CONGRESSIONAL RECORD—HOUSE

July 25, 2001

[Roll No. 269]

AYES—151

Hill Napolitano Neal
Hinchen Hinojosa Oberstar
Hoeftt Oney
Holt Rosa Owens
Barrett Pallen Pasek
Becerra Patrick Payne
Berkeley Rangel Rivers
Benten Rodriguez Rolio
Boriski Romer Royce
Boswell Rosenthal Royal-Albd
Boyd Rutledge Ruzski
Brady (PA) Santos Rubenstein
Kind (WI) Sanders Sargent
Kucinich Schakowsky Schiffer
LaFalce Schermer Span
Laplatte Sanford Schutt
Layne Sherman Slaughter
Lather Simon Smith (WA)
McCarthey (NY) Simpson Smith (TX)
Maddox Slaughter Slaughter
Mackey Smith (NY) Solis
Mashon Smyth Slaughter
Mcdoniel Solis Slaughter
Moore Solis Smitty
Moran (VA) Solis Slaughter
Moran (VA) Slaughter Solis
Nader Spratt Slaughter

NOT VOTING—7

Conyers Lipinski Spice
Gonzalez Scarborough Snyder
Johnson, R. B. Spence Snyder

1547

Messrs. YOUNG of Alaska, WYNN, RAHALL, GILLIARD, CLYBURN, MOORE, HALL of Ohio and Mrs. CLAYTON changed their vote from “aye” to “no.”

Messrs. BERRY, FORD and BAIRD changed their vote from “no” to “aye.” So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, on rollcall Nos. 268 and 269—Inslee amendment and Hinchey amendment—I was detained in a Senate meeting on Election Reform. Had I been present, I would have voted “yea” on both.

The CHAIRMAN pro tempore (Mr. GUTENKUCHT). Pursuant to clause 6 of rule XVIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the remaining amendment on which the Chair has postponed further proceedings.

AMENDMENT OFFERED BY MR. HINCHY

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. Hincher) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 151, noes 274, not voting 8, as follows:

[Vote list not transcribed]
The amendments numbered 5 and 7, and each specified amendment there- to, each shall be debatable for 20 minutes, equally divided and controlled by the proponent and an opponent except that the chairman and ranking minority member of the Committee on App- propriations, or a designee, each may offer one pro forma amendment for the purpose of further debate on any of those pending amendments.

(5) Debate on the amendment numbered 8, and all amendments thereto, shall be limited to 1 hour, equally di- vided and controlled by the proponent and an opponent.

AMENDMENT OFFERED BY MR. WYNN

Mr. WYNN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WYNN: At the end of the title (insert the following new section:  

Law 105–270.

(4) The amendments numbered 5 and 7, and each specified amendment there- to, each shall be debatable for 20 minutes, equally divided and controlled by the proponent and an opponent except that the chairman and ranking minority member of the Committee on Appropriations, or a designee, each may offer one pro forma amendment for the purpose of further debate on any of those pending amendments.

(5) Debate on the amendment numbered 8, and all amendments thereto, shall be limited to 1 hour, equally divided and controlled by the proponent and an opponent.

AMENDMENT OFFERED BY MR. WYNN

Mr. WYNN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WYNN: At the end of the title (insert the following new section:  

SEC. 7. None of the funds made available in this Act may be used to initiate the proc- ess of contracting out, outsourcing, privatizing, or converting any Federal Gov- ernment services in contravention of Public Law 105–270.

Mr. ISTOOK. Mr. Chairman, I ask unanimous consent that all debate on this amendment be limited to 10 min- utes, equally divided and controlled by the proponent and an opponent.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

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

Mr. Chairman, I rise in support of this amendment to focus on a problem facing our government, and that is un- regulated and uncontrolled out- sourcing, or outsourcing, sometimes called privatization. The amendment specifi- cally says that in contracting out, privatizing or otherwise giving Federal work to the private sector, that we ad- her to existing law, Public Law 105– 270.

This law, known as the FAIR Act, the Federal Activities Inventory Re- form Act of 1998, basically says that whenever there should be an outsourcing, there shall also be a com- petition to determine that the tax- payer gets best value, best value in terms of quality and in terms of cost. Unfortunately, we find Federal agen- cies are not adhering to the FAIR Act; they are outsourcing without this con- trol mechanism, and what we further find is that this outsourcing has not been beneficial to the taxpayer.

Let me give you an example. In the fiscal year 2000 Defense Appropriations bill, my Republica colleagues wrote, "There is no clear evidence that the current privatization effort appears to have created serious oversight prob- lems for DOD, especially in those cases of greater competition. The FAIR Act requires the agencies to abide by our current law, which requires competition.

My point is, there is no evidence that outsourcing is, per se, better than Fed- eral employees. The United States Gov- ernment has a great resource in its Federal employees. We also have a great resource in private sector compa- nies. We ought to have a competition in which Federal employees can com- pete against private companies for those jobs that are considered for being contracted out.

That is what this bill would do. It is quite simple. It would give the tax- payer best value, both in terms of qual- ity and in terms of cost. It merely re- quires that competition be maintained.

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

Mr. WYNN. Mr. Chairman, I rise to oppose the amend- ment offered by the gentleman.
time and also rise in opposition to this Wynn amendment.

Mr. Chairman, the fact of the matter is that the gentleman from Maryland (Mr. WYNN) has been honest about his objections. The gentleman from Maryland (Mr. WYNN) does not like outsourcing. The gentleman from Maryland (Mr. WYNN) wants to try and stop outsourcing as it is occurring across the Federal Government today, and several weeks ago we were in a hearing where we attempted to talk about not only the impact, but also how things are occurring in the marketplace today as a result of the FAIR Act. I oppose this amendment because I believe that we are waiting to find out what the results really are. The hearing that we held offered an opportunity for both sides to provide input. I believe what this will do today is to shortcut a process that had begun several years ago, where we are waiting to find out what the examples are of how well outsourcing can take place, to where not only the effect of saving money, but also utilizing the most cost-effective services, to where we can allow agencies to go and do those things that are their core competency and to engage themselves in the effectiveness for government, is what we are after.

I support the gentleman from Virginia (Mr. TOM DAVIS), I think what the gentleman from Virginia (Chairman DAVIS) is talking about is defeating the Wynn amendment because it is shortcircuiting, short-circuiting, our ability to hear back a report that is due to us, where we can make a decision based on the facts of the case and what we are presently doing.

The CHAIRMAN pro tempore (Mr. SHIMKUS). Each side has 1½ minutes remaining. Because the gentleman from Virginia (Mr. WYNN) is not a member of the committee, the gentleman from Maryland (Mr. WYNN) has the right to close the debate.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield 30 seconds to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I am very much troubled by an article that was written by Steve Kelman, who was President Clinton’s Director of Federal Procurement Policy in the White House. Many may know Steve, Mr. Kelman says, this is not a pretty picture. If this was passed, it could literally grind government to a halt. What TRAC does is enormously expand the scope of the Office of Management and Budget’s Circular A-76, and it will include services that have always been contracted. It partly affects telecommunications services and information technology. It is a troubling procedure that almost exclusively focuses on costs, rather than best value, and demands huge investments of time and resources. I think that is a troubling assessment from somebody who understands the issue.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield 30 seconds to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Chairman, I want my friend from Maryland to know I stand in opposition, but reluctant opposition, because I too see a lot of imperfections with the A-76 study approach. I see a lot of families getting booted in midlife, mid-career, and often the subcontractors come back and re bill their costs. So I see a lot of imperfections with it.

