''joint resolution'' means only a joint resolution of the 2 Houses of Congress, the matter after the resolving clause of which is as follows: ''That the Congress disapproves the action of the President under section 204(a) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995 to suspend the economic embargo of Cuba, notice of which was submitted to the Congress on ____.'', with the blank space being filled with the appropriate date.

(3) REFERRAL TO COMMITTEES.—Joint resolutions introduced in the House of Representatives shall be referred to the Committee on International Relations and joint resolutions introduced in the Senate shall be referred to the Committee on Foreign Relations.

(4) PROCEDURES.—(A) Any joint resolution shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(B) For the purpose of expediting the consideration and enactment of joint resolutions, a motion to proceed to the consideration of any joint resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

(C) Not more than 1 joint resolution may be considered in the House of Representatives and the Senate in the 6-month period beginning on the date on which the President notifies the Congress under paragraph (1) of the action taken under subsection (a), and in each 6-month period thereafter.

SEC. 205. REQUIREMENTS FOR A TRANSITION GOVERNMENT.

For purposes of this Act, a transition government in Cuba is a government in Cuba which—

(1) is demonstrably in transition from communist totalitarian dictatorship to representative democracy;

(2) has recognized the right to independent political activity and association;

(3) has released all political prisoners and allowed for investigations of Cuban prisons by appropriate international human rights organizations;

(4) has ceased any interference with Radio or Television Marti broadcasts;

(5) makes public commitments to and is making demonstrable progress in—

(A) establishing an independent judiciary;

(B) dissolving the present Department of State Security in the Cuban Ministry of the Interior, including the Committees for the Defense of the Revolution and the Rapid Response Brigades;

(C) respecting internationally recognized human rights and basic freedoms as set forth in the Universal Declaration of Human Rights, to which Cuba is a signatory nation;

(D) effectively guaranteeing the rights of free speech and freedom of the press;

(E) organizing free and fair elections for a new government—

(i) to be held in a timely manner within a period not to exceed 1 year after the transition government assumes power;

(ii) with the participation of multiple independent political parties that have full access to the media on an equal basis, including (in the case of radio, television, or other telecommunications media) in terms of allotments of time for such access and the times of day such allotments are given; and

(iii) to be conducted under the supervision of internationally recognized observers, such as the Organization of American States, the United Nations, and other elections monitors;

(F) assuring the right to private property;

(G) taking appropriate steps to return to United States citizens (and entities which are 50 percent or more beneficially owned by United States citizens) property taken by the Cuban Government from such citizens and entities on or after January 1, 1959, or to provide equitable compensation to such citizens and entities for such property;

(H) granting permits to privately owned telecommunications and media companies to operate in Cuba; and

(I) allowing the establishment of independent trade unions as set forth in conventions 87 and 98 of the International Labor Organization, and allowing the establishment of independent social, economic, and political associations;

(6) does not include Fidel Castro or Raul Castro;

(7) has given adequate assurances that it will allow the speedy and efficient distribution of assistance to the Cuban people;

(8) permits the deployment throughout Cuba of independent and unfettered international human rights monitors; and

(9) has extradited or otherwise rendered to the United States all persons sought by the United States Department of Justice for crimes committed in the United States.

SEC. 206. REQUIREMENTS FOR A DEMOCRATICALLY ELECTED GOVERNMENT.

For purposes of this Act, a democratically elected government in Cuba, in addition to continuing to comply with the requirements of section 205, is a government in Cuba which—

(1) results from free and fair elections conducted under the supervision of internationally recognized observers;

(2) has permitted opposition parties ample time to organize and campaign for such elections, and has permitted full access to the media to all candidates in the elections;

(3) is showing respect for the basic civil liberties and human rights of the citizens of Cuba;

(4) has made demonstrable progress in establishing an independent judiciary;

(5) is substantially moving toward a market-oriented economic system;

(6) is committed to making constitutional changes that would ensure regular free and fair elections that meet the requirements of paragraph (2); and

(7) has made demonstrable progress in returning to United States citizens (and entities which are 50 percent or more beneficially owned by United States citizens) property taken by the Cuban Government from such citizens and entities on or after January 1, 1959, or providing full compensation for such property in accordance with international law standards and practice.

TITLE III—PROTECTION OF PROPERTY RIGHTS OF UNITED STATES NATIONALS AGAINST CONFISCATORY TAKINGS BY THE CASTRO REGIME

SEC. 301. STATEMENT OF POLICY.

The Congress makes the following findings:

(1) The right of individuals to hold and enjoy property is a fundamental right recognized by the United States Constitution and international human rights law, including the Universal Declaration of Human Rights.

(2) The illegal confiscation or taking of property by governments, and the acquiescence of governments in the confiscation of property by their citizens, undermines the comity among nations, the free flow of commerce, and economic development.

(3) It is in the interest of all nations to respect equally the property rights of their citizens and nationals of other countries.

(4) Nations that provide an effective mechanism for prompt, adequate, and fair compensation for the confiscation of private property will continue to have the support of the United States.

(5) The United States Government has an obligation to its citizens to provide protection against illegal confiscation by foreign nations and their citizens, including the provision of private remedies.

(6) Nations that illegally confiscate private property should not be immune to another nation's laws whose purpose is to protect against the confiscation of lawfully acquired property by its citizens.

(7) Trafficking in illegally acquired property is a crime under the laws of the United States and other nations, yet this same activity is allowed under international law.

(8) International law, by not providing effective remedies, condones the illegal confiscation of property and allows for the unjust enrichment from the use of confiscated property by governments and private entities at the expense of those who hold legal claim to the property.

(9) The development of an international mechanism sanctioning those governments and private entities that confiscate and unjustly use private property so confiscated should be a priority objective of United States foreign policy.

SEC. 302. LIABILITY FOR TRAFFICKING IN PROPERTY CONFISCATED FROM UNITED STATES NATIONALS.

(a) CIVIL REMEDY.—

(1) LIABILITY FOR TRAFFICKING.—(A) Except as provided in paragraphs (3) and (4), any person, including any agency or instrumentality of a foreign state in the conduct of a commercial activity, that, after the end of the 6-month period beginning on the date of the enactment of this Act, traffics in confiscated property shall be liable to any United States national who owns the claim to such property for money damages in an amount equal to the sum of—

(i) the amount which is the greater of—

(I) the amount, if any, certified to the claimant by the Foreign Claims Settlement Commission under the International Claims Settlement Act of 1949, plus interest;

(II) the amount determined under section 303(a)(2), plus interest; or

(III) the fair market value of that property, calculated as being the then current value of the property, or the value of the property when confiscated plus interest, whichever is greater; and

(ii) reasonable costs and attorneys' fees.

(B) Interest under subparagraph (A)(i) shall be at the rate set forth in section 1961 of title 28, United States Code, computed by the court from the date of the confiscation of the property involved to the date on which the action is brought under this subsection.

(2) PRESUMPTION IN FAVOR OF CERTIFIED CLAIMS.—There shall be a presumption that the amount for which a person, including any agency or instrumentality of a foreign state in the conduct of a commercial activity, is liable under clause (i) of paragraph (1)(A) is the amount that is certified under subclause (I) of that clause. The presumption shall be rebuttable by clear and convincing evidence that the amount described in subclause (II) or (III) of that clause is the appropriate amount of liability under that clause.

(3) INCREASED LIABILITY FOR PRIOR NOTICE.—Except as provided in paragraph (4), any person, including any agency or instrumentality of a foreign state in the conduct of a commercial activity, that traffics in confiscated property after having received—

(A) notice of a claim to ownership of the property by a United States national who owns a claim to the confiscated property, and

(B) notice of the provisions of this section, shall be liable to that United States national for money damages in an amount which is the sum of the amount equal to the amount determined under paragraph (1)(A)(ii) plus triple the amount determined applicable under subclause (I), (II), or (III) of paragraph (1)(A)(i).

(4) APPLICABILITY.—(A) Except as otherwise provided in this paragraph, actions may be brought under paragraph (1) with respect to property confiscated before, on, or after the date of the enactment of this Act.

(B) In the case of property confiscated before the date of the enactment of this Act, no United States national may bring an action under this section unless such national acquired ownership of the claim to the confiscated property before such date.

(C) In the case of property confiscated on or after the date of the enactment of this Act, no United States national who acquired ownership of a claim to confiscated property by assignment for value after such date of enactment may bring an action on the claim under this section.

(5) TREATMENT OF CERTAIN ACTIONS.—(A) In the case of any action brought under this section by a United States national who was eligible to file the underlying claim in the action with the Foreign Claims Settlement Commission under title V of the International Claims Settlement Act of 1949 but did not so file the claim, the court may hear the case only if the court determines that the United States national had good cause for not filing the claim.

(B) In the case of any action brought under this section by a United States national whose claim in the action was timely filed with the Foreign Claims Settlement Commission under title V of the International Claims Settlement Act of 1949 but was denied by the Commission, the court may assess the basis for the denial and may accept the findings of the Commission on the claim as conclusive in the action under this section unless good cause justifies another result.

(6) INAPPLICABILITY OF ACT OF STATE DOCTRINE.—No court of the United States shall decline, based upon the act of state doctrine, to make a determination on the merits in an action brought under paragraph (1).

(b) DEFINITION.—As used in this subsection, the term ''agency or instrumentality of a foreign state'' has the meaning given that term in section 1603(b) of title 28, United States Code.

(c) JURISDICTION.—

(1) IN GENERAL.—Chapter 85 of title 28, United States Code, is amended by inserting after section 1331 the following new section:

''§ 1331a. Civil actions involving confiscated property

''The district courts shall have exclusive jurisdiction of any action brought under section 302 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995, regardless of the amount in controversy.''.

(2) CONFORMING AMENDMENT.—The table of sections for chapter 85 of title 28, United States Code, is amended by inserting after the item relating to section 1331 the following:

''1331a. Civil actions involving confiscated property.''.

(d) CERTAIN PROPERTY IMMUNE FROM EXECUTION.—Section 1611 of title 28, United

States Code, is amended by adding at the end the following:

''(c) Notwithstanding the provisions of section 1610 of this chapter, the property of a foreign state shall be immune from attachment and from execution in an action brought under section 302 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995 to the extent the property is a facility or installation used by an accredited diplomatic mission for official purposes.''.

(e) ELECTION OF REMEDIES.—

(1) ELECTION.—Subject to paragraph (2)—

(A) any United States national that brings an action under this section may not bring any other civil action or proceeding under the common law, Federal law, or the law of any of the several States, the District of Columbia, or any territory or possession of the United States, that seeks monetary or nonmonetary compensation by reason of the same subject matter; and

(B) any person who brings, under the common law or any provision of law other than this section, a civil action or proceeding for monetary or nonmonetary compensation arising out of a claim for which an action would otherwise be cognizable under this section may not bring an action under this section on that claim.

(2) TREATMENT OF CERTIFIED CLAIMANTS.—In the case of any United States national that brings an action under this section based on a claim certified under title V of the International Claims Settlement Act of 1949—

(A) if the recovery in the action is equal to or greater than the amount of the certified claim, the United States national may not receive payment on the claim under any agreement entered into between the United States and Cuba settling claims covered by such title, and such national shall be deemed to have discharged the United States from any further responsibility to represent the United States national with respect to that claim;

(B) if the recovery in the action is less than the amount of the certified claim, the United States national may receive payment under a claims agreement described in subparagraph (A) but only to the extent of the difference between the amount of the recovery and the amount of the certified claim; and

(C) if there is no recovery in the action, the United States national may receive payment on the certified claim under a claims agreement described in subparagraph (A) to the same extent as any certified claimant who does not bring an action under this section.

(f) DEPOSIT OF EXCESS PAYMENTS BY CUBA UNDER CLAIMS AGREEMENT.—Any amounts paid by Cuba under any agreement entered into between the United States and Cuba settling certified claims under title V of the International Claims Settlement Act of 1949 that are in excess of the payments made on such certified claims after the application of subsection (e) shall be deposited into the United States Treasury.

(g) TERMINATION OF RIGHTS.—

(1) IN GENERAL.—All rights created under this section to bring an action for money damages with respect to property confiscated before the date of the enactment of this Act shall cease upon the transmittal to the Congress of a determination of the President under section 203(c)(3).

(2) PENDING SUITS.—The termination of rights under paragraph (1) shall not affect suits commenced before the date of such termination, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this subsection had not been enacted.

SEC. 303. DETERMINATION OF CLAIMS TO CONFISCATED PROPERTY.

(a) EVIDENCE OF OWNERSHIP.—

(1) CONCLUSIVENESS OF CERTIFIED CLAIMS.—In any action brought under this title, the courts shall accept as conclusive proof of ownership a certification of a claim to ownership that has been made by the Foreign Claims Settlement Commission pursuant to title V of the International Claims Settlement Act of 1949 (22 U.S.C. 1643 and following).

