

by creating an expansive loophole for property claimants, especially wealthy Cuban Americans, to circumvent the embargo.

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

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

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

To understand this provision, one must first know who helped write it. As the Baltimore Sun reported last May, the bill was drafted with the advice of Nick Gutierrez, an attorney who represents the National Association of Sugar Mill Owners of Cuba and the Cuban Association for the Tobacco Industry. Gutierrez acknowledges his involvement, as does Ignacio Sanchez, an attorney whose firm represents the Bacardi rum company. Sanchez told the Sun that he worked on the bill in his capacity as a member of the American Bar Association's Cuban Property Rights Task Force and not as a representative of the rum company.

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

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

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

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

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

What will be the practical result? Foreign companies like Pernod Ricard and British-American Tobacco are unlikely to abandon viable operations in Cuba because of a law-

suit. More likely, these foreign businessmen will agree, reluctantly, to pay off Cuban exiles suing under Helms-Burton. Given the choice of forfeiting millions of dollars invested in Cuba or their financial interests in the United States, the practical business solution might be to give the exiles a cut of the action. Far better to have 90 percent of something than 100 percent of nothing, these businessmen will reason. Allowing Cuban Americans a share of their profits will just be factored in as another cost of doing business.

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

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

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

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

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

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

over Cuba's economy to people who symbolize the corrupt rule of the 1950s. Rather than undermining Castro's rule, this bill would drive the people into his camp.

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

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

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

---

#### WORKFORCE PARTNERSHIP AWARD

---

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 5, 1996*

Mr. RADANOVICH. Mr. Speaker, the National Association of Private Industry Councils [NAPIC] will be in Washington, DC, on March 3 to open an important conference on improving America's work force. At this conference, well-deserved recognition will be given to Ruiz Food Products, Inc. for their progressive leadership and tireless efforts in enhancing our Nation's goal of a better educated labor force. As the 1996 recipient of NAPIC's Workforce Partnership Award, Ruiz Food Products located in California's Tulare County, has shown that its efforts to energize the area's commitment to develop job skills have not gone unnoticed. Ruiz Food Products, with the vision of individuals such as Fred Ruiz, has clearly forged the strategic partnerships with private industry councils necessary to lift up, in an era of downsizing, a sometimes discouraged work force. My hat's off to them since America is a better place for their efforts. Many of the unique and compassionate programs they have developed, such as on-site education and literacy enhancement centers, strike a ringing cord of commitment in a society increasingly silent on these matters. Mr. Speaker, I would like to extend the recognition of this Congress to Ruiz Food Products' recent job well done.

INTRODUCTION OF THE OWENS RIVER VALLEY ENVIRONMENTAL RESTORATION AND MANZANAR LAND TRANSFER ACT OF 1996

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1996

Mr. LEWIS of California. Mr. Speaker, today I join my colleague, BOB MATSUI, in introducing the Owens River Valley Environmental Restoration and Manzanar Land Transfer Act of 1996.

This legislation releases outdated watershed withdrawals on lands managed by the Bureau of Land Management [BLM] in order to acquire land for the Manzanar National Historic Site which is managed by the National Park Service [NPS]. Lifting these outdated withdrawals are necessary to facilitate land exchanges between the BLM and the Los Angeles Department of Water and Power [LADWP] and Inyo County, CA. The Manzanar site is currently owned by LADWP. This legislation also makes other lands in the area available for the long-term community expansion and other uses as identified in the BLM's Bishop Resources Management Plan.

This legislation is necessary to carry out the intent of Public Law 102-248 which established the Manzanar National Historic Site to provide for the protection and interpretation of the historic, cultural, and natural resources associated with the relocation of Japanese Americans during WW II.

Further, this legislation will allow an innovative and unique environmental restoration project to move forward. The intent of this environmental restoration project is to revive 60 miles of the Owens River Valley in Inyo County, CA. This project will lead to increased wetlands, riparian areas and wildlife—including fish and waterfowl. This restoration project is another step in the ongoing and positive relationship which has developed between Inyo County and LADWP.

The development of this legislation was a process which involved active participation from local citizens in Inyo County, the Inyo County Board of Supervisors, officials from the BLM and the Park Service, LADWP and Japanese-American community. Mr. MATSUI and I look forward to swift consideration of this important measure by our colleagues on the House Resources Committee and expedited consideration by the full House.

THE OWENS RIVER VALLEY ENVIRONMENTAL RESTORATION AND MANZANAR LAND TRANSFER ACT OF 1996

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1996

Mr. MATSUI. Mr. Speaker, I am pleased to join my colleague JERRY LEWIS in introducing legislation that would allow the Federal Government to rapidly obtain the lands designated as the Manzanar National Historic Site.