But I do think one of the problems with TRAC and the reason I have not cosponsored it is because, as the gentleman from Virginia (Mr. TOM DAVIS) says, you have engineering, a lot of subcontracting, and routine maintenance and security issues which the Federal Government under this legislation would not be able to farm out, and those are things the Federal Government needs to do.

I stand in opposition, but reluctant opposition, but I wanted my friend from Maryland to know I want to work with him in the future, but it is important to wait for the study.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I also want to pay tribute to my friend from Maryland, who I honor and look forward to working with; but on this issue we have to agree, this amendment is opposed by the ITAA, the American Electronics Association, the Professional Services Council, and, of course, the administration.

What this does is expand what is currently reserved for commercial activities, to Javits-Wagner-O’Day Act, to recompete in many sources cases. This could grind outsourcing to a halt. That is our concern on this, that it is overly broad.

I intend to work with the gentleman over the next year to try to get something workable on this. We have held hearings in our committee on this, but I think this amendment goes too far and it is not in the interests of the American taxpayer. So I have to urge my colleagues to disapprove it.

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

Mr. Chairman, I would like to acknowledge the gentleman is absolutely correct, he has been very generous in attempting to work with us and allowing us to have hearings on this issue.

I want to make a few brief points that I have to emphasize. One, no existing contracts will be affected by this amendment; two, if this work is not currently being done by Federal employees and is in fact being outsourced and competed among private sector companies, the concerns probably do not apply.

Now, what we are saying in this amendment is simply this: follow existing law. Existing law, the FAIR Act, says there shall be competition, private-public competition or private-private competition. If the private sector company can do it better in terms of work and costs, then the private sector would get the contract.

Finally, the suggestion has been made that since we are having a GAO study, we do not need this amendment. I reiterate, this is the law. We ought to follow it. If the GAO study comes back and says we need to change the A-76 process, make it less burdensome, I would be the first one to say that is a good idea and we ought to do that and accommodate the need to streamline the process.

But competition is good for America, whether it is competition between two private sector companies or whether it is competition between hard-working Federal employees with high levels of competence and private sector employees, companies who want to take their jobs. Let the competition begin. I believe this amendment is consistent with that philosophy.

The CHAIRMAN pro tempore. The question is the amendment offered by the gentleman from Maryland (Mr. WYNN).

The amendment was rejected.

Mrs. MORELLA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I move to strike the last word and to lend my support to the Treasury-Postal appropriations bill before us that we are now debating and discussing. Although I unfortunately was not able to be on the floor during general debate, I really want to state my position for this bill and focus on an important provision that was included by the committee.

First, I am very pleased that the parity language for Federal employees and the contraceptive coverage for Federal employees were included during committee markup of this bill. These are necessary changes. I applaud the committee.

Secondly, I want to thank the chairman for including a 1-year extension allowing agencies to help low-income employees pay for child care. Many Federal employees are caught in a serious child care crunch. A recent study showed that one-quarter of all Federal workers had children under the age of 6 needing care at some time during the workday.

In some Federal child care facilities, employees are charged up to $10,000 or more per child per year. Many Federal employees simply cannot afford quality child care. So giving agencies the flexibility to help their workers meet...
Mr. Rothman, I ask unanimous consent that the gentleman from New Jersey (Mr. ROTHMAN) seek the time in opposition from New Jersey (Mr. SMITH)?

Mr. SMITH of New Jersey. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. Smith of New Jersey:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. ... None of the funds made available in this Act may be used to administer or enforce part 515 of title 31, Code of Federal Regulations (the Cuban Assets Control Regulations) with respect to any travel or travel-related transaction, after the President has certified to Congress that the Cuban Government has released all political prisoners and has returned to the jurisdiction of the United States Government all persons residing in Cuba who are sought by the United States Government for the crimes of air piracy, narcotics trafficking, or murder.

The CHAIRMAN pro tempore (Mr. SHIMKUS). Pursuant to the order of the House of today, the gentleman from New Jersey (Mr. SMITH) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH). Mr. SMITH of New Jersey. Mr. Chairman, might I inquire whether or not the gentleman from Arizona (Mr. FLAKE) will offer his amendment now, and then the time will be equally divided?

The CHAIRMAN pro tempore. Does the gentleman from Arizona (Mr. FLAKE) wish to offer his amendment at this time?

Mr. FLAKE. No, Mr. Chairman.

The CHAIRMAN pro tempore. Does the gentleman from New Jersey (Mr. ROTHMAN) seek the time in opposition to the amendment of the gentleman from New Jersey (Mr. SMITH)?

Mr. ROTHMAN. No, Mr. Chairman. I am sharing time with the gentleman from New Jersey (Mr. SMITH).

The CHAIRMAN pro tempore. Is there a Member seeking time in opposition?

Mr. FLAKE. Mr. Chairman, I seek the time in opposition.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from New Jersey (Mr. SMITH) for 10 minutes.

Mr. SMITH of New Jersey. Mr. Chairman, I ask unanimous consent that the gentleman from New Jersey (Mr. ROTHMAN), my good friend and colleague and coauthor of this amendment, be allowed to conclude?

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

There was no objection.

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself 2 minutes and 15 seconds for the purpose of explaining it.

Among the largest new sources of revenue we could possibly provide the Castro regime at this point would be large scale United States tourism. So I and the gentleman from New Jersey (Mr. ROTHMAN) are offering this human rights amendment in the hope that any lifting of remaining travel restrictions to Cuba will be done carefully and thoughtfully with some regard to the consequences.

Mr. Chairman, it is important to be honest about what we are talking about when we talk about tourism to Cuba. The dictator ship gets rich—filthy rich—let us make no mistake about that, and will go on its merry way in arresting, badgering, and torturing political dissidents.

Let me just point out, Mr. Chairman, that Human Rights Watch, in its report, and I urge Members to read it, makes the point that conditions in Cuba's prisons are inhuman. In recent years, Cuba has added new repressive laws.

Torture is commonplace in Cuba, and ugly beyond words. There is no freedom of speech or assembly in Cuba. The people of Cuba have no right to emigrate. And dissent continues to be suppressed with unspeakable cruelty. In light of this we should lift the travel ban. And to make matters worse, there is another outrageous lucrative form of travel to Cuba, called sex tourism. Cuba is on the short list of destinations for middle-aged men looking for expensive commercial sex, including sexual exploitation by children, which is actively condoned by the government. We should have no part whatsoever in facilitating this kind of exploitation.

I want to make very clear, Mr. Chairman, that under current U.S. policy visa-a-vis Cuba much travel is permitted. As a result of Clinton’s soft and feckless policy toward Cuba, Americans can and do travel to Cuba for certain purposes: journalism, educational purposes, humanitarian missions, government business, sick family members, and the list goes on. The amendment I propose today focuses on the tourist industry and whether or not reasonable, modest conditions should be imposed before we lift that particular travel ban.