(2) CLAIMS NOT CERTIFIED.—In the case of a claim that has not been certified by the Foreign Claims Settlement Commission before the enactment of this Act, a court may appoint a special master, including the Foreign Claims Settlement Commission, to make determinations regarding the amount and validity of claims to ownership of confiscated property. Such determinations are only for evidentiary purposes in civil actions brought under this title and do not constitute certifications pursuant to title V of the International Claims Settlement Act of 1949.

(3) EFFECT OF DETERMINATIONS OF FOREIGN ENTITIES.—In determining ownership, courts shall not accept as conclusive evidence of ownership any findings, orders, judgments, or decrees from administrative agencies or courts of foreign countries or international organizations that invalidate the claim held by a United States national, unless the invalidation was found pursuant to binding international arbitration to which United States national submitted the claim.

(b) AMENDMENT OF THE INTERNATIONAL CLAIMS SETTLEMENT ACT OF 1949.—Title V of the International Claims Settlement Act of 1949 (22 U.S.C. 1643 and following) is amended by adding at the end the following new section:

''EVALUATION OF OWNERSHIP CLAIMS REFERRED BY DISTRICT COURTS OF THE UNITED STATES

''SEC. 514. Notwithstanding any other provision of this title and only for purposes of section 302 of the Cuban Liberty and Solidarity (LIBERTAD) Act, a United States district court, for fact-finding purposes, may refer to the Commission, and the Commission may determine, questions of the amount and ownership of a claim by a United States national (as defined in section 4 of the Cuban Liberty and Solidarity (LIBERTAD) Act) resulting from the confiscation of property by the Government of Cuba described in section 503(a), whether or not the United States national qualified as a national of the United States (as defined in section 502(1)) at the time of the action by the Government of Cuba.''.

(c) RULE OF CONSTRUCTION.—Nothing in this Act or section 514 of the International Claims Settlement Act of 1949, as added by subsection (b), shall be construed—

(1) to require or otherwise authorize the claims of Cuban nationals who became United States citizens after their property was confiscated to be included in the claims certified to the Secretary of State by the Foreign Claims Settlement Commission for purposes of future negotiation and espousal of claims with a friendly government in Cuba when diplomatic relations are restored; or

(2) as superseding, amending, or otherwise altering certifications that have been made pursuant to title V of the International Claims Settlement Act of 1949 before the enactment of this Act.

SEC. 304. EXCLUSIVITY OF FOREIGN CLAIMS SETTLEMENT COMMISSION CERTIFICATION PROCEDURE.

Title V of the International Claims Settlement Act of 1949 (22 U.S.C. 1643 and following), as amended by section 303, is further amended by adding at the end the following new section:

''EXCLUSIVITY OF FOREIGN CLAIMS SETTLEMENT COMMISSION CERTIFICATION PROCEDURE

''SEC. 515. (a) Subject to subsection (b), neither any national of the United States who was eligible to file a claim under section 503 but did not timely file such claim under that section, nor any national of the United States (on the date of the enactment of this section) who was not eligible to file a claim under that section, nor any national of Cuba, including any agency, instrumentality, subdivision, or enterprise of the Government of Cuba or any local government of Cuba in place on the date of the enactment of this section, nor any successor thereto, whether or not recognized by the United States, shall have a claim to, participate in, or otherwise have an interest in, the compensation proceeds or other nonmonetary compensation paid or allocated to a national of the United States by virtue of a claim certified by the Commission under section 507, nor shall any court of the United States or any State court have jurisdiction to adjudicate any such claim.

''(b) Nothing in subsection (a) shall be construed to detract from or otherwise affect any rights in the shares of the capital stock of nationals of the United States owning claims certified by the Commission under section 507.''.

TITLE IV—EXCLUSION OF CERTAIN ALIENS

SEC. 401. EXCLUSION FROM THE UNITED STATES OF ALIENS WHO HAVE CONFISCATED PROPERTY OF UNITED STATES NATIONALS OR WHO TRAFFIC IN SUCH PROPERTY.

(a) GROUNDS FOR EXCLUSION.—The Secretary of State, in consultation with the Attorney General, shall exclude from the United States any alien who the Secretary of State determines is a person who—

(1) has confiscated, or has directed or overseen the confiscation of, property a claim to which is owned by a United States national, or converts or has converted for personal gain confiscated property, a claim to which is owned by a United States national;

(2) traffics in confiscated property, a claim to which is owned by a United States national;

(3) is a corporate officer, principal, or shareholder with a controlling interest of an entity which has been involved in the confiscation of property or trafficking in confiscated property, a claim to which is owned by a United States national; or

(4) is a spouse, minor child, or agent of a person excludable under paragraph (1), (2), or (3).

(b) DEFINITIONS.—As used in this section, the following terms have the following meanings:

(1) CONFISCATED; CONFISCATION.—The terms ''confiscated'' and ''confiscation'' refer to—

(A) the nationalization, expropriation, or other seizure by foreign governmental authority of ownership or control of property on or after January 1, 1959—

(i) without the property having been returned or adequate and effective compensation provided; or

(ii) without the claim to the property having been settled pursuant to an international claims settlement agreement or other mutually accepted settlement procedure; and

(B) the repudiation by foreign governmental authority of, the default by foreign governmental authority on, or the failure by foreign governmental authority to pay, on or after January 1, 1959—

(i) a debt of any enterprise which has been nationalized, expropriated, or otherwise taken by foreign governmental authority;

(ii) a debt which is a charge on property nationalized, expropriated, or otherwise taken by foreign governmental authority; or

(iii) a debt which was incurred by foreign governmental authority in satisfaction or settlement of a confiscated property claim.

(2) PROPERTY.—The term ''property'' does not include claims arising from a territory in dispute as a result of war between United Nations member states in which the ultimate resolution of the disputed territory has not been resolved.

(3) TRAFFICS.—(A) A person or entity ''traffics'' in property if that person or entity knowingly and intentionally—

(i) sells, transfers, distributes, dispenses, brokers, manages, or otherwise disposes of confiscated property, or purchases, leases, receives, possesses, obtains control of, manages, uses, or otherwise acquires or holds an interest in confiscated property,

(ii) engages in a commercial activity using or otherwise benefiting from confiscated property, or

(iii) causes, directs, participates in, or profits from, trafficking (as described in clauses (i) and (ii)) by another person, or otherwise engages in trafficking (as described in clauses (i) and (ii)) through another person,

without the authorization of the United States national who holds a claim to the property.

(B) The term ''traffics'' does not include–

(i) the delivery of international telecommunication signals to Cuba that are authorized by section 1705(e) of the Cuban Democracy Act of 1992 (22 U.S.C. 6004(e)); or

(ii) the trading or holding of securities publicly traded or held, unless the trading is with or by a person determined by the Secretary of the Treasury to be a specially designated national.

(c) NATIONAL INTEREST EXEMPTION.—This section shall not apply where the Secretary of State finds, on a case-by-case basis, that making a determination under subsection (a) would be contrary to the national interest of the United States.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—This section applies to aliens seeking to enter the United States on or after the date of the enactment of this Act.

(2) TRAFFICKING.—This section applies only with respect to acts within the meaning of ''traffics'' that occur on or after the date of the enactment of this Act.

The CHAIRMAN. Pursuant to the rule, the gentleman from Washington [Mr. MCDERMOTT] and a Member opposed each will be recognized for 30 minutes.

Is the gentleman from Indiana [Mr. BURTON] opposed to the amendment?

Mr. BURTON of Indiana. Mr. Chairman, I am.

The CHAIRMAN. The gentleman from Indiana [Mr. BURTON] will be recognized for 30 minutes, and the gentleman from Washington [Mr. MCDERMOTT] will be recognized for 30 minutes.

The Chair recognize the gentleman from Washington [Mr. MCDERMOTT].

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

Mr. Chairman, this proposal which is before us to deal with Cuba is primarily a bill dealing with property rights. It is in my opinion not a good bill, but this particular amendment, this substitute, deals with only one provision of that proposal which is before us, and that is to open up the possibility of sale of medical supplies, instruments, medical literature, and foodstuffs to Cuba.

Now presently the embargo allows the donation of those kinds of things to Cuba. It puts no prohibition against that. But the fact is that we cannot through the charity system deal with the medical needs of Cuba.

Mr. Chairman, I have been in Cuba, I have visited clinics, I have visited hospitals, I have been to the medical schools, and it is clear to me that the Cuban people are suffering tremendously because of the shortage of modern-day medical supplies, and instrumentation, and pharmaceuticals.

Now it is inconceivable to me that a country 90 miles from our shores, when we, the United States, have in many places in the world insisted on international humanitarian standards being applied, would withhold from the Cuban people those things which are available to people in the United States.

Mr. Chairman, I could give my colleagues many examples, but let us just take the issue of asthma. Asthma is a disease that makes it difficult for people to breathe. There is one of the highest rates of asthma in Cuba, and they are short of the kind of medication you need to make it possible to open up people's breathing passages so they can breathe.

Now anybody who ever had asthma understands how awful that is, especially for children. The feeling in one's chest that they cannot breathe is something that any parent, looking at his own child, would never want his child to have, and yet we, by our Government policy, say that our pharmaceutical companies cannot sell the medication to the Cubans that is necessary so that parents can give to their children medication to relieve that dreadful disease. That is absolutely against anything that we as Americans hold ourselves out to the world as believing, and I do not think that that is the public policy that the U.S. Congress wants us to be espousing.

□ 1030

A patient came to me or a Cuban family came to me and told me about a cousin who was in Cuba who has leukemia. There is a treatment at the Hutchinson Cancer Center in Seattle where people can have that leukemia treated, and the success rate is about 90 percent. That medication is not readily available in Cuba, and their family member did not have access to that.

Now, there is no reason why that should not be available. Mr. Chairman, my distinguished opponents will say the medication can be donated to some hospital, some church hospital or something. I do not know, but that simply does not apply to the whole medical system in Cuba. We cannot, through donations, expect that the Sisters of Charity or whatever are going to deliver these kind of very specialized treatments if they are not available through what is essentially a government health care system.

By refusing to accept this amendment, we, as Members of the United States Congress, are saying to Cuban families, we, this bastion of democracy and humanitarianism, are going to withhold from people the ability to take care of their children and members of their family. There is no argument that I can see that would make possible that kind of a statement by the U.S. Congress.

It is for that reason, Mr. Chairman, that I offer this. I oppose a lot of the other parts of the bill, but I did not touch those. I simply touched the thing that I think is the hardest and absolutely indefensible, in my opinion.

As a physician, and if others have ever taken care of a kid and looked into the eyes of parents and recognized that we have the capacity to help them with their kid, and have been able to do it in this country, one can imagine what it is like in a country where we know that there is the medication available, but it is simply, because of the U.S. embargo, it is not available in another's country, and that child is going to either suffer or die. That is simply not what I think as an American we want our policy toward Cuba to be.

We want democracy. There is nobody on this floor who is supporting Mr. Castro. None of us think that is a good idea. Anybody who tries to paint that as the attack on us is simply misrepresenting the facts.

But in our process of pushing to change the situation in Cuba, we cannot use medicine and food staples as a way of doing that.

Mr. Chairman, the fact they cannot get modern textbooks, modern medical textbooks, why should they have to be dealing with a textbook from 1949 simply because we place an embargo on them? I think this is a good amendment and urge the adoption of it.

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

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

Mr. Chairman, this, I believe, is a red herring. The fact of the matter is, the United States of America is the largest giver of humanitarian aid to Cuba in the world today. The people who are suffering down there get a great deal of help from the United States, both in medical supplies and in food. The question then comes, why are we going to give Castro the right to buy these products?

My learned opponents says we are denying people with asthma the ability to be treated; children who have other maladies are not being able to be treated.

Mr. Chairman, that is absolutely not true. Castro can buy these medical supplies if he wants to from anyplace in the world. We are not trying to keep kids from being treated or families from being treated.

As a matter of fact, as I said, we are the biggest giver of humanitarian and medical supplies in the world from a humanitarian standpoint. We do not sell them to them, we give them to them. If somebody in Cuba wants to contact a relative in the United States and say, send us some asthma medicine, they can do it and they do it.

This is a red herring. I cannot understand why they are trying to add this to the bill. We are trying to put the squeeze on Fidel Castro by denying him hard currency so that the people of Cuba will have freedom, democracy, and human rights, which have been denied them for about 35 years.

Mr. Chairman, this amendment is not necessary. The United States is doing everything we can to help the people of Cuba. If medical supplies are needed, there are hundreds of countries from which Castro can buy these supplies. What it would do is get the camel's nose under the tent as far as breaking the embargo that we have on Cuba, and that is what I think my learned colleague is trying to do.

Mr. Chairman, I yield 4 minutes to the gentlewoman from Florida [Ms. ROS-LEHTINEN].