During World War II, 11,000 Japanese-Americans were held at the Manzanar Internment Camp. These individuals were some of

the over 120,000 Japanese-Americans interned at 10 sites throughout the United States.

The National Park Service determined in the 1980's that of the 10 former internment camps, Manzanar was best suited to be preserved and to thus serve as a reminder to Americans of the glaring violation of civil rights that the internment represented. As a result, the Congress passed legislation in 1992 to establish a National Historic Site at Manzanar.

The legislation that Mr. LEWIS and I are introducing will allow us to finish the process of creating the Manzanar National Historic Site. The bill will make it possible for the Federal Government to obtain the Manzanar site through a land exchange with the Los Angeles Department of Water and Power [LADWP], which currently owns the property. LADWP recently reached an agreement with the National Park Service, the Bureau of Land Management, and Inyo County that identifies a land exchange that can occur rapidly once our legislation is passed. I commend these parties, as well as the Manzanar National Historic Site Advisory Commission and the Japanese-American community, for their work in bringing us to this stage in the process. I also deeply appreciate the commitment of my colleague, JERRY LEWIS, to this effort.

In 1988, the Congress passed legislation to make redress for the suffering that Japanese-Americans endured as a result of the internment. In addition to directing an official apology by the Federal Government and symbolic payments to Japanese Americans that were interned, the bill included efforts to educate Americans about the internment. In many ways, this final aspect of redress is the most important. It is essential that we instill in our citizens a high level of public awareness about the internment, so that our country never again makes such a terrible mistake. Creation of a national historic site at Manzanar clearly will make an important contribution to this effort. I urge my colleagues to support this bill, so that we can quickly make the Manzanar National Historic Site a reality.

THE POSTREPRODUCTIVE HEALTH CARE ACT

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1996

Mrs. SCHROEDER. Mr. Speaker, today I and my colleagues, Congresswomen WATERS, NORTON, WOOLSEY, and JACKSON-LEE, are reintroducing the Postreproductive Health Care Act. This is a bill that former Representative Marilyn Lloyd introduced in the previous Congress to address the all-too-often ignored health care needs of older women.

This legislation directs the Secretary of Health and Human Services [HHS] to provide grants to health clinics serving women so they can develop programs to meet the unique needs of mid-life and older women.

Most clinics devote the majority of their resources to serving young women in their reproductive years, providing family planning and prenatal care services. For some women, this is their only contact with the health care system. As these women age and their need for reproductive and childbirth-related care

ends, so may their contact with the health care system. Yet women's health needs do not end at menopause; in fact, they often increase.

This legislation would enable clinics to provide a continuity of service from the reproductive years through the menopausal years. It would help clinics offer services and train professionals in mid-life issues such as menopause, hormone replacement therapy, hysterectomy, and cancer screening/prevention. And it would provide funds to help train clinic staff about issues affecting older and mid-life women.

The bill also would help improve outreach services to low-income women in such areas as heart disease, breast cancer, and osteoporosis. Information and education are urgently needed for these women. While both breast and cervical cancer increase with age, disproportionately fewer low-income women over age 40 have had a clinical breast exam and mammogram; the figures for pap smears are even more dismal.

Menopause is a confusing time for many women, especially those who do not have the resources to differentiate between medical facts, harmful stereotypes, and lore. This legislation would fight misinformation with accurate information and services specifically related to menopause.

I urge my colleagues to support this much-needed approach to preventative health care for women.

NATIONAL SPORTSMANSHIP DAY

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1996

Mr. REED. Mr. Speaker, I rise in honor of National Sportsmanship Day, which is being observed today in the United States and throughout the world. Since its inception in 1991, over 7,000 schools in all 50 States and 48 countries have joined in the National Sportsmanship Day festivities.

National Sportsmanship Day was conceived by the Institute for International Sport, located in my congressional district at the University of Rhode Island. This year's slogan, "Dare to Play Fair," challenges athletes, coaches, administrators, and parents to reflect on the true meaning of competition and to discuss the importance of ethics and fair play in sport, the classroom, and everyday life.

The institute has enlisted the help of several Sports Ethics Fellows, including two time Boston Marathon winner and Olympic gold medalist Joan Benoit Samuelson, to promote this event. These men and women are wonderful role models who can be admired for more than just their athletic prowess. They have consistently demonstrated an interest in furthering the principles of honesty and integrity in sport and society.

Indeed, the Sports Ethics Fellows are helping to teach the important lessons of National Sportsmanship Day by writing articles relating to sportsmanship and assisting in the development of programs for National Sportsmanship Day. Through competition, young athletes can learn that while winning is a goal worth working for, honor, discipline, and hard work are more important. These values will guide them in all aspects of everyday life.