Our amendment has two conditions: the Cuban government should return 300–400 political prisoners and grotesquely tortured and abused. Before we head to Havana with bathing suits in our bags and fun and diversion on our minds, let’s not forget the persecuted and the oppressed.

Let us not abandon, undermine or betray some of the most courageous dissidents on the face of the earth.

We should lift the travel ban, if and only if all political prisoners are released. We should lift the travel ban, only when all cop killers and felons convicted in the U.S. are back in U.S. prisons.

Vote “no” on Flake and “yes” on Smith-Rothman.

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

Amendment offered by Mr. Flake as a substitute for Amendment No. 5 offered by Mr. Smith of New Jersey:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 641. (a) None of the funds made available in this Act may be used to administer or enforce part 515 of title 31, Code of Federal Regulations (the Cuban Assets Control Regulations) with respect to any travel or travel-related transaction.

(b) The limitation established in subsection (a) shall not apply to transactions in relation to any business travel covered by section 515.560(g) of such part 515.

Mr. FLAKE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and the gentleman from New Jersey (Mr. SMITH) each will control 10 additional minutes.

Mr. SMITH of New Jersey. Mr. Chairman, I ask unanimous consent to divide time with the gentleman from New Jersey (Mr. ROTHMAN).

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Jersey?
There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Arizona (Mr. FLAKE).

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

I rise in support of this substitute in the form of an amendment. As we grew up in school, we were told that the difference between us and other nations is that we would allow our citizens to travel anywhere they want to. We could travel the world, see other cultures, visit other countries, without fear that we would find something better. Here, we are being told that that is not right.

I as a government official can travel to Cuba, but if someone in my family or some of my friends at home or others want to travel to Cuba, they have to seek a license. Now, that is wrong.

This amendment simply states that we ought to allow everybody the same privilege that we have as government officials. They ought to be able to travel to Cuba. We allow individuals to travel to North Korea. There are terrible human rights abuses going on there. We allow individuals to go to Sudan. There is human slavery going on in Sudan, probably discovered by people going there on visits. We allow people to go to Iran. Iran considers us the "Great Satan" and has been implicated in State-sponsored terrorism. But somehow, we still do not allow our citizens to go to Cuba. That is simply wrong.

Now, Fidel Castro, let us stipulate from the very beginning, is a tyrant, and we ought to stipulate that from the beginning and decide how best can we bring change to that island. The best way, I believe, is through engagement, not isolation.

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

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

First let me thank the gentleman from New Jersey (Mr. SMITH), my distinguished friend, who is really a national leader around the world for human rights, and it is a privilege to be a coauthor of this amendment with him.

In 1973, Mr. Chairman, New Jersey State Trooper Werner Foerster was shot in the back of the head on a New Jersey highway. A New Jersey jury, after its deliberations, convicted Joanne Chesimard of first degree murder and sentenced her to life in prison for the death of New Jersey State Trooper Werner Foerster. She escaped prison and went to Cuba where she now resides and lives freely. She is one of over 77 convicted felons living in freedom in Cuba. We cannot get her back. Why not? Castro will not send back those Americans convicted of crimes in America, including murder and air piracy; he will not permit them to come back.

Now, some of my colleagues, good and decent people all, wish and believe forthrightly that travel restrictions should be allowed on Cuba. They say it hurts Americans.

Well, we have sanctions on all kinds of countries. We had it on Libya, we just voted on that yesterday; Libya and Iran, and other countries who do terrible things to our people. Cuba is doing the same. Think of the widow and the orphaned son of Trooper Foerster and those families of the other victims of the 77 felons still in Cuba. How would we answer them when our colleagues say, well, let us release and do away with all restrictions on travel to Cuba. They have no good answer. Castro must release those individuals and then we can have free trade with Cuba. We already have some trade with Cuba. I support this amendment because it would help keep those and other fugitives wanted for murder, for kidnapping, for armed robbery, among other terrible crimes.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Florida (Ms. ROS-LEHTINEN), the chairwoman of the Subcommittee on International Human Rights.

Ms. ROS-LEHTINEN. Mr. Chairman, I rise in strong opposition to the Flake amendment because it would prolong the suffering and the oppression of the Cuban people under the totalitarian Castro regime, and I support the Smith amendment, because it would deny the Cuban dictatorship additional funds to host killers of U.S. police officers, cop killers such as Joanne Chesimard, who gunned down, in cold blood, New Jersey State Trooper Werner Foerster, or those who murdered New Mexico State trooper, James Harper.

The Flake amendment, however, would help keep those and other fugitives of U.S. justice in the lap of luxury, fugitives wanted for murder, for kidnapping, for armed robbery, among other terrible crimes.

The Fraternal Order of Police has said this about attempts such as the Flake amendment: "The American people and the Fraternal Order of Police do not feel that we must compromise our system of justice and the fabric of our society to foreign dictators like Fidel Castro."

I oppose the Flake amendment because I oppose the Smith amendment because it would provide that Communist regime with much-needed hard currency to extend its reign of terror.

This amendment would help propagate a system of slave labor, where 95 percent of workers' wages are retained by the dictatorship, where the workers have no individual or collective rights as they must remain subservient to the Communist party and the upper cadres of the tyrannical regime.

The Flake amendment would help promote a tourist industry built on prostitution, particularly teenaged prostitution, and the exploitation of women. In fact, Cuba's tyrant Fidel Castro has boasted to his national assembly that highly educated jineteras, who are prostitutes, have low rates of AIDS, and, therefore, there is no tourism healthier than Cuba's. This approach, I oppose.

I rise in support of the Smith amendment because he does not ignore political prisoners, such as Dr. Oscar Elias...
Mr. OTTER. Mr. Chairman, I rise in strong support of the Flake amendment. Many years ago, Hans J. Morgenthau once said that when food does not cross borders, troops will. What he meant by that is the basic of all relationships is really trade and commerce.

I sincerely believe that not only what Hans J. Morgenthau said, but also what one of my predecessors, Congressman Steve Symms, said when the Carter administration first shut down free and available travel between the United States and Cuba.

He said, if we truly want to change Cuba, if we truly want there to be a revolution, what we should do is load up a B–52 bomber and fly over the Cuban island and open those bomb doors and allow millions of Sears Roeuck catalogs to fall on Cuba. And when those Cubans opened those catalogues and see what they do not have, Mr. Chairman, they will cause their own revolution.

Mr. Chairman, let us open the doors and let the light shine in. Instead of taking our word for it, the American people can go find out for themselves.

Mr. ROTHMAN. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I ask my colleagues who will support the Flake amendment, how do my colleagues just vote on the Iran-Libya Sanctions Act? Did they say, we do not need sanctions? No, they said, in some circumstances, sanctions are appropriate.

In this case, we need sanctions to make sure that Castro returns the killer convicted by an American jury, sentenced to life for the bullet in the back of the head of a New Jersey State trooper, and the 76 other convicted felons he is harboring in Cuba living free.

Mr. FLAKE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. Berman).

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

Mr. Chairman, I would say to my friend, the gentleman from New Jersey, he keeps confusing sanctions with travel bans.

The gentleman has supported, this body has supported, a law which has been in effect now for 7 years which says, if we impose sanctions, we can no longer restrict the right of Americans to travel. Iran sanctions, yes. Banning Americans from going to Iran, no. That is existing Federal law.