Ms. ROS-LEHTINEN. Mr. Chairman, I thank the gentleman for yielding time to me. Certainly the bill before us, H.R. 927, represents a new battlefront in our commitment for freedom for the Cuban people. Yesterday I showed the House—and many of our colleagues did as well—a letter signed by dozens of Cuban dissidents on the island, who, at great personal risk to their safety, sent this letter to Senator HELMS. Let us not let down those dissidents and the other millions of Cubans who daily fight against the dictatorship.

Mr. Chairman, as all of us know, Castro's repression does not go down at all. It does not diminish in any way. His power mongering continually increases. Firm and swift policies are needed to eliminate this dictator, and this bill, H.R. 927, contains those swift policies.

This substitute appears to be humanitarian in nature but it could very well constitute an economic windfall for Fidel Castro. As the chairman of the Subcommittee on the Western Hemisphere, the gentleman from Indiana [Mr. BURTON] has pointed out, food and medicine are allowed to go to Cuba now, from the United States to Cuba. No prohibition. There is no prohibition. If you want to send an aspirin from Washington to Havana, go ahead. There is no embargo on aspirin. Asthma medicine. Whatever you want. Food and medicine is not prohibited. There is no embargo.

I have said it five times, we will continue to say it for the entire hour. There is no prohibition on food and medicine going from the United States to Cuba. Also, Castro can get anything he wants, as Mr. BURTON pointed out, from every other country in the world anyway. Even if we were to have an embargo on food and medicine—which there is no embargo on—he can get it from any other country. Is the United States the only maker of aspirin in the world? I think not.

What does Castro do? He takes the food and medicine and he sells it to the tourists. He sells it to the Communist Party officials. If the people cannot get aspirin, if the people cannot get asthma medicine, it is not because it is not there in Cuba, it is because Castro takes it and sells it to the tourists. The best hospital facilities in the Caribbean are in Cuba for the tourists and for the Communist Party officials. But for the starving, needy people of Cuba, Castro decides—even if they want these supplies—he will not give it to them. It is his way of making sure that they know that he is their supreme ruler.

It is clear, Mr. Chairman, the goals of this bill. And once again let us restate them. The goals of the bill are simple. No. 1, let us try to have an end to the Castro regime. No. 2, let us plan for a democratic transition for Cuba. And No. 3, let us protect property of United States citizens in Cuba. Let us bring an end to this Castro regime and let us make sure that we understand the human rights situation in Cuba.

We have said it over and over again. Organizations like Human Rights Watch Americas, Amnesty International, Inter-American Commission on Human Rights, what do they say? The Cuban Government continues to violate the rights of freedom of expression, freedom of association, freedom against arbitrary detention, security of the person, among others. Hundreds of political prisoners remain incarcerated under difficult conditions charged with political offenses that include handing out flyers, expressing their opinions, calling out for freedom in their island. That is a crime against the repressive police state.

Castro wants and again rejects any kind of democratic approaches that these helpful ideologues want to give them. He has rejected them from Mexico, he has rejected them from Spain, he will reject them time and time again. Let us not get confused. Once again, well-meaning substitute, it is not based on facts. There is no prohibition about food and medicine. Castro has to lift the embargo that he has on the Cuban people for food, medicine, and expression of ideas. That is the embargo that we must lift.

Mr. McDERMOTT. Mr. Chairman, I yield myself such time as I may consume. I think it is important to clarify what has just been said. There is no embargo on people giving. There is an embargo on any sale of staple foods or medicines or medical equipment in Cuba. No one should come away from listening to that last speech and believe that we can get adequate amounts of these materials into Cuba.

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

Mr. SKAGGS. I thank my colleague for yielding me the time.

Mr. Chairman, food and medical exports to Cuba, as would be authorized under the amendment offered by my colleague, the gentleman from Washington [Mr. MCDERMOTT], represent a modest improvement in this bill, and I support it. It is a step, a small step in the right direction, whereas this bill fundamentally is headed in the wrong direction.

What is the right direction? Again, we are all interested in a Cuba that has an open economic system and a Democratic political system. How do we get there? Well, it is ironic to me that exactly the arguments just expressed by the gentlewoman from Florida [Ms. ROS-LEHTINEN] were offered up in this body quite recently during the debate on what should be our policy with respect also to a repressive regime that mistreats its people, that does not have the kind of open economic and political system that we want for Cuba, namely the government in China.

There, Mr. Chairman, we realize that exactly the kind of approach that the gentleman is suggesting in this amendment is in the United States' interest, and that is not a policy of isolation, of mindlessly trying to pretend that by raising up all possible impediments we are going to bring about the desired result in Cuba. Rather, it is a policy that reflects our thoughtful analysis of how we get what we want with respect to regimes like this everywhere else in the world except for Cuba, and that is a challenge directly on an economic playing field, a challenge directly, politically, culturally and, in the case of the amendment offered by the gentleman from Washington [Mr. MCDERMOTT], in terms of humanitarian assistance.

The McDermott amendment is particularly addressing this last point. It is too bad it does not go beyond just the question of food and medicines to deal with the other many, many failings in the policy enacted into law previously through the Cuban Democracy Act and now being proposed to be further taken in the wrong direction by the legislation before the House.

For example, Mr. Chairman, this bill not only continues but accelerates the idiocy inherent in the TV Marti program. It is saying not only have we wasted $90 million of taxpayers' money that have accomplished zip, zilch, nada, in getting a United States' point of view received on Cuban TV sets, but we are going to go even farther faster in wasting taxpayers' money now by saying that USIA has to proceed again with the mindless, ideologically-driven program of converting to UHF, even though two-thirds of the TVs in Cuba do not get UHF reception and even though UHF signals by technical analysis will be more easily jammed than the current failed VHF program.

Again, Mr. Chairman, the gentleman's amendment, as far as it goes,

makes great sense. I hope my colleagues will support it. And I would also be interested, if the sponsor of this amendment can explain to me, why it is we are in this corner, why with regard to Cuba, unlike all other areas in the world in which we are confronting Communist regimes and trying, through a whole range of strategies to get them to change, why the approach to Cuba is different than anyplace else in the world. Does the gentleman understand why we are doing it this way?

□ 1045

Mr. MCDERMOTT. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, there is no explanation that makes any sense to me. We have adopted the policy in every other country that increased trade and involvement would ultimately bring about change in the government. We just opened our trade relationship with the Republic of Vietnam, a government that we still disagree with, that we consider oppressive. In fact, we are opening trade, we are involved in a variety of things. We are already, as the gentleman mentioned, in China doing that.

It makes no sense, particularly in this area, where you are not punishing Mr. Castro, you are not punishing anybody in the top of the organization. You are punishing the people. That does not work and is wrong.

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

Mr. Chairman, I do not believe my learned colleagues have read current law. The current law says in section 1705, ''Support for the Cuban people,'' under section B, ''Donations of food,'' ''Nothing in this or any other act shall prohibit donations of food to nongovernmental organizations or individuals in Cuba.''

Under section C, ''Exports of medicines and medical supplies,'' it says, ''Exports of medicines or medical supplies instruments or equipment to Cuba shall not be restricted.'' Shall not be restricted. It goes on to say under subsection 1, ''On-site verifications'': ''Subject to subparagraph B an export may be made under subsection C only when the President determines that United States Government is able to verify by on-site inspections and other appropriate means that the exported item is to be used for the purposes for which it was intended and only for the use and benefit of the Cuban people.''

The reason that language was put in there was to make sure that Castro did not take these supplies and use them for some other purpose, other than to help the Cuban people. But they can get medical supplies today under current law.

Mr. Chairman, I yield 4 minutes to the gentleman from Florida [Mr. DIAZ-BALART].

Mr. DIAZ-BALART. Mr. Chairman, first of all, it is important to point out what this amendment is striking. Let us start off by reading what it says. ''Strike all after the enacting clause and insert'' their food and medicine provision, so-called food and medicine provision. In other words, no more requests for elections, no more demand for freedom, no more trying to get at Castro's lifeline or foreign investment. No, no.

I am sure that when the gentleman from Washington [Mr. MCDERMOTT] goes down to Cuba, I bet he does not ask for elections there either. He is certainly not asking for elections in this substitute amendment.

I really think after 37 years, and I say this to our colleagues on the other side of the aisle, when are you going to demand elections for the Cuban people? When? You demanded elections in South Africa. I joined you. And when the President of my party, at that time President Reagan, was unclear or incorrect with regard to the need to come down hard on the South African regime, I criticized that.

When are you going to ask for elections in Cuba? In your substitute amendment, which is here, you delete everything in the bill that stands for freedom in Cuba. So you come before us, speaker after speaker after speaker, saying ''Oh, we support elections.''

When have you made a statement, Mr. MCDERMOTT? Show me when you have gone to Cuba to demand of the regime there that you go and visit and have elections?

I will tell you this, sir: I think that it is most unfortunate that, after 37 years, you still come down here and in effect pay lip service to your supposed support for freedom for our closest neighbors, and yet come here and throw red herrings into this legislation.

A point was made by the distinguished gentleman from Colorado about the fact that other embargoes do not include food sales. The embargo, for example, on Iraq, or Serbia-Montenegro, those are international embargoes.

If the gentleman from Washington [Mr. MCDERMOTT] or the gentleman from Colorado [Mr. SKAGGS] joined us in going down to the White House and asking that the leadership of this Nation be utilized to seek an international embargo against the Castro regime, we will be the first ones in an international embargo to obviously exclude the food issue, like in the embargoes against Serbia or Iraq.

You not only are not seeking an international embargo against a 37-year-old dictatorship of Castro. No. You are coming here and gutting a bill which is trying to prevent the flow of dollars to a regime that, after the loss of the Soviet subsidy, is hanging on by the sale of a slave economy, a slave economy, and the denial of all labor rights and all workers' rights. And you in effect are trying to gut our attempt to stop the flow of dollars to Castro's repressive machinery by his continued offer to international capitalism of the slave economy and the slave conditions of the Cuban worker. That is what you are doing. That is what you are doing.

So do not come here and say that you are for freedom, when you are not asking for elections. Do not come here and say that you are for elections, when you go down to Cuba, and I have not seen any statement that you make there in demanding elections.

So let us be honest. If you want to defend the regime, say so. Then I will have more respect for you.

Mr. MCDERMOTT. Mr. Chairman, I yield myself such time as I may consume to respond to that.

Mr. Chairman, my distinguished colleague from Florida apparently did not read the bill. This is exactly his bill, with one phrase, that is allowing the sale of medication and staple foods. Everything else in the gentleman's bill is in this.

All that demagoguery was directed at some figment of his imagination. The gentleman simply did not pay attention to what is in this bill. It is your bill, with one addition. It simply is the addition of medication and staple foods. We have embargoes against every other country, such as Iraq, but we allow food and we allow medication, and your bill is untouched.

Mr. Chairman, I yield 3 minutes to the gentleman from Virginia [Mr. MORAN].

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

Mr. Chairman, I rise in support of this amendment to H.R. 927. I think it is important to bear in mind that we have the toughest sanction ever on Iraq, which I think we would all support, but the United States and the United Nations support full and open commerce in food and medicine with Iraq. So this is not a radical suggestion that we have full and open commerce in food and medicine.

But the problem with this bill that this amendment attempts to correct is that the bill is far too inflexible and really unworkable. It is unlikely to lead to democratization or to political or social reforms, and as was said in lengthy debate on this bill last night, it will create serious legal problems. It could potentially tie up our courts in land settlements, land claims for property outside the United States. That sets a very dangerous precedent in terms of other immigrant communities who may want to seize that precedent as well. I do not think we have the capacity within our judicial system to settle these legal problems, and this is not where they should be settled, in the United States.

It will create substantial business problems. It completely undermines NAFTA, which we just passed. It is going to make it extremely difficult for our corporations, who would in fact hold the key to a free enterprise system being established in Cuba from being able to trade with Cuba, and it creates unbelievable foreign policy problems. Just at the time when the

United States President should be able to exercise his or her ability in the future, and I suspect we are talking about the near-term future, to help Cuba achieve a transitional democratic government, even if such a democratic government is not actually in place at the time, we can precipitate that occurring. But now, with this bill, if this bill were to pass, the President's hands will be completely tied behind his back. So it does not advance the interests of the United States.

This amendment will see to it that the United States would be able to act, instead of sitting on the sidelines, when change, inevitable change, does come to Cuba.

This bill is based upon a policy that dates back to when Cuba was clearly a Soviet surrogate. They were challenging our interests for Africa to Central America. But that time has passed. Russia is not playing that role, whether Castro would like Russia to or not. So it is time for a comprehensive review of United States policy toward Cuba.

So this debate is constructive, but a transition from dictatorship to democracy is not going to occur overnight. We know that from history. We ought to learn from history and try to do what we can to ensure that it be a peaceful transition to democracy, that it not be a violent revolution. We owe that to the Cuban people.

