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## Senate

### AGRICULTURE, CONSERVATION, AND RURAL ENHANCEMENT ACT OF 2001

(Continued)

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I understand now under a previous unanimous consent agreement we will proceed to a Smith of New Hampshire amendment, then a Wyden-Brownback amendment, a Wellstone amendment, and a McCain amendment that have all been agreed to in that order; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HARKIN. I inquire if we can get time agreements so we can move this along. I ask the Senator from New Hampshire and whoever else is interested in the amendment if he would be interested in entering into a time agreement.

Mr. SMITH of New Hampshire. Mr. President, I say to my colleague, there are at least four Senators who wish to speak in favor of the amendment. I can list them if the Senator would like. That is my only concern with a time agreement. I am only going to need 3, 4 minutes maximum, but I cannot speak for other Senators as to how long they would want to speak. Maybe we will know in a few minutes.

Mr. WYDEN. Will the Senator from Iowa yield?

Mr. SMITH of New Hampshire. Forty-five minutes may be reasonable.

Mr. HARKIN. I hope we can enter into some time agreement.

Mr. WYDEN. Will the Senator yield? Mr. HARKIN. I yield for a question without losing my right to the floor.

Mr. WYDEN. I and Senator BROWNBACK will be next with an amendment on carbon sequestration. I want the chairman to know I will be very brief and I will yield my time to Senator BROWNBACK.

Mr. DORGAN. Will the Senator yield?

Mr. HARKIN. I yield to Senator BROWNBACK for a question without losing my right to the floor.

Mr. BROWNBACK. I would be happy to enter into a time agreement on the carbon sequestration amendment. It can be a short time period. I do not think it is a particularly controversial amendment. We will be happy to enter into a time agreement.

Mr. HARKIN. Does the Senator have any idea about how long?

Mr. BROWNBACK. The comments I want to make will take about 10 minutes.

Mr. WYDEN. If the chairman will yield, I will take 5 minutes and yield my time to Senator BROWNBACK.

Mr. BROWNBACK. We can probably do it in 15 minutes.

Mr. HARKIN. If we can get agreement on 15 minutes on the amendment of the Senator from Kansas.

Mr. MCCAIN. Will the Senator from Iowa yield for a request?

Mr. HARKIN. Yes, I yield for a question or a request without losing my right to the floor.

Mr. MCCAIN. The Senator from Iowa probably knows, in the last 2 days I

have been in the queue for an amendment. Unfortunately, for a variety of reasons which are not worth going through now, I am still in the queue. I am afraid it might not be completed by 4.

I know the Senator from Iowa allowed under unanimous consent other amendments whether they were germane or not. I am not sure if my amendment is germane or not. I believe it is, but I still ask he include that amendment in case it is not able to be considered until after 4 o'clock.

Mr. HARKIN. If my friend from Arizona will give us a copy of the amendment, I will be glad to take a look at it and see if it is in the genre of things agreed. I will be glad to take a look.

Mr. MCCAIN. I thank the Senator from Iowa.

Mr. HARKIN. I yield to the Senator from North Dakota for a question.

Mr. DORGAN. I think it makes sense to reach a time agreement on the Smith amendment. I intend to speak against the Smith amendment and want to do so for a minute or so. It seems to me we have debated this over the years as a general subject. If we can reach a time agreement and then let the Senate vote makes sense to me.

Mr. SMITH of New Hampshire. I am amenable to that. I know Senator ALLEN, Senator TORRICELLI, Senator DORGAN—I do not know of anyone else here right now who wishes to speak on either side of the amendment.

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Mr. HARKIN. May I ask the Senator from New Hampshire, how about 40 minutes?

Mr. TORRICELLI. Is there a unanimous consent request now before the Senate?

Mr. HARKIN. I have the floor and ask if we can get a time agreement on this amendment. The Senator from New Hampshire has been willing to work this out. I am trying to see if we can get a time agreement. I asked if we can have a 40-minute time agreement. I do not know if that is acceptable or not.

Mr. TORRICELLI. In my estimation, there are too many Senators to be commenting in 45 minutes. There are four on our side and three or four on the other side. We may be able to accommodate that in an hour, but 40 minutes is unlikely. I say to the Senator from Iowa, if he does offer a unanimous consent request, I have to ask him to include a secondary amendment that Senator SMITH wants to offer, as long as that is in order in the time period as well.

Mr. HARKIN. If we can reach a time agreement. How about 50 minutes?

Mr. SMITH of New Hampshire. That is acceptable to this Senator.