I hear and I understand the evils of the Castro regime and the stories. Are they worse than any of the stories of the current Chinese Communist China during the cultural revolution, or North Korea, or any other place where Americans have an unimpeded right, and always did, to travel? Why? Because it is in America's foreign policy interest to establish contact with the people of those countries. People-to-people diplomacy is the most effective diplomacy.

Why is Castro still in and the Soviet Union collapsed? What a great policy we have. He is the longest-standing leader in the world. Boy, has American policy worked.

By the way, to my friends on the other side of the aisle, people who make compelling arguments frequently about the absurdity of some government regulation, the notion that a Federal agency, the Office of Foreign Assets Control, decides who can go and who cannot go, whether we like the purpose of the trip or whether we do not.

Micromanaging the details of the individual American's right to go to a place and establish those contacts I suggest to Members is totally inconsistent and an anathema to the entire philosophy of the GOP party. This is the most absurd kind of regulation, that seeks to determine which relatives have positive purposes, which people have negative purposes.

It does not work. Government cannot handle that. This is a relic of another time. Make this Cuba situation the same as Iran, Russia, all the other authoritarian regimes where Americans are permitted to exercise their constitutional right to travel. Vote for the substitute and against the underlying amendment.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Staten Island, New York (Mr. Fossella).

Mr. Fossella. Mr. Chairman, I thank the gentleman from New Jersey for yielding time to me.

I just want to talk about three people. Their names are Rocco Laurie, Werner Foerster, and Joanne Chesimard.

Rocco Laurie was born in Staten Island. He joined the police department in the late 1960s and then enlisted in the Marine Corps and went to Vietnam. He came back to rejoin the police department.

He was married in May of 1970; and, in 1972, he and his partner were on a foot patrol in the lower East Side of Manhattan. His partner was shot eight times in the back and was killed instantly. Rocco Laurie was shot seven times, but he lived.

Werner Foerster was a State trooper who was shot twice in the chest and then, execution style, twice in the head by Joanne Chesimard. Joanne Chesimard was convicted and then fled the United States and lives, I guess, as a hero in Cuba.

Recently, a couple of months ago, her companion so many years ago was arrested. He has now brought forward charges and reports that Joanne Chesimard was involved in planning the assassination and killing of police officers and the opportunity for that person, who was gunned down more than 30 years ago.

Is it too much to ask that we declare and demand of Fidel Castro that he send someone like Joanne Chesimard back to the United States before we pay him these courtesies? Do we not owe it to the honor of their families, their legacies, their wives, their police department, the communities from which they came? Is that too much to ask?

I think that is the purpose here. Send those cop killers back, people who robbed innocent people of their lives, so that then we can go about our travel. That is fair and reasonable.

Mr. FLAKE. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas (Mr. Moran).

Mr. Moran of Kansas. Mr. Chairman, I thank the gentleman for yielding time to me.

I am somewhat surprised by my presence today on the House floor. It was a year ago this month in which we addressed the issue of Cuba and the opportunity to sell agricultural commodities, food, and medicine to that country. By an overwhelming vote of both parties in this House, this amendment was passed. Ultimately, through a long process, that amendment is being implemented, and rules and regulations have been announced by the Department of Treasury for us to comment on, and the opportunity, at least in theory, is now taking place.

In that same time frame, an amendment was offered to do what the gentleman from Arizona attempts to accomplish today, and by a vote of 232 to 186 we all agreed that travel to Cuba should be allowed. Yet that part of the day's activities a year ago remains to be implemented.

So I rise today to support the gentleman from Arizona in his effort to open the opportunity.

My interest in this topic began really in a selfish way, in trying to find a way to create additional markets for the farmers of my State, a place to export their agriculture commodities. But as I addressed and concerned myself with this issue, it became clear to me that this is something more than just about the self-interest of trade and exports of agriculture commodities to Cuba. It is about Cuban people. It is about freedom, it is about democracy. This is about the opportunity of changing a way of life.

In Kansas, we will try something once. If it fails, we very well may try it.
again, but if it fails a second time, we are going to be a little more skeptical. Maybe by the third time after failure we will dare to try something new.

For 42 years we have tried to change the government of Cuba, and we have failed. It is time for us to try something different that actually may work. It is time for a change. So Kansans with their common sense would say, okay, we tried, it does not work. Is there not something else we can do? All of us want to change. Everyone that I have heard speak today wants to change the behavior of the government in Cuba. The question is, how do we do it? What we have done does not work. I rise in support of the substitute offered by the gentleman from Arizona.

Secretary of State Colin Powell said that we will participate in activities with Cuba that benefit the people. I have now met with the dissidents of Cuba who say that this is the right policy and that we can change the behavior of the country for the benefit of the Cuban people. I ask that we try something else.

Mr. ROTHMAN. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. WEXLER).

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

Mr. Chairman, I rise in support of the Smith-Rothman amendment and in opposition to the Flake amendment. People of good will can have different opinions regarding the efficacy of easing restrictions, travel restrictions on Cuba. But certain facts are undeniable and are unabatable:

First, Cuban citizens enjoy no rights of free speech.

Second, there have been and is no prospect of there being any democratic free elections in Cuba;

Third, as has already pointed out, Cuba holds hundreds of political prisoners who are only guilty of being people of conscience.

And, fourth, Castro continues to disrespect in its entirety any basic level of human rights for his own people.

Then, on the other hand, the gentleman from Arizona (Mr. FLAKE) argues that, although that may be true, the way to change that is for more Americans to go to Cuba and allow more cash into Cuba. I only wish that were true. If it were true, it already would have occurred, because Europeans and South Americans and people all over the world have been travelling to Cuba for years.

Mr. FLAKE. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. RANGEL).

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

I rise in support of his amendment.

Mr. Chairman, it is not difficult to support the positions that are taken by both sides here, those who have convicted murderers in Cuba and would want to see that they meet justice here in the United States.

For those, it would seem to me that the best way to do it is the way we do it with other countries, and that is to have extradition treaties. We cannot have that unless we are trying to have some relationship, unless we are trying to talk to people.

What you are doing here really is not beating up on Fidel Castro. He could care less what we are talking about here today. * * * You are saying that we do not trust Americans.

Mr. SMITH of New Jersey. My amendment is not disgracing anybody. I deeply resent it.

Mr. RANGEL. I think the gentleman is out of order.

Mr. SMITH of New Jersey. The gentleman’s disrespect is out of order.

Mr. RANGEL. I am telling you this, that Americans—

Mr. SMITH of New Jersey, I ask that words be taken down.

The CHAIRMAN. The gentleman will suspend.

Would the gentleman from New Jersey again state his request of the Chair?

Mr. SMITH of New Jersey. I would ask that the words that we were disagreeing the American people with this amendment be taken down.

First, I would ask that those words be read back.

The CHAIRMAN. Members will be seated.

The gentleman from New York (Mr. RANGEL) will be seated.

The Clerk will report the words.

Mr. ROTHMAN. Mr. Chairman, I ask unanimous consent that my words be withdrawn.

The CHAIRMAN. There was no objection.

Mr. RANGEL. Mr. Chairman, I ask unanimous consent that my words be withdrawn.