Fidel Castro is in his 35th year of absolute power, longest in Latin America history. It is not going to continue. What we need to do is to do the same thing we did with Eastern Europe, consolidate change in democracy by promoting free enterprise through a democratic system, not in this way, but by enabling the President to act flexibly, constructively, with the best interests of the Cuban people in mind.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, let me just restate, if you read current law, medical supplies can be sold to Cuba. There is no prohibition. I want to repeat, there is no prohibition. If they want to buy medical supplies to help the people of Cuba, they can do it. So this is just a red herring.

Mr. Chairman, I yield 4 minutes to my distinguished colleague, the gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. Mr. Chairman, for 3 years the United States and Fidel Castro have been eyeball to eyeball. An unshakeable American determination for free elections in Cuba and a new respect for human rights. Fidel Castro's commitment to hold back the forces of history and preserve the last Communist bastion. One side or the other is going to win.

I know Americans are not a patient people, but 3 years is not a long time, and we are succeeding. Castro has made some beginnings of economic changes. The island is in economic collapse. Last year 40,000 students gathered on the streets of Havana. The pressure internally is enormous, and now there are those in this country, after only 36 months, who would step back. Eyeball to eyeball. There are some who would counsel to blink.

The amendment before this body offered by some Members of this institution who I respect more than any others is not a narrow change in the legislation of the gentleman from Indiana [Mr. BURTON]. It is not an incremental difference. Let us recognize it for what it is: It is an end of the American embargo against Fidel Castro, it is a repeal of current bipartisan policy supported by 300 Members of this institution, and it is an acceptance of the status quo in Cuba. Period.

Fidel Castro is not attempting to import American automobiles or computers. These are the items, the commodities, that he wants. This is it. This is the end of the embargo, just when we built a bipartisan, strong, and effective policy.

Mr. Speaker, in substance the amendment before this body is the judgment on American policy. I know good and decent Members of this institution do not want to be a part of poor and suffering people of Cuba suffering any more than is necessary. That is why in the Cuban Democracy Act we exempted out food and medicine. For 33 years before that, food and medicine could not be donated to Cuba. We changed that, and today, per capita, more food and medicine goes from the United States to Cuba per capita than to any other nation in the world to ensure that the poorest of the poor have access to food and medicine.

□ 1100

That is not what this amendment is about. We already did that. This amendment is to allow Cuba to rejoin the family of nations in a trading relationship with the United States for full access.

What does it do? It allows Fidel Castro to escape the reality that communism failed in Cuba, cooperative farming, the broad state enterprises. A country that was once self-sufficient in food and exported food, now needs to import everything.

We would allow him to escape the reality that communism is in collapse.

The choice needs to remain clear. We will donate what is necessary through private charities to ensure that the poorest of the poor are protected. But Fidel Castro cannot be allowed to rejoin the family of trading relationships with the United States without having free elections and respecting human rights, eyeball to eyeball.

Every Member of this institution must decide whether they are going to be part of bringing that change or allowing Fidel Castro to maintain his Communist system.

You have all made that decision before, 300 of you. Your consistent vote is to stand both with the administration, which has supported the embargo, Democratic and Republican Presidents, and this institution.

This is not about an amendment to this bill. This is about a repeal of the embargo.

Please, stand with us on a bipartisan basis and reject this amendment and then return to support the legislation offered by the gentleman from Indiana [Mr. BURTON].

Mr. MCDERMOTT. Mr. Chairman, I yield myself 1 minute to say if I were a Member setting in my office watching this on television or sitting here on the floor watching this, I would be confused because the gentleman from Indiana [Mr. BURTON] said there is no need for this amendment; it is already law; they can do anything they want. And the gentleman from New Jersey [Mr. TORRICELLI] stands up and says that, in fact, this is repealing the entire embargo. Now, which is it?

Either we do not need the amendment because they can already do it, or this is a disastrous amendment which is destroying the whole policy. Somebody is wrong on the other side.

The fact is that the gentleman from Indiana [Mr. BURTON] is incorrect, or he is correct in one part. It is possible for medication and staple foods to go to Cuba. The difference is this: If we want to sell food to Spain, you do not have to get a special license. If you want to sell food to Zaire, you do not have to get a special license. If you want to sell food anywhere else in the world except Cuba, you have to get a special license, and the policy of the Government is not to grant the licenses.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself 2 minutes.

If you read the law, it is very clear. It says that the President of the United States determined that the United States Government is able to verify it is being used for the benefit of the Cuban people. If President Clinton wants it to go there, he can verify that it is going to be used for the Cuban people, then it can go.

Let me read you something from a businessman who had had a business, a Spanish businessman who had a business down there that was taken away from him by Castro. I want you to listen to this. One year ago, one year ago, it says:

> This same phenomenon also occurs in general with all foreigners in Cuba because of the mere fact they have dollars, hard currency, they have access to everything the Cuban people cannot purchase with their work: food, clinics with medicines, good clothes, gasoline or electricity and hotels. In Cuba there are two types of citizens: those who have dollars, as I did, mostly foreigners, and all with the privileges that that entails and those who have Cuban pesos who are literally dying of hunger and illness because of a regime that refuses to change a system that is absolutely incapable of generating a dignified way of life for the country.

The fact of the matter is Castro takes hard dollars, the money has to go to the government for somebody's payroll, and he gives them then the same

amount of pesos. If they get $400 a month, he gets the $400 in hard currency, he gives them 400 pesos, which is 80-to-1 differential, which means they are getting $3.20 a month, and they cannot even buy things you are talking about. The fact of the matter is the Cuban people are suffering because of this Communist dictator and his policies.

It is a command economy that must be changed, and the only way it is going to change is if we pass our bill in its original form.

Mr. MCDERMOTT. Mr. Chairman, I yield myself 1 minute to respond to that.

I say to the gentleman from Indiana [Mr. BURTON], you just made my case. You require a special license under the law to sell medication. There is no way we can sell food to Cuba. There is no special license. There is no way.

What this bill is saying is we intend, if possible, to starve the Cuban people into submission, and that kind of policy from the Federal Government is why the U.N. General Assembly has voted 3 years in a row against our position.

Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Chairman, I thank the gentleman for yielding me this time. I commend him on his initiative, and I support his amendment.

Mr. Chairman, the amendment simply provides, I think, clear authority for United States companies to engage in direct commerce with Cuba in food and medicines. They cannot do that today.

I think the gentleman from Indiana, my friend, is correct when he says that current law does not prohibit food and medicines in Cuba, and that is done largely today through nongovernment organizations. What is missing in this debate so far, it seems to me, is the plight of the Cuban people. No matter what is going on there today with regard to food and medicine, we all know what that plight is. The sugar harvest this year in Cuba is the lowest in a half a century. Food and medicine, under anybody's standards, are in very short supply. Serious epidemics have broken out among the Cuban people.

In that circumstance, surely we want to try to help those Cuban people with the essentials of life, food and medicine, and that is all this amendment does. It changes no other part of the bill, as I understand it. It simply tries to help the Cuban people get more food and medicine. What in the world can be wrong with that?

This initiative will increase our contact with the Cuban people. It will help the Cuban people. It will generate goodwill, and it will begin to ease some of their long, long suffering.

This is no radical idea that we are presenting to you. The foremost Republican spokesman on foreign policy in this generation was Richard Nixon, and he argued shortly before his death that our policies in Cuba, toward Cuba, must turn away from hurting the Castro government to helping its people, and that is exactly right, and that is what this amendment tries to do.

Let me take just a moment to try to put this whole bill in a little broader perspective. What we will be voting on on the final passage of this bill is two very different approaches to how you deal with the problem of Cuba. On the one hand is the philosophy of this bill, H.R. 927. It is that if you make these conditions in Cuba significantly worse, you will prompt the Cuban people to rise up against their government. The other approach, the one I support and I think many in this institution do, perhaps not a majority, is the competing view that governments can be toppled peacefully by exposure to the free flow of ideas and benefits of the free market. Everybody in this Chamber agrees that Castro must go. But we must get away from this focus on Castro, and we must focus on the Cuban people and what is good for them.

A policy of engagement, of contact, of dialogue, of exchange offers the best hope for what we all want, which is a peaceful transition for the dictatorship of Castro to a free market and an open society. We support free elections in Cuba. I strongly support that, and I think we ought to do everything we can to put Castro on the spot and say, ''Why don't you hold free elections?''

I am quite prepared to support you on that. You are absolutely right about it. Our policy should keep the pressure on him. But I think the policy of isolation is a risky policy, and the reason it is risky is because the more pressure you apply, the more desperate you make the Cuban people, the more likely they will turn to violence, and that is what we do not want there.

So that policy of isolation, of squeezing the Cuban people increases the risk of a violent explosion in Cuba and the massive exodus of refugees, and that, of course, is our most important concern because the primary threat today from Cuba is not an invasion from Cuba. It is not an export of revolution from Cuba. The primary threat to the United States from Cuba today is what you in south Florida have suffered so greatly from, and that is trying to assimilate a massive number of refugees.

I believe the issues in this debate are very, very clear. This bill increases the isolation of Cuba. It increases the hardship of the Cuban people, and it is the wrong policy. That is what President Richard Nixon emphasized over and over again, and that is what Secretary of State, former Secretary of State Larry Eagleburger, has said, and the national security adviser under the Carter administration, Mr. Brzezinski, and many, many others.

So I hope that this Chamber will defeat this bill. We should not base our policy on a hatred of Castro. We should base our policy on what is best for the United States, what is best for the Cuban people, and what is best for the United States and what is best for the Cuban people come together here.

A policy of isolating Cuba over 36 years has not worked. Let us break the impasse that exists between these two nations, open up contracts with them, and choose to engage the Cuban people in order to increase the chances for a peacetime transition to a democracy and a market economy.

I urge my colleagues to support the McDermott amendment, which begins this process in a very, very modest way, and I urge my colleagues to defeat H.R. 927.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself 30 seconds.

My colleagues from Indiana says we are hurting the Cuban people. Do you know how much they make, I ask the gentleman from Indiana [Mr. HAMILTON] every day? The average Cuban makes between 10 and 15 cents a day, 10 and 15 cents a day. How are you going to hurt them worse than Castro has? You cannot, and the only thing that is going to change is if we force this man from power, and if we deny him hard currency, we can get that job done and save the Cuban people. Ten cents to fifteen cents a day.

Mr. Chairman, I yield 1 minutes to the gentlewoman from Florida [Ms. ROS-LEHTINEN].

Ms. ROS-LEHTINEN. Mr. Chairman, I thank the gentleman for yielding me this time.

I want to talk about this healing process that will take place if food and medicine go to Cuba.

Castro has food now, and he feeds the tourists. Castro has medicine now, and he heals the tourists. He starves the Cuban people. He has the Cuban people suffering in pain.

There is no prohibition on feed and medicine going to the Cuban people. If you want your family to have medicine, you can send them the medicine. If charitable organizations want to send food and medicine now to nongovernment agencies in Cuba, they can do so. If you sell goods to Castro, he will sell the goods to the tourists. If you send food, he will give it to the tourists.

Because Americans are a generous people, we want all nations to belong to this humanitarian family, and we naively and foolishly believe that Castro wants the Cuban people to prosper, that he wants them to fulfill their dreams. What Castro wants is to remain in power, so he has the Cuban people suffering for their daily sustenance. It will go to the tourists. Reject the substitute.

Mr. BURTON of Indiana. Mr. Chairman, how much time does each side have remaining?

The CHAIRMAN. The gentleman from Indiana [Mr. BURTON] has 10 minutes remaining, and the gentleman from Washington [Mr. MCDERMOTT] has 5½ minutes remaining.

Mr. MCDERMOTT. Mr. Chairman, do we have the right to close?

The CHAIRMAN. The gentleman from Indiana [Mr. BURTON] has the

right to close because he is the manager of the committee position on the bill.

□ 1115

Mr. BURTON of Indiana. Mr. Chairman, I yield 6 minutes to the gentleman from New Jersey [Mr. MENENDEZ], a learned leader on the Democrat side of the aisle.

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

Mr. MENENDEZ. Mr. Chairman, I thank my distinguished colleague and sponsor of the bill, the gentleman from Indiana [Mr. BURTON], who I must say has been a strong proponent of freedom and democracy in Cuba, for yielding this time to me.

Mr. Chairman, unlike many others who have spoken here, and I question no one's motives, I believe that they want to help the Cuban people, but I believe that their efforts to do so are misguided. I say that as someone, not who deals with this issue in the abstract. I say it as someone who has family living in Cuba. I say it as someone who understands the difficulties they go through. I go through the phone calls, I go through the letters; that is not something others can say. I do not deal with this issue of humanitarianism in the abstract. I deal with it in reality.