Mr. HARKIN. Is that acceptable to this side?

Mr. TORRICELLI. It is acceptable to me, but that Senator SMITH before the close be recognized to offer a second-degree amendment.

Mr. REID. Will the Senator yield?

Mr. HARKIN. I yield.

Mr. REID. The Senator from New Hampshire said he wants to speak for 5 minutes. That will give us a time to call some Senators. We may have one Senator who may want to speak 20 minutes himself. Give us time to work on that. We cannot agree to a time right now until we talk to some Senators.

Mr. HARKIN. I do not know why we cannot agree to a time limit. We have people in the Chamber who are interested in the amendment. We can reach a time agreement, and everybody will have their time. The Senator from New Hampshire said he wants to take 5 minutes. He is honest and forthright.

Mr. TORRICELLI. The problem is, we have a number of Senators who all want to be heard.

Mr. DORGAN. If the Senator will yield, I do not think the question is whether people want to be heard. The question is how long they want to be heard on the amendment. I will oppose it, but I am perfectly willing to accept 45 minutes. Are there people who want to comment 20, 30 minutes in opposition? If so, we will have difficulty getting a time agreement. My hope is, given the hour and difficulty of moving this bill along, that we can get a time agreement on this amendment on both sides.

Mr. HARKIN. I hope we can get a time agreement now. I do not want to cut off anybody speaking on this, but the proponent of the amendment himself told me he only wanted to take 5

minutes. I assume the others in 5, 7 minutes can have their say.

Mr. TORRICELLI. My suggestion is, if there are four or five Democrats and four or five Republicans who are for it, there are people in opposition, at 5 minutes we have to have an hour at a minimum to accommodate them.

Mr. HARKIN. How about 1 hour on the Smith amendment?

Mr. TORRICELLI. One hour, at which point there will be secondary amendments.

Mr. REID. Reserving the right to object, we are not going to agree to a time limitation. There are Senators I have to contact. People may not like it, but that is the way it is.

Mr. TORRICELLI. I suggest we begin the debate and, during the course, see if we can work it out.

Mr. HARKIN. There is no time agreement.

The PRESIDING OFFICER. Under a previous order, the Senator from New Hampshire is recognized.

AMENDMENT NO. 2596 TO AMENDMENT NO. 2471

Mr. SMITH of New Hampshire. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH], for himself, Mr. TORRICELLI, Mr. GRAHAM, Mr. ALLEN, Mr. ENSIGN, and Mr. HELMS, proposes an amendment numbered 2596 to amendment No. 2471.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for Presidential certification that the government of Cuba is not involved in the support for acts of international terrorism as a condition precedent to agricultural trade with Cuba)

At the end of section 335, insert the following:

“(c) EFFECTIVE DATE.—The amendments made by this section shall not take effect until the President certifies to Congress that Cuba is not a state sponsor of international terrorism.”

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that Senators TORRICELLI, GRAHAM, ALLEN, ENSIGN, and HELMS be added as original cosponsors of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of New Hampshire. Mr. President, I don't believe I will use the 5 minutes I have asked for.

As some have said, this issue has been debated in the past. Everyone is familiar with it. It is not necessary to take a lot of the Senate's time. Given the fact we are trying to finish the Senate's business, I will be considerate of that.

I simply say in a few words what the gist of this amendment is. The underlying farm bill contains language that

strikes the current statutory restriction against private financing of food and medicine sales to Cuba. The administration opposes that language, I think with good reason.

My amendment conditions—it does not substitute the language—the financing of food and medicine sales to Cuba on the President certifying to Congress that Cuba is not a state sponsor of international terrorism. That is all. It conditions it; it does not substitute it. I would have liked to have substituted it. However, I came in with a milder version to try to gain support in what I think would be the fairer thing to do. We would condition the financing of food and medicine sales to Cuba on the President certifying to Congress that Cuba is not a state sponsor of international terrorism.

I don't know if my colleagues have been following very closely what is happening in Central America, but there is a lot of terrorist activity in Central and South America with Cuba and other nations. Our President has declared war on terrorism. I remind my colleagues of the exact language that President Bush used:

Every nation in every region now has a decision to make. Either you are with us or you are with the terrorists. And from this day forward, any nation that continues to harbor or support terrorism will be regarded by the United States as a hostile regime.