Mr. SMITH of New York (Mr. RANGEL) has 45 seconds remaining of the time that was yielded to him by the gentleman from Arizona (Mr. FLAKE).

Mr. RANGEL. Mr. Chairman, I would like to make it abundantly clear to the gentleman from New Jersey (Mr. SMITH) that the concept that I think is disgraceful has nothing to do with individuals but has something to do with the American people having the right, in my opinion, to visit any country that they would want to visit.

I really believe that it is very bad policy for Americans, who are able to go to China, able to go to North Korea, able to go into Moscow, to be able to say that we are this fearful that we will be overwhelmed by the people, the good people in Cuba, or by Fidel Castro or by the military. So it seems to me that it is really offensive to the American people for someone to say that they have such little confidence in their willpower to succumb to communism in Cuba when we are strong enough, we are the strongest Nation in the world, to say that flag that flies so hard is our flag.

Mr. ROTHMAN. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in opposition to the amendment that my friend, the gentleman from Arizona (Mr. FLAKE), has presented, and certainly in support of the amendment offered by the gentleman from New Jersey (Mr. ROTHMAN) and the gentleman from New Jersey (Mr. SMITH) before the body today.

Cuba is different. Cuba is 90 miles away. It is in this hemisphere. The Secretary of State of the United States says Cuba is different. Cuba has presented, and certainly in support of the amendment offered by the gentleman from New Jersey (Mr. ROTHMAN) and the gentleman from New Jersey (Mr. SMITH) have put forth in this amendment. This is a sanction. Clearly, it is a travel sanction; but it is a sanction on a country that is the only dictatorship in our hemisphere.

Mr. Chairman, 77 convicted U.S. felons are in Cuba, people who have killed police officers are in Cuba, people on the FBI’s 10 most wanted list are in Cuba. We need to have respect for our rule of law before we move forward with this kind of change in policy.

Mr. FLAKE. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in strong support of his amendment.

Mr. Chairman, Cuba is a country roughly the size of Pennsylvania with a population that is only double the size of Indiana, about 12 million people. Yet with our failed policy of the last 40 years, we have elevated Castro and Cuba to China or Russia proportion. With our foreign policy, we trade with Russia. We trade with Cuba. We let our people travel to Russia. We trade with China. We let our people travel to China. And we should be doing the same with respect to our foreign policy and Cuba.

There are three good reasons to vote for this amendment. First, it is for the benefit of the Cuban people. I ask that we try some-
travel with the Constitution and take it to Cuba and show our freedoms and our liberties and other respect for human rights.

Secondly, having just been down to Cuba 2 months ago, having met with representatives of the Catholic Church, dissidents, human rights' leaders, people that have been in prison, what do they think about the travel embargo? They are for it. Now, we can talk all around this issue in this great Chamber, but what about the people that are most affected by this policy? They want us to lift the travel embargo, the people that are dissidents and human rights' leaders and leaders of the church in Cuba.

Thirdly, Castro. Castro uses this trade and travel embargo to blame us for his problems. Let us open up the system to American ideas of human rights, free markets, capitalism, respect for one another and for the right to vote. Let us try and change after 40 years of failure. Let us vote for the Flake amendment.

Mr. ROTHMAN. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Chairman, this is an isue that, from my district at least, is a local issue. I represent a district that is 90 miles from the shores of Cuba and people visit under the existing process right now.

But one of the things that has been talked about, as recently as my last colleague who spoke, many of my colleagues have visited Cuba and they have met with dissidents and they have stayed in hotels. One of the things they are probably not aware of is that no Cuban American is allowed to eat at an enter a hotel in Cuba. They might have eaten with one of the so-called dissidents, but it was illegal under Cuba law, and the only reason why they could is because they are a Member of Congress.

Cuba is treated differently. But there is no other name on the list that people have offered that is 90 miles from our shore, but also has a unique system that Cuba has.

People have talked about Castro being in power for a long time. In many ways this dictatorship has been the most controlling in the world. If we look at the process of tourism and what keeps the Castro dictatorship in power, at least, in American tourism is the vanguard of this invasion. I know and I am confident that the result will be victory for the Americans and for the Cubans.

Mr. SMITH of New Jersey, Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. DÍAZ-BALART).

Mr. DÍAZ-BALART. Mr. Chairman, I was having a conversation with a colleague last night about this issue. He said a Cuban American Cub and lobbied against the embargo. I tried to point out that if the totalitarian regime in Cuba allows one to come to the United States to lobby against sanctions against the dictatorship, it is with precise permission. If, however, one is truly seeking democracy, they are thrown in a dungeon or thrown out of the country or executed.

So what the Smith-Rothman amendment is saying is before the $5 billion a year break the Miami Herald is sent to the dictatorship, let the representatives of the Cuban people, the leaders of the political parties, let them out of prison, and the cop killers and other fugitives from American justice including Joanne Chesimard and the other ones that the gentleman from New York (Mr. FOSSELLA) so eloquently was talking about, send them back and do not have them living in protected luxury by the totalitarian regime 90 miles away. That is all the Smith-Rothman amendment is saying.

It is not a question of insulting anyone's intelligence. It is a question of saying the people who represent the Cuban people, who are in prison today who are not free, and those who kill American cops and sell drugs and are terrorists have a need to be in prison in the United States.

Mr. THOMPSON of California. Mr. Chairman, I yield 3 1/2 minutes to the gentleman from New Jersey (Mr. MENENDEZ), the distinguished ranking member of the Subcommittee on the Western Hemisphere.

Mr. MENENDEZ. Mr. Chairman, I have heard the voices of those who want to do business with the Cuban people, and I have heard the voices of those who want to do business in Cuba at any price, regardless what that price is. Americans love to travel, but they love democracy and human rights, and they love that more than anything else because they enjoy it more than any other country in the world.

The belief that Americans can change Castro through tourism flies in the face of millions of visitors from Canada, Mexico, Spain, Europe, Latin America and other parts of the world who over the last decade have visited Cuba and have not had one iota of change towards democracy and human rights.

We are a great people, but to believe that we uniquely possess the one key that can unlock, the changing of the mind of Fidel Castro, is to be incredulous.

If this amendment would do if adopted, it would take a law and let it lawlessly be violated because we would have no enforcement funds to prosecute that law. If you do not believe
that the law is legit, change the law. But do not act lawlessly by saying we will not enforce a law that exists on the books.

Mr. Chairman, it will open the floodgate of dollars to Fidel Castro’s Cuba. If the American people knew that 60 percent of Cuba’s GDP goes to a tourism industry that is a state-run operation, a tourism industry by which Fidel Castro owns 50 percent of all of the foreign hotels and all of the Dollar Stores, which are inflated, to gouge tourists who go, they would say no. I will not visit there.

If, in fact, they knew that tourism does not go on behalf of the Cuban people but goes on behalf of the state, they would not go there. If they knew when they visit those hotels and tourist spots that the workers there cannot be fired, as in the case of the company, but is hired by the state employment agency sent there for which the state employment agency is paid in dollars, and Cubans are paid in worthless pesos, which is the equivalent of slave labor, to think of many of my colleagues who believe in the trade labor movement and labor rights, they must vote for the Smith amendment and against the Flake amendment.