But let us talk about some truths. Some of the truths are this:

The Cuban people suffer, yes. Why? They suffer because the dictatorship does not do the market reforms and create the political openings that can relieve their suffering. We are not the only providers of food and medicine in the world. If not, we would dictate the world's policies. The fact of the matter is that there are tremendous pharmaceutical companies in Europe. The fact of the matter is that we have countries that are part of the breadbasket of the world, and the fact is they all trade with Cuba, but they are unwilling to give it to them gratuitously. I say to my colleagues, you need something called hard currency. You need money to be able to purchase those foods and those medical supplies, and that is what Castro simply does not have because he relied on $6 billion of what was the Soviet Union, he lost it, and now he has not made the changes to help the Cuban people. And do we have national interests? Absolutely.

Mr. Chairman, this is the third-largest army in the Western Hemisphere. I do not suggest, the gentleman from Indiana [Mr. HAMILTON] has said we do not face a risk of invasion; that is not what I am suggesting. But why do they need the third-largest army in the hemisphere if their people are hungry? Why do they use money to have the largest standing army and a huge security force if their people are hungry? Stop spending the money on the bullets and the rifles, and start putting food on the plates of families in Cuban homes, in my family's homes.

Now they have chosen to stay because they do not want to leave their homeland. They stay and fight, and they risk their lives every day to do so, and I risk it to some extent because of what I do here. Now that is something we do not have to worry about in the United States, so this debate in the abstract is one thing.

Now we have heard a lot about what do the Cuban people want. We want to relieve their suffering, but we cannot do it while we have someone who, in fact, seeks to do everything to repress them, use his resources not to put food and medical supplies that he can accomplish throughout the world, and we are the greatest remitters of that. The Cuban Democracy Act that the gentleman from New Jersey [Mr. TORRICELLI] helped pass and that was overwhelmingly voted by this House opened up the doors for medical supplies which did not exist prior to that in our embargo. But when we want to hear what the Cuban people have to say, I will give my colleagues two different specific examples.

When we went with a group of Members of the House to Guantanamo where 30,000 people risked the Florida Straits, risked their lives, brought their children with them to flee from a regime because of liberty, which is the word that used when we got there, not simply because of hunger, but for liberty, they said to us, the democratically elected leaders of those camps, the first ones who had an opportunity to have a free election; they did not say to us, ''The United States is punitive against us, you are hurting us.'' No, they said, ''Why can't you get the Mexicans, and the Canadians, and the Spanish, and others to join with us and have an international embargo,'' as we did in Haiti, as we did in the divestitures of South Africa, to help free those people from those oppressive regimes. They said, ''Why don't you do that? We want to end our suffering once and for all. We don't want to have to free our homeland.'' So who makes the Cuban people suffer? In the words of the Cuban people, not here in Congress; that is the words of those who were trying to flee, the 30,000. They said, ''We support your efforts.''

And just yesterday 40-something brave Cubans who risked their lives by putting their names to a letter saying, ''We support his bill,'' told the Congress, ''Vote with us, be with us, help us in a free and democratic Cuba.'' They said, ''Vote with us.''

Now these people risked their lives. Those who do not think that this is true, we have thousands of political prisoners in jail. We have these people who were willing for liberty, for freedom, and to end the suffering of the Cuban people.

Now I have heard a lot about this is cold war rhetoric. The fact of the matter is no one has told Fidel Castro the cold war is over. He has not gotten over it, he has not stopped repressing his people, and what is best for the Cuban people? They have told us, they have told us, the 30,000 who were in those camps, they told us, ''Strengthen this embargo, try to get other countries to join you.'' They did not say to stop it, and what did the people who valiantly fight, who are dissidents in Cuba, fight for, and what are they willing to risk their lives? Today they said, in fact, ''Go ahead and pass this bill.''

This bill is about standing up for American interests, it is in the national interests, giving our companies and our citizens the right to sue for properties that were illegally confiscated, and it also says, the part that I wrote, ''We can go help the Cuban people in a transition to democracy, and we lay out that groundwork.''

Vote against the substitute, vote for the bill, in the United States interests and also in the interests of the Cuban people.

Mr. MCDERMOTT. Mr. Chairman, I yield 4 minutes to the gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. Mr. Chairman, let us start by finding those things we agree on, and I think every Member in this body, every Member of the other body, wants to get rid of Fidel Castro. He is a thug, he got there by force, he has stayed in power by force. But the present plan is not working. The first embargo was put on Castro by Eisenhower. He was still there when President Kennedy put an embargo on him. He was still there when President Johnson put an embargo on him. He was still there when President Nixon put an embargo on him, still there when President Ford continued the embargo, President Carter continued the embargo, President Reagan continued the embargo, President Bush continued the embargo, and now, under the Clinton administration, we still have an embargo.

Embargo is not working. So let us try something different.

I am going to say something good about President Reagan, and one of the beauties of what President Reagan did in the military buildup against the Soviet Union was at the same time he said, ''Let's trade with them. Let's show them what the worst could be, and let's show them what the best can be, with a free market, how a free market helps feed people, how a free market provides opportunities.'' I think we ought to do the same thing with the Cubans. I think we ought to lift the embargo. It is not working. I think the sooner the Cuban people can interface with the Americans, the sooner we give them, we show them, what our life is like, what our opportunities are like, in so many ways we give them the kind of hope, and I guarantee, if we were to lift the embargo within 2 years, Castro is gone, but he is gone in a peaceful manner rather than in the chaos that I think some people want to see happen.

Mr. Chairman, my biggest concerns are to balance the budget and to provide for the common defense, and right now Cuba is a threat, the chaos down

in Cuba is a threat, in a couple of ways. First, it is only 90 miles from the continental United States. If Castro were to get hold of a missile from the former Soviet Union, then we have got a problem. It is also an expensive proposition right now where our Nation is spending about $30 million a month to take care of the Cuban boat people down at our base in Guantanamo, and that comes out of our defense budget, a defense budget that is already too small, a defense budget that is not building enough ships and taking good enough care of our people.

So I asked the chairman of the Atlantic Command, a four-star Marine general by the name of Sheehan, if he thought it was in our Nation's best interests to continue the embargo or to open diplomatic relations with the Cubans, and I want to quote him from what he said before the Committee on Armed Services.

Gen. SHEEHAN. I think it will be extraordinarily helpful to start some type of dialogue with the process of the Cubans. That is going on to the intersection in Havana. We have almost on a daily basis, requirements to deal with the frontier border guard and the Cubans, either because there are Cuban migrants who are frustrated by the process, who are actually walking through mine fields to return to Cuba and in some cases they have maimed themselves. We are risking American lives who go into the mine fields and pull them out.

We have Cubans on a weekly basis go into the water to swim back to Cuba. As a result, we need to have some kind of mechanism just from a sheer safety standpoint to make sure that these Cubans do not permanently maim or kill themselves in the process.

Castro holds all of the cards on the migrant issue. He can put 100,000 Cubans in rafts tomorrow morning in a heartbeat. We cannot absorb 100,000 at Guantanamo Bay Cuba. It seems to me that it would be in our best interest to manage the change that is going to occur in Cuba. It is going to happen.

Mr. Chairman, this is not GENE TAYLOR of Mississippi speaking. This is a four-star Marine general who is in charge of the Atlantic Command for the United States of America.

Mr. HAMILTON. Mr. Chairman, I thank the gentleman from Washington [Mr. MCDERMOTT] for yielding this time to me, and I want to commend again the gentleman from Washington for this initiative. Let me just address this quick question that has arisen so frequently in the last few minutes about why the Cuban people are suffering.

Mr. Chairman, my friends on the other side of the aisle have repeatedly made the point that they are suffering because of Castro's policies. They are absolutely right about that. There is not any doubt about it. The principal reason that the people of Cuba are suffering today is because of the policies of Fidel Castro.

Mr. BURTON of Indiana. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. DIAZ-BALART], a great American, a Cuban-American, of whom I am very proud.

Mr. DIAZ-BALART. Mr. Chairman, I just want to point out to my colleagues an interesting wire that was just handed to me, a news wire that was just handed to me:

CUBA PROVIDES HELP FOR AFFECTED ISLANDS

Cuba is providing $47,000 in medicines to assist islands of the Caribbean Community (CARICOM) affected by the recent hurricanes.

The emergency aid will go to Antigua and Barbuds, Dominica, and St. Kitts and Nevis, according to Barbados-based Cuban Ambassador Lazaro Cabezas.

Cabezas is accredited to a number of CARICOM states, including Trinidad and Tobago, where Cuba plans to open a diplomatic mission by the end of the year.

Castro is not denied, as the gentlewoman from Florida [Ms. ROS-LEHTINEN] said, medicine. He has all the medicines he wants to buy with the dollars he gets, but he does not give them to the Cuban people.

If my colleagues want to go to one of the most luxurious medical centers in the world, go to the medical center that Castro provides for the tourists. He has got a thriving industry to collect dollars from tourists from throughout the world, medical tourism. The Cuban people cannot go to those medical centers. The Cuban people do not have medicines and do not have any of the amenities that the tourists have because of Castro's policies, not because of the United States.

So we continue to blame America first in this instance, blame America for the lack of medicines that Castro does not permit the Cuban people to have.

Let us defeat this gutting amendment. Let us move forward.

Mr. MCDERMOTT. Mr. Chairman, I yield the balance to my time to the gentleman from Indiana [Mr. HAMILTON].

□ 1130

Let us have no mistake about that. But it is also true that when you put on top of those failed policies an embargo from the United States, that that embargo increases the suffering of the Cuban people. If you ease that embargo by letting food and medicine go in there, which they desperately need, you are going to ease the plight of the Cuban people.

Now, Mr. Chairman, Castro takes this embargo we have and uses it as a repressive tool in Cuba today. He uses it as an excuse for repression. All this amendment does is give the opportunity for more food and medicine to go to Cuba. What in the world is wrong with that? Why should we be opposed to relieving the suffering of the Cuban people?

I do not know how much will go in. It may not be huge quantities. But we know the situation there today. They are suffering. They need medicine. They need food. Let us see if we can help them out with this very modest measure.

Mr. Chairman, I urge a vote against this bill, and I urge a vote for the McDermott substitute.

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

The people in Cuba make 10 cents a day. My colleague over there says if we lift the embargo that we are going to help them. The fact of the matter is that Castro has the command of the economy; he controls the food and medicine.

My colleague from Florida just pointed out that he is giving medicine to the hurricane victims in other countries. If he is so strapped, why does he not keep the medicine for his own country?

He has the supplies. He has the food. As the gentlewoman from Florida [Ms. ROS-LEHTINEN] pointed out, he is selling it to tourists for hard currency so he can pay the military to keep him in power because he is afraid of his own people. We will not help the Cuban people by lifting this embargo.

Mr. Chairman, let me go on to say that the embargo really did not start until 2½ years ago when the Torricelli bill, the Cuban Democracy Act, passed. Up until that time, it had no teeth in it. When the Soviet Union cut off the aid, the $6 billion a year to Castro, he started to sink. He is desperately trying to survive today, and we should not throw him a lifeline as my colleagues unintentionally are trying to do. We should deny him the hard currency.

All this bill does is say he cannot sell confiscated U.S. property. Our constituents had property down there that he took away from them that he is now selling to try to get hard currency to survive. All we want to do is give our constituents a way to get restitution from this government and deny him the hard currency he needs to survive as the Communist dictator, the last Communist dictator in our hemisphere.

Mr. Chairman, I want to end up by reading to Members a part of a letter from Armando Valladares, who spent 22 years in Castro's gulags. He was our U.N. human rights ambassador, one of the most revered Cuban Americans and Cubans in the world. He says, ''I am a former political prisoner of Fidel Castro's jails, where I was confined for 22 long years. In those jails I saw many of my best friends die due to the horrible tortures and inhumane treatment. I strongly believe that the remaining days of Castro's tyranny will be shortened once your Libertad bill, now up for a vote, is passed''.

The endorsement of our legislative by the most influential dissident leaders inside Cuba, inside Cuba, proves that they are convinced, as I am, that this law is an important contribution towards our goal: A free and Democratic Cuba. Viva Cuba libre.

Mr. Chairman, we want liberty and freedom for the Cuban people, and this is the way to do it, to deny Castro his lifeline and the hard currency that he so desperately needs. With that, I urge a no vote on this amendment and a yes vote on the liberty amendment, the liberty bill, which I think will help the Cuban people.