For those who believe that, in fact, opening up the flood gates, as is suggested, and I do have great faith in Americans, but what happens when they go to Cuba, suggestions that tourism will facilitate visitation and engagement with human rights activists, political dissidents and independent journalists should be dispelled by the fact that Cuban law makes it a crime against the state to engage human rights activists and political dissidents. And believe me, that law is enforced.

Ask the two Czech citizens, one a parliamentarian and the other a journalist, who traveled to Cuba as tourists and were engaged with human rights activists, and were imprisoned.

Mr. Chairman, sunning one’s self on the sand and surf on Varadero Beach, taking in a show at the Tropicana, smoking a Cohiba and sipping a Cuba Libre may indulge the fantasies of some, but it will not bring democracy to the Cuban people, it will not bring freedom to the Cuban people, and it will not bring respect for the human rights for those people in Cuba.

Mr. FLAKE, Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I thank the gentleman from Arizona for his amendment. It is the right thing to do.

Mr. Chairman, I have not heard anybody on this floor suggest, as my friend from New Jersey stated, that we think Fidel Castro is a great guy. I do not know where that came from. Nobody has suggested that. I do not think anybody comes close to believing that. We know he is a dictator. There is no question about that.

But we want the idea of American freedom to find its fruition in Cuba as well as America. This travel restriction is un-American. Americans should be able to travel anywhere they want. And as they travel, they communicate with the citizens of other countries. When the Cuban people see the way we live, because of what we believe in, that is going to topple the dictatorship.

Forty years. How long does it take to realize that a policy is not working? Our current Cuba policy has not worked. Let us build upon the freedoms that every American citizen represents when they travel someplace else.

Let me suggest to my colleagues that the historical context should be considered here as well. If it had not been for the fact that the former regime had treated the Cuban people, the Communist Revolution could not have succeeded. The Batista government treated many of the Cuban people miserably, particularly its darkest-skinned citizens. That history has a lot to do with why Fidel Castro is still in power today.

Now it is time to try a different approach. Now it is time to let, yes, our students; imagine what would happen if they went to Cuba on a spring break. Fidel Castro would have nightmares over that threat.

But when Cubans see the way we live here, that is what is going to bring freedom to Cuba, and that is what is going to enable us to have a real neighbor that we can work with.

Mr. Chairman, 40 years is too long. It is time to realize that the policy we are using today is not working. Let us try a new one. Let us pass this amendment.

Mr. ROTHMAN. Mr. Chairman, I yield 1 1/4 minutes to myself.

Mr. Chairman, there are several points I would like to make. Number one, there has been some statement that restriction on travel to Cuba would be unconstitutional. That is incorrect.

The United States Supreme Court has twice ruled that travel restrictions on Cuba, on Americans traveling to Cuba, is constitutional. Zemel v. Rusk in 1965, Regan v. Wald in 1984.

Forget the Constitution, we just expect the Cubans to change. Forget it, Cuba is a terrorist state. Cuba is a criminal state. Cuba is a regime that has not seen justice meted out to its people. Cuba is a regime that has not seen a democracy. Cuba’s regime is a regime that has seen no end to the suffering of the Cuban people.

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change all that. All joint ventures in Cuba remain under Castro’s thumb. Those businesses cannot even hire a Cuban worker without Castro’s blessing. All the property in Cuba belongs to Castro. All the income that comes from these Americans will go to Castro.

We are also told that if we support trade in China, we ought to support it in Cuba as well. But China and Cuba, I think, is a poor comparison. In China, the government is allowing the rudiments of a market economy to form. Trade with China does benefit average people. Cuba is a monolithic island under the heel of Castro’s regime. Under this dictatorship, the only entrepreneur is Castro. Castro’s thugs cannot meet the basic needs of their people. This tyrant is teetering on the brink of a collapse. Why in the world would we reach out now to draw his evil, abusive regime back to safety? Let it fall. Let it fall and liberate the Cuban people.

Mr. SMITH. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona (Mr. FLAKE) as a substitute for the amendment offered by the gentleman from New Jersey (Mr. SMITH).

The question was taken; and the Chairman announced that the noes appeared to have it.

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

Mr. RANGEL. Mr. Chairman, I yield myself such time as I may consume. (Mr. RANGEL asked and was given permission to revise and extend his remarks.)

Mr. RANGEL. Mr. Chairman, in the shadows of this great Republic of the United States is a small island 90 miles off our shores called Cuba. The most powerful Nation in the world somehow just fritters when we consider talking to the Cuban people, trading with the Cuban people or visiting in Cuba. The sanctions that we have had against this small nation that have been locked into place for over 40 years just have not worked. They never do. Unilateral sanctions never do work. It is so arrogant that not only do we have these sanctions against the Cuban people and their government but we are arrogantly in the United States that have against our friends and our allies that want to do business with the people in Cuba.

It falls beneath the dignity of a great country to try to bring down a government in any country by using food and medicine and economic exchange as a weapon in order to do that. There is no way that we are going to convince the American people that Fidel Castro is more of a tyrant, more of a dictator, more oppressive than people in other parts of the world which we are doing business with.

In this very body, I could hear the opposition saying, ‘‘The only way to bring down communism in China is to engage these people in economic activity. The only way that we can bring about democracy is by using the tools of trade and cultural exchange.’’

We are saying the same thing about Vietnam, and a bill will be up before we go on recess. A country that is responsible for the taking of so many American lives. Again in North Korea, they are responsible for the loss of so many American lives. Again in China, responsible for the loss of so many American lives. We have never even had anyone mugged in Cuba. Yet we are saying that we have a higher standard in terms of ignoring the country and providing sanctions against us.

But there is something else, too. Trade is a two-way street. We now have farms in the United States that have had markets closed to us. It just seems to me that if China has to go all over the world to get its dairy products, its meat, its rice and its chickens, then why should the United States of America markets be closed? Why should Cuban Americans not be able to do business with Cubans? Why do we put these handcuffs on ourselves when we truly believe that trade and opening up new economic opportunities is really the key to democracy?

So it just seems to me that, once again, we have an opportunity by taking away the funds that really operate this bureaucracy and to say that we respect the American people, we respect their economic judgment, and we respect the right of Americans to travel anywhere that Americans want to travel, that we are a strong people, we have a rich history and we do not allow Communists to frighten us here in the United States, in Havana, in Moscow or Havana.

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

Mr. DIAZ-BALART. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN), the distinguished chairman of the Subcommittee on Human Rights.

Ms. ROS-LEHTINEN. Mr. Chairman, I rise today in strong opposition to the Rangel amendment because Cuba’s terrible record of human rights violations was not exported there. The degrading treatment that every Castro regime inflicts on its own citizens is not the end result of the U.S. embargo on Cuba. The embargo is not responsible for the gulags for prisoners of conscience. The embargo does not forbid independent labor unions from existing. The U.S. embargo is not responsible for the systematic persecution and mistreatment of religious organizations, nonviolent opposition movements and human rights dissidents.

The U.S. embargo is not what drives a police officer to beat unconscious a political prisoner while she is on a hunger strike. The U.S. embargo does not mandate the summary execution of independent journalists and conscientious objectors. It is the totalitarian regime and its tyrannical leader who are the sole creators of a state that has perpetrated the most deplorable violations of fundamental human rights and freedoms against its own people throughout the last 42 years.