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

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Washington [Mr. MCDERMOTT].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. MCDERMOTT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 138, noes 283, not voting 13, as follows:

[Roll No. 682]

AYES—138

Abercrombie
Baesler
Baldacci
Barrett (WI)
Becerra
Beilenson
Bereuter
Berman
Bishop
Bonior
Boucher
Brewster
Brown (CA)
Bryant (TX)
Clay
Clayton
Clement
Clyburn
Collins (MI)
Conyers
Coyne
Danner
de la Garza
DeFazio
DeLauro
Dellums
Dicks
Dingell
Dixon
Doggett
Dooley
Durbin
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Frank (MA)
Frost
Furse
Gejdenson
Gibbons
Gonzalez
Gordon
Hall (OH)
Hamilton
Harman
Hayes
Hefner
Hilliard
Hinchey
Hoyer
Jackson-Lee
Jacobs
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Lewis (GA)
Lincoln
Lofgren
Lowey
Luther
Maloney
Markey
Martinez
Mascara
McCarthy
McDermott
McHale
McIntosh
McKinney
McNulty
Meehan
Mfume
Miller (CA)
Minge
Mink
Moran
Nadler
Neal
Oberstar
Obey
Olver
Owens
Parker
Pastor
Payne (VA)
Pelosi
Rahall
Rangel
Reed
Rivers
Roemer
Roybal-Allard
Rush
Sabo
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Spratt
Stark
Studds
Stupak
Tanner
Taylor (MS)
Thompson
Thornton
Torres
Towns
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOES—283

Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonilla
Bono
Borski
Browder
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
Martini
Matsui
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
Meek
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Mineta
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Pallone
Paxon
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Richardson
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Sanders
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—13

Blute
Collins (IL)
Gephardt
Hilleary
Jefferson
Moakley
Ney
Payne (NJ)
Reynolds
Salmon
Sisisky
Stokes
Tucker

□ 1158

Mr. STARK and Mr. PAYNE of Virginia changed their vote from ''no'' to ''aye.''

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 104–253.

□ 1200

AMENDMENT NO. 2 OFFERED BY MR. WYNN

Mr. WYNN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. WYNN: Page 22, strike line 4 and all that follows through page 23, line 7 and insert the following:

(a) OPPOSITION TO CUBAN MEMBERSHIP IN INTERNATIONAL FINANCIAL INSTITUTIONS.—(1) Until such time as the President determines that a transition government in Cuba is in power, the Secretary of the Treasury should instruct the United States executive director to each international financial institution to use the voice and vote of the United States to oppose the admission of Cuba as a member of such institution.

(2) Once a transition government in Cuba is in power, the President is encouraged to take steps to support the processing of Cuba's application for membership in any financial institution subject to the membership taking effect at such time as the President deems most likely to facilitate the transition to a democratically elected government in Cuba.

Page 23, line 8, strike ''(c)'' and insert ''(b)''.

The CHAIRMAN. Pursuant to the rule, the gentleman from Maryland [Mr. WYNN] and a Member opposed, the gentleman from Indiana [Mr. BURTON], will each be recognized for 10 minutes.

The Chair recognizes the gentleman from Maryland [Mr. WYNN].

AMENDMENT, AS MODIFIED, OFFERED BY MR. WYNN

Mr. WYNN, Mr. Chairman, I ask unanimous consent that I be allowed to modify my amendment so as to read as the text of amendment No. 4 printed in the September 20 CONGRESSIONAL RECORD. I believe a copy of the modification is at the desk and also in the possession of the subcommittee chair.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Amendment, as modified, offered by Mr. WYNN: Page 22, strike lines 4 through 20 and insert the following:

(a) OPPOSITION TO CUBAN MEMBERSHIP IN INTERNATIONAL FINANCIAL INSTITUTIONS.—(1) Until such time as the President determines that a transition government in Cuba is in power, the Secretary of the Treasury should instruct the United States executive director to each international financial institution to use the voice and vote of the United States to oppose the admission of Cuba as a member of such institution.

(2) Once a transition government in Cuba is in power, the President is encouraged to take steps to support the processing of Cuba's application for membership in any financial institution subject to the membership taking effect at such time as the President deems most likely to facilitate the transition to a democratically elected government in Cuba.

Mr. WYNN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment, as modified, be considered as read and printed in the RECORD.

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

There was no objection.

The CHAIRMAN. Is there objection to the modification?

Mr. BURTON of Indiana. Mr. Chairman, reserving the right to object, I

have talked with the gentleman offering the modification to the amendment. I think it is a good modification and we are prepared to accept that.

Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

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

Mr. Chairman, first let me thank the subcommittee chairman for his leadership on this issue. We have not always agreed on the appropriate approach but I certainly appreciate the courtesies he has extended to me during the course of this debate.

The modified amendment that I am offering today will simply give the President the flexibility to support Cuba's membership in international financial institutions after a transition government is in power in Cuba. I believe that the most effective time for international assistance is during the transition period.

If a pro-democracy transition in Cuba is going to be peaceful and if it is going to succeed, it will need the support of international financial institutions. The International Monetary Fund, the World Bank, and others can make an enormous difference in Cuba during the transition period because of their strict requirements for economic reforms. The IFI's could help Cuba privatize its industry, develop commercial banking systems, and develop a tax system that will support a market-based economy.

Nobody knows what a transition in Cuba will look like but we must be prepared to react and act quickly. Let me be very clear, however, that the transition period that we are talking about and a transition government is specifically delineated within the context of the existing language of the bill.

It is specified that a transition government is one in which there is freedom of political activity, freedom of association, freedom of the press, respect for internationally recognized human rights, and is in the process of organizing free elections. It also specifically states that a transition government may not include Fidel or Raoul Castro.

I believe we are talking about a very strictly defined set of circumstances under which international financial assistance could be of great importance. Quick involvement has shown, in the case of Eastern Europe, that we can lend a strong effort toward the movement to democracy. We were successful in Eastern Europe. I believe the same model will apply in the case of Cuba.

Mr. Chairman, what we saw in Eastern Europe was that the transition led to democracy, not toward some sort of non-Communist dictatorship. We would like to see the same model in Cuba. That is where the international financial institutions come into play.

At some point in time, Mr. Chairman, in the not-so-distant future, the Castro dictatorship is going to come to an end. I do not know how that will be but we do know that is fact it will be.

During that period of time, once the transition government has met the criteria specified in this bill, I believe that we ought to assist them with participation in international financial institutions. That is what this amendment would do. I would certainly ask the membership to support the amendment.

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

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

Let me just say that the gentleman from Maryland [Mr. WYNN] has come up with a very valuable amendment. It was well thought out. I appreciate very much his contribution that he has made to this legislation. I want to thank him for being willing to work out an agreement that I think is going to be better for the bill and better for the legislation and better for the people of Cuba in the final analysis. It provides a mechanism for helping them rebuild Cuba once the Castro dictatorship falls.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from New York.

Mr. WALSH. I thank the distinguished gentleman for yielding.

Mr. Chairman, I rise today to enter into a colloquy with my distinguished colleague, the gentleman from New York [Mr. GILMAN], along with my good friend the distinguished gentleman from Texas [Mr. COLEMAN].

Mr. Chairman, section 401 of H.R. 927 would exclude from the U.S. aliens who have confiscated property of U.S. nationals or who traffick in such property. The report on H.R. 927 by our Committee on International Relations relates that the Department of State is actively engaged in prosecuting hundreds of confiscation claims of U.S. citizens in Nicaragua, Honduras, Costa Rica, and Cuba. The report then states:

> Persons who are responsible for these confiscations or who are trafficking in such property should be among those initially targeted for exclusion under this section.

I have been working to bring to resolution an egregious expropriation executed by the Dominican Republic's military against Western Energy Inc. Western Energy is a U.S. company that was operating an important liquid petroleum gas facility in the Dominican Republic and operates a similar facility in my district in New York.

Would the distinguished gentleman agree that the confiscators and traffickers in this case should also be among those initially targeted for exclusion?

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from New York.

Mr. GILMAN. I thank the gentleman for yielding.

Mr. Chairman, I agree with the distinguished gentlemen from New York and Texas. The report on H.R. 927 cites four countries which should be initial targets with respect to section 401 because they have been found to have the most confiscation cases. However, the seriousness of the Western Energy case merits priority attention for exclusion of the persons involved, and I will work with the distinguished gentlemen to try to achieve that result.

Mr. COLEMAN. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Texas.

Mr. COLEMAN. Mr. Chairman, I too have been working to bring to resolution this egregious expropriation suffered by Western Energy Co. that is headquartered in my congressional district. It is my understanding that numerous high-ranking Dominican Government officials have expressed both public and private outrage with their government's action but they have said they have been powerless to redress it.

I think, Mr. Chairman, that the U.S. Ambassador should be commended for her efforts to resolve the situation. An exclusion under section 401 of H.R. 927 would certainly buttress her efforts. The names of the persons involved in the confiscation and who are trafficking in Western Energy's property are well known and could be provided by the U.S. Embassy as anticipated in the report on section 401 of H.R. 927.

I thank the gentleman from New York [Mr. GILMAN] for his response. I understand that he agrees that these persons should be among those initially targeted for exclusion under section 401 of H.R. 927. Is that correct?

Mr. GILMAN. If the gentleman will yield, that is correct. I want to assure both gentlemen that we will work with them to try to correct these problems.

Mr. WALSH. I thank the gentleman.

Mr. COLEMAN. I thank the gentleman from Indiana for yielding to the gentleman from New York.

Mr. BURTON of Indiana. Let me end, Mr. Chairman, by saying once again that I appreciate the hard work of the gentleman from Maryland [Mr. WYNN]. He is a very thoughtful member of the Committee on International Relations. We are very happy to accept his amendment.

Mr. Chairman, I include for the RECORD correspondence to the Speaker concerning committee consultations on H.R. 927.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, August 3, 1995.

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

DEAR MR. SPEAKER: I am writing to you regarding the ''Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995'' (H.R. 927), legislation that has already been reported by the Committee on International Relations (H. Rept. 104–202, Pt. 1). When it was introduced, H.R. 927 was also referred to

the Committee on the Judiciary and, following the filing of the report by the International Relations Committee, this referral period was extended until August 4, 1995.

H.R. 927 was referred to the Judiciary Committee because of a number of its provisions fall within the Rule X jurisdiction of this Committee. Specifically, section 302 would create a civil cause of action in U.S. district courts by ''United States nationals'' against any person that traffics in property that was confiscated by the Government of Cuba, on or after January 1959. A ''United States national'' includes individuals who became naturalized U.S. citizens after the confiscation occurred. Section 303 establishes an alternate method for determining the amount and ownership of claims brought under section 302. In doing so, both section 303 and section 304 impact on the decisions and jurisdiction of the Foreign Claims Settlement Commission, which is an agency under the jurisdiction of the Judiciary Committee. Section 401 impacts on this Committee's jurisdiction with respect to the Immigration and Nationality Act by permitting the Secretary of State to exclude from entry into the United States any alien who has confiscated the property of a U.S. national or who traffics in such property.

As a result of consultations between the International Relations Committee and the Judiciary Committee, a number of changes were made in the text of H.R. 927. Consequently, the Judiciary Committee does not intend to mark up H.R. 927. However, this does not in any way waive this Committee's jurisdiction over that bill or related legislation, nor over the general subject matters contained in the bill which fall within this Committee's jurisdiction. I also request that Members of the Judiciary Committee be appointed to serve on any conference committee appointed with respect to this legislation.

Sincerely,

HENRY J. HYDE,
Chairman.

COMMITTEE ON BANKING AND FINANCIAL SERVICES,
Washington, DC, July 24, 1995.

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

DEAR MR. SPEAKER: I am writing concerning H.R. 927, the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995, which the House of Representatives may consider later this year. This legislation contains two provisions which fall under the jurisdiction of the Committee on Banking and Financial Services under Rule X of the Rules of the House of Representatives. These provisions are found in Sections 103 and 104.

Section 103 prohibits a U.S. national or agency from extending a loan, credit, or other financing to a foreign person or U.S. national to finance transactions involving any property confiscated by the Cuban government the claim to which is owned by a U.S. national as of the date of enactment of H.R. 927. This provision falls under the jurisdiction of the Banking Committee relating to international finance and investment policies. While enforcement of this provision could be complex, and its impact on the competitiveness of the U.S. financial services industry is uncertain, the Banking Committee agrees to waive consideration of H.R. 927 and requests to be discharged from further consideration of Section 103 without prejudice.

Section 104 requires the Secretary of the Treasury to instruct the U.S. executive director to each international financial institution (IFI) to use the voice and vote of the United States to oppose the admission of Cuba as a member of such institution until a democratically elected government in Cuba is in power. It further requires that if any IFI approves a loan or other assistance to Cuba over the opposition of the United States, the Treasury Secretary is to withhold payment to such institution, with respect to paid-in and callable capital, of an amount equal to the amount of loan or other assistance to the Cuban government.

In this regard, it has been longstanding United States policy to oppose Cuban membership in the international financial institutions. Indeed, Cuba is not now a member of any such international organization. Consequently, while the Committee would have serious concerns about the impact of IFI withholding provisions on U.S. foreign policy and the international financial institutions generally, the Banking Committee agrees to waive jurisdiction of H.R. 927 and requests to be discharged from further consideration of Section 104 without prejudice.

Sincerely,

JAMES A. LEACH,
Chairman.

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, DC, August 3, 1995.

Hon. BENJAMIN A. GILMAN,
Chairman, Committee on International Relations, House of Representatives, Rayburn Building, Washington, DC.