How does this Congress tell Viadmiro Roca, who is going on his 1,471st day in prison, the last 1,343 of those days have been spent in solitary confinement, that the very embargo he praised in a pamphlet entitled, The Homeland Belongs to Us All, an action which led to his imprisonment, will be weakened by those who choose to justify the inhumane behavior that Castro renders on his people?

They demand the innate human rights that every individual should never be denied. Castro has repeatedly stated that he will not change. He has underscored his position over and over again of socialism or death. The regime continues to exert absolute control over all investments and business endeavors, requiring that all payments be channeled through the dictatorship’s agencies. Its disregard for property rights of any kind has resulted in the regime falling into disfavor with even its most loyal trading partners, such as Canadian, Mexican and European investors whose machinery and payments have been stolen by the regime.
I urge my colleagues to strongly vote "no" on this amendment that goes against our American principles of freedom and human rights.

Mr. RANGEL. Mr. Chairman, I yield 1 minute to the gentleman from Maryland (Mr. WYNN).

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

Mr. Chairman, I rise in support of the gentleman’s amendment that we normalize our relationship with that tiny island 90 miles off our coast. I do not think any of us are here today to condemn Castro’s actions. That is not the point. The point is that we need a rational foreign policy toward Cuba that is not based on emotion.

Yes, we want cop killers back in the United States. No, we do not condone gulags. But there are gulags in Cuba. There are gulags in China. There are gulags in Korea. That is not the point. We need a rational policy.

Second, the policy we have is not rational, and it has failed. It has failed for 40 years. It failed even when the Soviets abandoned Cuba. If this embargo did not work when the Soviets abandoned Cuba, it is never going to work. All it does is impose hardships on the Cuban people, and that plays right into Castro’s hands.

Members of the State Department have said privately that this embargo is just what Castro wants, because it bans Cuban nationalism and allows him to continue his regime. Let us normalize our relationship as we have done with China and other countries.

Mr. DIAZ-BALART. Mr. Chairman, I yield 2½ minutes to the gentleman from Georgia (Mr. KINGSTON).

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

Mr. Chairman, I wanted to, number one, stress to all of those who may be listening that the United States embargo allows the donation of food, clothing and medicine to the Cuban people. The embargo also allows the controlled sale of medicine, medical supplies and agriculture products to Cuba. It is extremely important for us to remember that, because people keep saying and acting like that is not the case. We have taken allowance to put in humanitarian considerations in there, which is far more than we get out of Castro’s policies.

Now, a lot of people keep talking about China, and I just returned from China 2 weeks ago, and want to talk a little bit about the difference between Communist China and Communist Cuba. Number one, they have a precedent. They do have two systems under one nation. Hong Kong, they have left the capitalism in Hong Kong. China has not infiltrated that and messed it up.

Secondly, they can also look across the waters and see Taiwan, which they consider still part of China and a province, and therefore capitalism works because of Taiwan and because of Hong Kong.

Number two, China is eager to get into the WTO, not just as a business proposition, but they are interested in joining and world community today. One of human rights and business transparency and labor unions and audits and all the things that we have in the West.

Number three, there are already American companies doing business in China: International Paper, Rayon Air, Motorola, Coca-Cola, Motorola, 12 percent of their receipts are from China right now. The Chinese people are interested in capitalism, and the reason continues to prevail virtually anywhere, Inc., what works. They do not have this mantra to the throne of Karl Marx the way Mr. Castro does.

It is very important to remember that Jiang Zemin is far more democrat than Castro. That is why he is not afraid to have the Olympics come to Beijing and open up the nation to the scrutiny of the world by having the Olympics right in his capital.

I also want to say Russia has been allowed to here. Here again, you do not have one person. I went with the Speaker when the Speaker of the Dumas invited the gentleman from Illinois (Mr. HASTERT) on a trip, and they wanted to talk to us about reform.

One of the big reforms that the Russian people were interested in was judicial reform. They are interested in democrat processes. They do not believe in the old tenets of communism of 50 years. China, reform; Russia, reform; Cuba, no, sir. They are still stuck in time, and as Fidel Castro is there, they will not change.

Mr. RANGEL. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. LEE).

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

Mr. Chairman, I rise in strong support of the Rangel amendment. Although relations with most communist governments, such as China and Vietnam, are normalized, the United States continues to prohibit virtually any and all political, economic, or even cultural exchanges between the people of the United States and the people of Cuba. Since the early days of the Cold War, our government has been entrenched in an absolute embargo that has created much suffering on this Afro-Hispanic island only 90 miles away. This embargo is archaic, it is inhumane, and it must be changed.

Like many Members, I, too, have visited Cuba and met with the anti-Castro organizations. But, barring none, they communicated that the best way to address all issues, including human rights concerns, is to at least end the embargo, so dialogue can take place.

We all must be concerned about human rights violations, wherever they may occur in the world, including in our own United States of America, as minorities in our own country clearly understand. But the United States embargo against Cuba is a failed policy that has only served as an impediment to a rational foreign policy.

Now, for those who support fair trade, which I do, it is wrong to prevent the United States companies, our U.S.-based companies, our farmers, especially, from accessing the Cuban market. This could also mean thousands of jobs for United States workers. So we are really doing a disservice to our own people in our own country.

Not only must we strike down the restrictions on United States citizens’ travel to Cuba, but we should end the embargo, and we should end it right away. It is the right thing to do.

Mr. DIAZ-BALART. Mr. Chairman, I yield ½ minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Chairman, I listened to my colleagues, and it is interesting, when we talk about Cuba, the word ‘emotions’ always slips in; but I hear my colleagues come to this floor on other parts of the world, on questions of famine and human rights and AIDS, and they speak very passionately. We do not say it is an emotional issue.

We also question China, and yet many people vote against China MFN because they believe China should be sanctioned in that regard, but they believe we should lift everything as it relates to Cuba. But forced abortion, arrest of dissidents, Tiananmen Square, a whole long list; it seems to me if that after 25 years of engagement is our human rights success in China, we should review that.

Lastly, why, if lifting the embargo means the end of Castro, why is it his number one foreign policy objective? If it means his end, as everybody would suggest, why is it his number one foreign policy objective?

The fact of the matter is that I would ask my colleagues who vigorously support human rights and democracy, who seek sanctions in other parts of the world, like the Sudan and other places, that they need to understand that if we vigorously enforce a sanctions regime wherever we seek to impose sanctions, then we have an opportunity to have a public policy success using peaceful diplomacy versus anything else.

Mr. RANGEL. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WATERS).
Ms. WATERS. Mr. Chairman, there was a demonstration out front the other day and up and down Connecticut Avenue, and I asked the gentleman who told us about religious persecution in China. Yet we chase after China, we give them Most Favorite Nation status for trading purposes, and we forget about their human rights violations. Yet 90 miles off the shore of Miami, we have a small country that is trying to survive, and we keep our foot on the back of their necks simply because there are few people who cannot get over the fact that he overthrew Batista. Batista had literally given Cuba to the multinationals, who practically owned it, to the gangsters, and everybody else who wanted to go down to Cuba and do whatever they wanted to do. Well, we may not like the revolution, but we need to get over it. He has been trying to survive all of these years. It is time to do away with this policy. It does not make good sense.