DEAR MR. CHAIRMAN: This is to confirm my understanding of our agreement concerning further consideration of H.R. 927, the Cuban Liberty and Democratic Solidarity Act of 1995, which was referred to the Committee on International Relations, and in addition, to the Ways and Means Committee for a period ending on August 4, 1995.

Section 109 of H.R. 927, as reported by your Committee, would impose a certification requirement on exporters of sugar and sugar products to the United States. In addition, sections 201 and 202 contain statements about the trade policy objectives of the United States toward a democratic Cuba and authorize the President to take action to achieve those goals.

The action taken by the Committee on International Relations concerning the sugar provision was clearly contrary to clause 5(b) of Rule XXI of the Rules of the House, which provides that no bill carrying a tax or tariff measure shall be reported by any committee not having jurisdiction to report tax and tariff measures.

However, I now understand that you will offer a manager's amendment that will drop all provisions relating to trade in sugar (section 109) from the bill and change the text of the remaining minor trade-related provisions to language drafted by my staff. In addition, I understand that you have committed to oppose any modifications or additions to these provisions during further consideration in the House.

Based on your written assurances to that effect, and in response to your requests that I facilitate consideration of this important legislation, I do not believe that a markup of H.R. 927 by the Committee on Ways and Means will be necessary.

However, this is being done only with the understanding that this does not in any way prejudice the Committee's jurisdictional prerogatives in the future with respect to this measure or any similar legislation, 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. Should any provisions of jurisdictional interest remain in the bill after Floor consideration, I would request that the Committee on Ways and Means be named as additional conferees, and as sole conferees on provisions within its sole jurisdiction.

Finally, I would ask that a copy of our exchange of letters on this matter be placed in the Record during consideration on the Floor. With best regards,

Sincerely,

BILL ARCHER,
Chairman.

COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC, August 4, 1995.

Hon. BILL ARCHER,
Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I write to you with respect to your August 3 letter and further House consideration of H.R. 927, the ''Cuban and Democratic Solidarity (LIBERTAD) Act of 1995.''

Pursuant to agreements reached between you and key proponents of this legislation, including the Chairman of the Western Hemisphere Subcommittee, Dan Burton, I would like to assure you that the Committee intends to offer an amendment during floor consideration of this measure which addresses the specific concerns raised by you and your staff with respect to sections 109, 201, and 202 of this legislation. Moreover, I would like to further assure you that we will work with you and Members of your Committee in opposing any proposed modifications or additions relating to these provisions during further House consideration of this legislation.

In addition, I understand that you will request that Ways and Means Members be appointed as conferees on these provisions and any other tax, tariff, or trade policy matters that might be at issue in a conference with the Senate on this legislation.

I should note that these understandings on this legislation do not prejudice in any way this Committee's jurisdiction over international economic policy issues and the Committee's authority to seek conferees on these and any other provisions of the bill that are within the jurisdiction of the Committee on International Relations during my House-Senate conference committee that may be convened on this legislation.

I extend to you my gratitude for your willingness to work with members of this Committee and other interested Members to move this important legislation to the full House without delay.

With best wishes,

Sincerely,

BENJAMIN A. GILMAN,
Chairman.

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

Mr. WYNN. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. JACOBS].

Mr. JACOBS. Mr. Chairman, first I would like it to be understood on the record that there is no Member of this House for whom I have greater affection and respect than the gentleman from Indiana [Mr. BURTON].

One of the reasons I have so much respect for him is his consistency. He has the same trade policy for China as he has for Cuba. Those who differ between the two countries, I could say, puzzle me somewhat.

I want to quote a former U.S. Senator from Indiana, Homer E. Capehart, a member of the party of the gentleman from Indiana [Mr. BURTON], who said back in the late 1950's, ''If you would let me turn loose 10,000 American salesmen in the Soviet Union, I would guarantee that the days of communism would be numbered.''

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

Mr. Chairman, I do not have any further speakers. I would just indicate, therefore, in closing that I believe this is a constructive amendment. It will enable us to move quickly at such time as we see a transition government in Cuba and I believe that will help us move Cuba more quickly to democracy. I thank the gentleman from Indiana for his support with respect to this amendment.

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

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from Maryland [Mr. WYNN].

The amendment, as modified, was agreed to.

The CHAIRMAN. The Chair is advised that amendment No. 3 will not be offered. Is that correct?

Mr. BURTON of Indiana. That is correct, Mr. Chairman.

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 104–253.

AMENDMENT NO. 4 OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. STEARNS: Add at the end of title I the following:

SEC. 112. CONGRESSIONAL NOTIFICATION OF CONTACTS WITH CUBAN GOVERNMENT OFFICIALS.

(a) ADVANCED NOTIFICATION REQUIRED.—No funds made available under any provision of law may be used for the costs and expenses of negotiations, meetings, discussions, or contacts between United States Government officials or representatives and officials or representatives of the Cuban Government relating to normalization of relations between the United States and Cuba unless 15 days in advance the President has notified the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate in accordance with procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

(b) REPORTS.—Within 15 days of any negotiations, meetings, discussions, or contacts between individuals described in subsection (a), with respect to any matter, the President shall submit a report to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate detailing the individuals involved, the matters discussed, and any agreements made, including agreements to conduct future negotiations, meetings, discussions, or contacts.

The CHAIRMAN. Pursuant to the rule, the gentleman from Florida [Mr. STEARNS] and a Member opposed will each be recognized for 10 minutes.

Mr. JOHNSTON of Florida. Mr. Chairman, I am opposed to the amendment.

The CHAIRMAN. The gentleman from Florida [Mr. JOHNSTON] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Florida [Mr. STEARNS].

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

I will be brief. This is an amendment that I had put together as a piece of legislation, H.R. 1909. It was introduced earlier this year and had bipartisan support. We had the support of Chairman BURTON, ranking member TORRICELLI, as well as the Members from the State of Florida.

I intend, Mr. Chairman, to withdraw this amendment, but I wanted to just outline a little bit about the amendment because I think it is important that the House be aware of what this amendment intended to do.

It was also offered on the Senate side. The important part about this amendment is it says basically that when the administration negotiates with the Castro regime, that they cannot do so without notifying Congress first. I think that is important, particularly when we saw what happened in Vietnam.

My amendment would require that the President notify congressional leadership prior to any meeting with the Castro regime, and that a timely report be made to the leadership with the results of any such negotiations.

With the situation as delicate as it is right now, Mr. Chairman, I am a little concerned, particularly talking to people on both sides of the aisle, that this would move the negotiation process into a phase where there might be a lot of confrontation, and that the administration itself might not be amenable to this amendment.

I actually withdraw this amendment, but I would like to make my opening statement part of the RECORD.

Mr. Chairman, my amendment is largely identical to H.R. 1909 which I introduced earlier this year with broad bipartisan support and which includes Chairman BURTON, Ranking Member TORRICELLI, Representative ROS-LEHTINEN, and Representative DIAZ-BALART among its original cosponsors.

It was jointly introduced with an identical bill in the Senate offered by my colleague from Florida, Senator MACK, who was also joined with widespread support in the other Chamber, including Majority Leader DOLE, Foreign Relations Chairman HELMS and Senator LIEBERMAN.

My amendment will require that the President notify congressional leadership prior to any meetings with the Castro regime and that a timely report be made to the leadership with the results of any such negotiations.

The Cuban Liberty and Democratic Solidarity Act is an important piece of legislation. It rightly steps up the pressure on the Castro regime in the hope that Democracy can be restored to the people of Cuba.

But this legislation and its impact could be rendered meaningless if the present administration opens up negotiations which could legitimize the very regime we are trying to remove.

With a situation as delicate as negotiations with one of the last Communist dictatorships left in the world, it is essential that Congress be kept aware of any attempts made by the administration to legitimize the Castro government.

Already members of this administration have shown their willingness to deal with Castro. Chairman BURTON has wisely included language in this bill that emphasizes the true position of our Nation: Not to deal with the Communist dictatorship in Cuba. This Congress must remain vigilant and ensure that this policy is in fact the one being followed.

The normalization of United States relations with the Communist government of Vietnam is just one example of where the current administration has moved too quickly and without open discussions with the Congress prior to its actions. Had there been a provision such as this during the negotiations with Vietnam, at least the Congress would have had the ability to advise the President on how we felt. Instead, the President presented us with a fait accompli. We need to ensure that tomorrow we don't see a headline proclaiming ''Administration Officials Meet With Castro, Congress Caught Totally Unaware.''

Mr. Chairman, while I recognize that it is the prerogative of the President to conduct foreign affairs, it is also the responsibility of the President to keep Congress informed of his actions so that we might respond accordingly. This amendment will insure this just balance of power.

Mr. Chairman, I urge my colleagues to join me in making sure that the United States does not rush into a closer relationship with a Communist dictatorship without the elected Representatives of the people being properly informed. I urge the adoption of this amendment.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

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

There was no objection.

Mr. McCOLLUM. Mr. Chairman, I rise today in strong support of H.R. 927, the Cuban Liberty and Democratic Solidarity Act.

This legislation has been carefully crafted to bring an end to the Castro regime by reaffirming the principles contained in the Cuban Democracy Act passed in 1992. This legislation seeks to close the loopholes in order to more effectively continue our embargo against Cuba.

Another provision in H.R. 927 prepares the United States to support a transition government which eventually will lead to a democratic government in Cuba. We realize that the isolated Government of Castro is on its last leg and this is a positive signal to the Cuban people that the United States will support their efforts toward democratization.

Finally, this legislation takes important steps to protect the property interests of U.S. nationals by making persons who intentionally traffic in stolen property liable for damages in U.S. Courts.

It is anathema to all Americans that in our own backyard we have one of the last Communist countries and one of the last dictators within a half hour plane flight. Today, Cuba is more backward than ever. This authoritarian regime now symbolizes the fact that communism has failed.

Since the collapse of the Soviet Union the $4.5 billion in annual support for Cuba has all but disappeared. No other countries have come to Castro's financial aid. Meanwhile, the United States embargo continues to keep Cuba without sought after American dollars.

Recent reports state that the deteriorating living conditions, the repressive control exercised by the state and economic difficulties led to the mass exodus on the high seas in 1994. These reports also state that the Cuban crisis has deep internal roots affecting not only the economic, political, and social sphere, but all of the island's institutions. This crisis is the direct result of the repressive policy of Castro coupled with the exclusion of differing viewpoints.

Castro has not shown a willingness to make any efforts to liberalize Cuba's political system or economic markets. For this reason stronger actions are needed to deal with his regime as compared to other Communist countries which recently have shown movement toward democratic principles.

In my judgment, H.R. 927 takes the necessary steps to increase pressure on the Castro regime to initiate needed political and economic reforms. By passing this measure we will also send a strong signal to Castro that the United States will stand firm until he is gone and Cuba becomes a democracy.

Mr. GEPHARDT. Mr. Chairman, I rise to express my support for the general thrust of H.R. 927. This legislation sends an important signal to the Castro regime in Cuba that the United States will continue its vigilance in opposing the communist dictatorship there. For this reason, I will support passage of this bill today. At the same time, however, there are a number of provisions in this legislation that I believe could have an unintended negative impact on our efforts to promote a transition to a democratic government in Cuba and impede the conduct of U.S. foreign policy elsewhere.

In particular, I have serious concerns about the bill's attempt to restrict United States assistance to international financial institutions and other nations based on their policies toward Cuba. I believe we have broader interests vis-a-vis these institutions and nations that should not be allowed to be dictated by our policy toward Cuba.

I am also concerned that the constraints imposed by the bill on the types of United States assistance that may be provided to a transitional or democratically elected government in Cuba may in fact hinder our ability to promote the changes we desire there.

In addition, it appears that some of the bill's provisions relating to property claims may have the unintended consequence of tying up considerable amounts of property in litigation for years after a transition to a democratic government has occurred. This could hinder investment by Americans desiring to promote economic development in a post-Castro Cuba.

For these reasons, my vote today in support of H.R. 927 does not indicate an intention to support the conference version of this bill. Rather, I will withhold my decision on support for final passage of this legislation pending action by the conferees to address the deficiencies contained in the House version of the bill.

Mr. COYNE. Mr. Chairman, I rise today in opposition to H.R. 927. I believe that every Member of Congress agrees on our foreign policy goals with regard to Cuba. We all want to encourage democracy and economic growth, protect human rights, and neutralize a potential military threat just miles away from the United States. We legitimately disagree, however, on the most effective means of achieving these goals.

The Cuban people deserve a free, democratic, society that respects human rights and political freedom. Specifically, they deserve to enjoy the fruits of their labors and the right to travel freely across international borders. They deserve the freedom to speak their minds freely, without fear of persecution. And they deserve the fundamental right to organize and to control the actions of their own government through a free, fair, and democratic electoral process. I would suggest, however, that H.R. 927 is not the most effective way to accomplish these goals.

The so-called Cuban Liberty and Democratic Solidarity Act of 1995 is intended to ratchet up the pressure on Cuba by intensifying the economic sanctions and travel restrictions already in place. The theory behind this legislation is that any additional hardship imposed on the Cuban people will be transformed into additional dissatisfaction with the Castro regime and will precipitate an indigenous insurrection against Castro. 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. Moreover, some of the provisions in this legislation would violate GATT and NAFTA. While I am no supporter of NAFTA, I believe that the United States is bound to observe international treaties that have been duly signed and ratified by the U.S. Government. We can not pick and choose as the mood takes us. Violation of our obligations under these treaties could result in sanctions on U.S. trade and the loss of U.S. export-related jobs. This legislation would damage the economic health of the United States without advancing our foreign policy goals. Consequently, I must conclude that H.R. 927 would do more harm than good.

I believe that the most effective tool for fostering democracy, human rights, and economic development in Cuba is exposure to the citizens and cultures of free, democratic societies. Consequently, I am a cosponsor of H.R. 2229, the Free Trade with Cuba Act, which was introduced by my colleague from New York, Representative CHARLES B. RANGEL. This legislation would lift the existing sanctions on trade, travel, and commerce with Cuba. It would only allow the President to impose new export controls on Cuba in accordance with certain sections of the Export Administration Act of 1979, and it would allow the President to apply the authority granted him under the International Emergency Economic Powers Act only in the case of a new national emergency resulting from actions undertaken by the Cuban Government. In short, this bill would normalize United States relations with Cuba.

In closing, let me just point out that we've had sanctions against Cuba for over 30 years. They made some sense during the cold war, when Cuba was allied with a hostile superpower, but they haven't been particularly successful in undermining the Castro government. In the end, an ineffective economic system and political repression will bring down the Castro regime, just as similar institutions precipitated the collapse from within for the other countries of the Soviet bloc. The best ways to speed up that process is through engagement, not through isolation. Therefore, I urge my colleagues to join me in opposing H.R. 927 here today.

Mr. BURR. Mr. Chairman, I rise today in support of H.R. 927, the Cuban Liberty and Democratic Solidarity Act. I am proud to be a cosponsor of this legislation along with a bipartisan group of my colleagues.

We are at an important moment in the struggle for freedom for the Cuban people. It is a well-known fact that the Cuban economy is in complete disarray. In order to prop up his failing regime, Castro has attempted to attract foreign investors to the country so that he may obtain more hard currency for his benefit, I repeat his benefit. Let us not pretend that the people of Cuba will benefit from these investments. Have no doubt, the capital that comes with foreign investment is for the benefit of Castro and his regime, not the people of Cuba.

To those who will say that Castro is liberalizing his political and economic policies, this is simply untrue. There is no indication that elections held in Cuba are anything more than a rubber stamp of his corrupt regime and there simply are not real economic reforms occurring there. Castro will continue to control the Cuban economy and the Cuban people because he and his regime control all of the money received from foreign investments.

To those who argue that we must end the embargo because it has not worked in 35 years, I would tell you that the embargo has worked best in the last few years due to the end of subsidies from the Soviet Union. The embargo is working and should be tightened, as this bill seeks to do, so the end of the Castro regime comes as soon as possible.

Finally, I support the provisions of this bill that provide American citizens a right of action in a U.S. court of law to ensure that property confiscated from them is not sold for the benefit of the Castro regime. The only way to end Castro's dictatorship is to end his access to foreign capital. I support these provisions as well as those that provide for a smooth transition to democracy and I urge all of my colleagues to support this bill with a ''yes'' vote on final passage.

Mr. KENNEDY of Rhode Island. Mr. Chairman, this bill is a clear statement that the American people stand arm in arm with the people of Cuba in their struggle against a repressive dictator, and that we will not back away from being partners in our common fight for freedom.

We won the cold war because we never gave in to communism. By standing firm we brought down the Iron Curtain and saw communism collapse in Europe.

The conditions which existed when President Kennedy implemented our embargo have not changed.

Now is not the time to offer relief to the Castro regime, especially relief at the expense of American citizens who have had their property seized by Castro. Castro wants to use American property to lure foreign investors to Cuba who will provide cover for his dictatorship and cash to his treasury.

This bill prevents the Castro regime and foreign investors from profiting off the confiscated property of Americans. It says, quite simply, theft is wrong.

The Libertad bill allows Americans, whose property Castro has seized, to pursue legal redress if an international corporation or investor purchases that land for profit-making.

This is government-sanctioned theft.

The bill also states that we will not allow those who traffic in this stolen property to enter the United States. Why should we welcome those who profit from property stolen from our citizens, from our constituents, and who are exploiting the hopes, dreams, and labor of the Cuban people?

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

It will legitimize an illegitimate government.

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

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

A vote for this bill is a vote in support of those trying to build democracy in a land that desperately wants freedom.

This bill will help that day of liberty come sooner. This is our duty as Americans.

Mr. NADLER. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Washington. This amendment, which includes the text of my bill, H.R. 1700, would lift the embargo against Cuba on the sale of medicines, medical supplies and equipment, and food. It is an appropriate amendment and would bring to an end a policy that is unworthy of this great Nation.

I realize that most of my colleagues support the embargo against Cuba and support this legislation that will tighten that embargo to new and even more absurd heights. That is not the issue before us in this amendment.

What this amendment asks us is, should the U.S. demonstrate its disapproval of another government by cutting off the sale of food and medicine to civilians, the elderly, the young, and the sick?

Historically, no matter how repugnant we have found the behavior of other governments, the United States has not resorted to this immoral and inhuman form of pressure.

When the Pinochet dictatorship in Chile set off a terrorist bomb on the streets of Washington, killing an American citizen, we didn't punish the Chilean people by embargoing food and medicine.

The Chinese Government brutally oppresses human rights from Beijing to Lhasa and is rewarded by this Congress with most-favored-nation treatment.

Salvadoran Government-run death squads slaughtered tens of thousands of civilians, including four American nuns and the Archbishop of San Salvador, and El Salvador was rewarded with United States aid.

Even when we went to war against Iraq, there was not embargo on food and medicine.

So what has Cuba done that merits this sort of inhuman treatment? Clearly, the Members of this House are so accustomed to voting for sanctions against Cuba that we have lost any sense of proportion.

I certainly understand that most Members of Congress want to seem tough on Cuba. I know that's where the votes are today. But in our zeal to be the big cowboy in the hemisphere, we should not lose sight of fundamental decency. The embargo on food and medicine is wrong; it is immoral, and it brings dishonor to the United States.

I urge the adoption of the amendment.

The CHAIRMAN. The question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. DUNCAN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 927) to seek international sanctions against the Castro government in Cuba, to plan for support of a transition government leading to a democratically elected government in Cuba, and for other purposes, pursuant to House Resolution 225, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment in the nature of a substitute.

The amendment in the nature of a substitute was agreed to.

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The SPEAKER pro tempore (Mr. LAHOOD). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. JOHNSTON of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 294, noes 130, not voting 10, as follows:

[Roll No. 683]

AYES—294

Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bateman
Bentsen
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Borski
Browder
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
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
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Everett
Ewing
Fawell
Fazio
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Meek
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Mineta
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Oxley
Packard
Pallone
Paxon
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—130

Abercrombie
Baesler
Baldacci
Barrett (NE)
Barrett (WI)
Becerra
Beilenson
Bereuter
Berman
Bonior
Boucher
Brewster
Brown (CA)
Bryant (TX)
Clayton
Clement
Clyburn
Collins (IL)
Collins (MI)
Conyers
Coyne
DeFazio
DeLauro
Dellums
Dicks
Dingell
Dixon
Doggett
Dooley
Eshoo
Evans
Farr
Fattah
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Furse
Gejdenson
Gibbons
Gonzalez
Hall (OH)
Hamilton
Harman
Hayes
Hefner
Hilliard
Hinchey
Hostettler
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kennedy (MA)
Kildee
Kleczka
Klink
LaFalce
Lewis (GA)
Lincoln
Lofgren
Lowey
Luther
Maloney
Markey
Martinez
McDermott
McHale
McKinney
Meehan
Mfume
Miller (CA)
Minge
Mink
Moran
Morella
Nadler
Neal
Oberstar

Obey
Olver
Orton
Owens
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Rangel
Reed
Richardson
Rivers
Roemer
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Serrano
Skaggs
Slaughter
Stark
Studds
Stupak
Tanner
Taylor (MS)
Thompson
Thornton
Torres
Towns
Velazquez
Vento
Visclosky
Ward
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—10

Clay
Hastings (FL)
Moakley
Reynolds
Salmon
Scott
Sisisky
Stokes
Tucker
Waters

□ 1238

Mr. OWENS changed his vote from ''aye'' to ''no.''

Mr. COSTELLO, Mr. RAHALL, Mrs. KENNELLY, and Ms. MCCARTHY changed their vote from ''no'' to ''aye.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid upon the table.

PERSONAL EXPLANATION

Mr. HASTINGS of Florida. Mr. Speaker, on rollcall 683, I was unavoidably detained. Had I been present, I would have voted ''aye.''

GENERAL LEAVE

Mr. BURTON of Indiana. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 927, the bill just passed.

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

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 743, THE TEAMWORK FOR EMPLOYEES AND MANAGERS ACT OF 1995

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–256) on the resolution (H. Res. 226) providing for the consideration of the bill (H.R. 743) to amend the National Labor Relations Act to allow labor management cooperative efforts that improve economic competitiveness in the United States to continue to thrive, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1170, THREE-JUDGE COURT FOR CERTAIN INJUNCTIONS

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–257) on the resolution (H. Res. 227) providing for consideration of the bill (H.R. 1170) to provide that cases challenging the constitutionality of measures passed by State referendum be heard by a three-judge court, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1601, INTERNATIONAL SPACE STATION AUTHORIZATION ACT OF 1995

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–258) on the resolution (H. Res. 228) providing for the consideration of the bill (H.R. 1601) to authorize appropriations to the National Aeronautics and Space Administration to develop, assemble, and operate the international space station, which was referred to the House Calendar and ordered to be printed.

APPOINTMENT OF CONFEREES ON H.R. 1530, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996

Mr. SPENCE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1530) to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

MOTION TO INSTRUCT CONFEREES OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DELLUMS moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H.R. 1530 be instructed to insert upon amounts for authorization of appropriations for Operations and Maintenance accounts such that the total amount of such authorizations is not less than the total amount authorized for Operation and Maintenance accounts in section 301 of the House bill.

The SPEAKER pro tempore. The gentleman from California [Mr. DELLUMS] will be recognized for 30 minutes, and the gentleman from South Carolina [Mr. SPENCE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. DELLUMS].

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

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. DELLUMS. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Speaker, the gentleman from California is normally a person who does not flaunt his background and so forth, and speaks about defense from, you know, his philosophical ideas and so forth.

But I just want to say I ran across a Marine yearbook today, and I uncovered in here that the gentleman from California has had a very distinguished career as a Marine, if, indeed, the gentleman from California is exactly the same RONALD V. DELLUMS who is in here was in the Merit Platoon. I just want to say if this is the same gentleman, I hope everybody listens to this gentleman because if there is anything the Marines know about, it is readiness.

So is the gentleman from California the same one I am seeing here?

Mr. DELLUMS. The gentleman is the same gentleman, about 40-some years old, however.

Mrs. SCHROEDER. The Marines would be very pleased that the gentleman has not forgotten his training about readiness. I truly support the gentleman's motion to instruct, and I thank the gentleman.

Mr. DELLUMS. I thank my distinguished colleague.

Mr. Speaker, I thank the gentlewoman for her generous remarks.

Mr. Speaker, I rise to offer a motion to instruct conferees on the bill, H.R. 1530, the national defense authorization bill.

Mr. Speaker, Members of the House, this motion is very simple. It would assert that the House conferees insist on retaining the amounts that we have already voted to provide for the sufficient training and readiness of our Armed Forces personnel.

Let me take a few moments to place this motion in its proper context.

Mr. Speaker, the President requested $91.9 billion for readiness, fiscal year 1996. The House bill contains $94.7 billion for readiness. The Senate bill contains only $91.7 billion.

The conference, overall, will add about $7.1 billion to the President's overall budget request for this fiscal year for defense. In this gentleman's humble opinion, Mr. Speaker, we should not use all of this additional money for what I believe to be unnecessary hardware programs. Instead, we should retain the training and readiness funds the House made available to our men and women in uniform.

The majority members on the Committee on National Security started off the year, Mr. Speaker, with a series of hearings outlining what they considered to be the unfunded readiness needs of the service. Indeed, if you will recall, Mr. Speaker, they claim in the bill, H.R. 7, that came to this floor, voted upon by this body, and elsewhere, that insufficient funds for readiness threaten the imminent return to the hollow forces of the 1970's.

□ 1245

Whether my colleagues agreed or disagreed with that position, that was the