Let me just tell you, Canada is reaping $980 million in trade; China, $156 million; France, $216 million. It goes on and on and on. The Farm Bureau wants to open up trade opportunities.

Mr. DIAZ-BALART. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Chairman, the suffering of the Cuban people is caused by Fidel Castro, and not by the embargo. The money that is paid to the employees down there by businesses that go into Cuba does not go to the employees; it goes to Castro. If they are paid $400 a month, that $400 goes to Castro, and he pays them in the local currency, which is worth about $5 to $10 a month.

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

Mr. CHAIRMAN. The gentleman from Florida (Mr. DIAZ-BALART) has 2 minutes remaining, and the gentleman from New York (Mr. RANGEL) has 1 minute remaining. The gentleman from New York (Mr. RANGEL) as the author will close debate on the amendment.

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

Mr. CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. RANGEL).

This is a strong Nation. We can survive the threats of communism. We can enter into extradition treaties in order to bring back the convicts that are there. Let us face it. If the present dictators, who is going to replace them? The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. RANGEL).

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

Mr. CHAIRMAN. The gentleman from Indiana (Mr. BURTON) has 1 minute remaining. The gentlelman from Indiana (Mr. BURTON) has the balance of his time.

Mr. BURTON of Indiana. Mr. Chairman, the suffering of the Cuban people is caused by Fidel Castro, and not by the embargo. The money that is paid to the employees down there by businesses that go into Cuba does not go to the employees; it goes to Castro. If they are paid $400 a month, that $400 goes to Castro, and he pays them in the local currency, which is worth about $5 to $10 a month.

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

Mr. CHAIRMAN. The gentleman from Florida (Mr. DIAZ-BALART) has 2 minutes remaining, and the gentleman from New York (Mr. RANGEL) has 1 minute remaining. The gentleman from New York (Mr. RANGEL) as the author will close debate on the amendment.

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The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. RANGEL. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York (Mr. RANGEL) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVI, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: the substitute offered by the gentleman from Arizona (Mr. FLAKE); amendment No. 5 offered by the gentleman from New Jersey (Mr. SMITH); and amendment No. 7 offered by the gentleman from New York (Mr. RANGEL) for the amendment offered by Mr. FLAKE as a substitute for the amendment offered by Mr. SMITH of New Jersey.

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) as a substitute for the amendment offered by the gentleman from New Jersey (Mr. SMITH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the substitute amendment.

The Clerk designated the substitute amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 240, noes 186, not voting 7, as follows:

[Roll No. 270] AYES—240

Mr. DINGELL and Mr. HOUGHTON offered an amendment, changing their vote from "no" to "aye."

Mr. TERRY changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Mr. TRAFICANT. Amendment offered by Mr. TRAFICANT: At the end of the bill (before the short title), insert the following:

Sec. 3. None of the funds made available in this Act may be used by the Internal Revenue Service to pay any bonus or incentive payment to the Commissioner, the Deputy Commissioner, the Chief Counsel, the Chief Inspector, the Chief of Management and Administration, the Chief Financial Officer, the Chief of Operations, the Chief of Appeals, the Chief Information Officer, or the Chief of Communications of the Service.

Mr. TRAFICANT. Mr. Chairman, I have never heard so many Members coming over and saying they agree with me, but they have to oppose my amendment. They say they like what I am doing, it needs to be done; but they are going to have to vote "no." They say, yes, I want to commend you, Mr. TRAFICANT, because what you are doing is an absolute necessity, but I am going to have to vote "no."

Now, let me explain what the amendment is. Two years ago, 81 percent of all information given by the IRS to our constituents was false and wrong. This year, they did exactly the same thing and they tried to explain away, only having 73 percent of the information given to our constituents to be deemed faulty. Now, I want my colleagues to listen to this. I want my colleagues to listen to what a GAO report said. The report said that 50 percent of all of our constituents' calls made to the Internal Revenue Service are not even returned; they go unanswered.

Now, here is what the Traficant amendment says. It lets all these IRS people go, but there are 10 people at the top that are prohibited from getting bonuses under this bill.

Every newspaper in America says Congress must be nuts because they are rewarding themselves with bonuses while their constituents are getting screwed.

Now, I do not know if there is anybody willing to speak on this issue, Mr. Chairman, but I will say this. I understand the position of Ways and Means members, I understand leadership, but I want to say this. This has gone on long enough, year after year; and every year there is a reason. Now, one of the reasons I have heard was three of these positions mentioned are people. Well, tell me, what new employees get bonuses the first year in the first place?

In the legislative history let it show that if my colleagues do not want to remove some of these people because they personally know them and they are St. Ignatius, I do not mind it. But the buck stops somewhere, and it is not stopping in the penthouse of the IRS. That means Congress has an inherent responsibility to make sure that our constituents' calls are returned; that our constituents get correct answers; and that our constituents are treated with respect.

If one out of every two Americans do not even have their call returned or answered, what is wrong with us? And when 73 percent of the advice they do give to the 50 percent that are lucky to get a return call, 73 percent of it is wrong. But they say it is an improvement over the 81 percent.

That is right, beam me up. I have great respect for my good friend, the gentleman from Ohio (Mr. PORTMAN). He has done a great job on taxes. Look, I do not want any complimentary regards here tonight, I do not want any pats on the back, I want an 'aye' vote on my amendment. And if it is thrown out in conference, then throw it out in conference, but I want to say something to Congress. If we want to get the attention of the IRS, we could give them all the rhetoric we want, but this is stone cold business. This is exactly what Congress should be doing.
him I did want to compliment him as well as oppose his amendment. I was not talking about complimenting the amendment. I want to compliment him because in 1998 this Congress spoke almost with one voice at the end of the day for restructuring the IRS entirely, for putting in place dozens of new taxpayer rights.

The IRS, while it still has lots of problems, including phone calls that are not getting answered, including information that is not being accurately conveyed, is doing a little better. And even the gentleman said that in his statement. But in 1998 the gentleman from Ohio (Mr. TRAFICANT) pushed this House to put something in place that shifted the burden of proof from the taxpayers to the IRS in tax court. That was an important reform. It was not in the original reform and restructuring was an important reform. It was not in the original reform.

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There is no chief of communications. The IRS, while it still has lots of problems, including phone calls that are not getting answered, including information that is not being accurately conveyed, is doing a little better. And even the gentleman said that in his statement. But in 1998 the gentleman from Ohio (Mr. TRAFICANT) helped do that.

But at this point in time for me to say that we should penalize him yet until we see what kind of work he does. There is no chief of communications. The IRS, while it still has lots of problems, including phone calls that are not getting answered, including information that is not being accurately conveyed, is doing a little better. And even the gentleman said that in his statement. But in 1998 the gentleman from Ohio (Mr. TRAFICANT) helped do that.

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That is what I was going to talk about in terms of complimenting the gentleman from Ohio (Mr. TRAFICANT). Having assumed the chair, Mr. Chairman, the Speaker pro tempore (Mr. SHAW) and the House to put something in place that shifted the burden of proof from the taxpayers to the IRS in tax court. That was an important reform. It was not in the original reform and restructuring was an important reform.

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