Now, surely if Cuba—and I emphasize the word “if”—if Cuba is in any way harboring terrorists, supporting terrorism, participating in any way, helping the international terrorist community, why should we be providing anything to them to help do that? If Cuba is a state sponsor of terrorism, the question should be: Should we allow for private financing of agricultural sales to Cuba? I don't think we should be making a profit while we are supporting international terrorism. I don't think that is what my colleagues would want to see happen.

We shouldn't even be trading with Cuba, in my view, if they harbor terrorists. That hardly goes back and supports what the President said when he said: Either you are with us or you are with the terrorists, and any nation that continues to harbor or support terrorism will be regarded by the United States as a hostile regime.

If a country is harboring terrorists, the President said we will go after them one way or the other. It is hardly going after them if we trade with them and make a profit while doing so.

I think the answer is no, no we should not allow private financing of agricultural sales to Cuba. And no, if Cuba is a state sponsor of terrorism, we should not be trading with them. It is that simple. That is the amendment before the Senate. I don't consider this amendment to be a referendum on U.S. policy toward Cuba. I don't even consider this to be an amendment on a referendum on trade policy. I simply say

this amendment is a referendum on nations that support and sponsor international terrorism.

I remind my colleagues that the State Department lists the following seven States, as of 1999, as state sponsors of terrorism: Iran, Iraq, Syria, Libya, North Korea, Cuba, and the Sudan. Cuba is with pretty heavy company. Let me repeat the countries in their company out of all the nations in the world: Iran, Iraq, Syria, Libya, North Korea, and Sudan join with Cuba as seven states listed as state sponsors of terrorism.

My amendment does not say they cannot trade; it doesn't say you can. It says let the President certify it, and we will be fine.

I rest my case and I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, the most extraordinary thing about this debate is we are having it at all. The President of the United States has declared war on terrorism. American soldiers are fighting terrorist organizations, and the Senate is about to approve legislation, but for this amendment, which would allow the financing of American products in some instances from American institutions—insured by the American taxpayer—to governments that we have established are harboring terrorists. If I didn't hear it myself, I would not believe it. And the American people are not going to believe it.

Countries on this terrorist list are not broad. They are well defined. It is specific: Libya, Iran, Iraq, and in this instance, in this legislation for our purposes, Cuba.

Is it a fair designation? It is from the State Department. It was designated in the Clinton administration, and it is designated in the Bush administration with the following language from the State Department:

A number of Basque terrorists gained sanctuary in Cuba some years ago. They continue to live on the island, as do several American terrorist fugitives.

I continue:

Havana has maintained ties to other state sponsors of terrorism and Latin American insurgents. Colombia's two largest terrorist organizations, the FARQ and the ELN, maintain a permanent presence on the island.

In addition to our national policy against terrorism, we have a national policy against states that are involved in bioterrorism. Cuba has the greatest bioterrorist capability in the Western Hemisphere. Cuba prohibits international inspection of its biological facilities. In 1998, Secretary of Defense Cohen, a former member of this institution, wrote to the Armed Services Committee:

I remain concerned about Cuba's potential to develop and produce biological agents, given its biotechnology infrastructure.

The Defense Department, in 1998, in a report entitled "Cuba's Threat to American National Securities," said:

Cuba's current scientific facilities and expertise could support an offensive bio-

weapons program. In at least the research and development stage, Cuba's biotechnology industry is among the most advanced in all developing countries.

There needs to be one message from this Government. We are fighting terrorism, but now we are going to finance exports to countries that harbor terrorists. We are attempting to undermine the capability of nations that develop bioterrorism, but now we are going to finance products by our institutions to those very countries. It doesn't make sense. No one could defend this vote to their constituents. I don't care if every person who lives in your State is a farmer. I don't believe there is a farmer in America who wants to make a buck by having this country finance exports to Governments such as that.

President Bush has stated it very plainly. In this war against terrorism, you are for us or you are against us. Where is this Government now that we want to subsidize by financing exports to them? In May 2001 in Tehran, Fidel Castro proclaimed:

Iran and Cuba, in cooperation with each other, can bring America to its knees.

Mr. Castro has decided whether he is with us or he is against us.

The Canadian security intelligence service, which investigates terrorist threats, said in a 1996 report:

Cuba has been a supply source [to terrorist groups] for toxin and chemical weapons.

In a 1999 book "Biohazard," a former KGB colonel, Ken Alibek, second in command of the Soviet offensive biological warfare program until 1992, wrote that he was convinced the Castro government was deeply involved in biological warfare research programs.

In each of these ways, if you do not want to take the testimony of the U.S. State Department, if you do not want to follow President Bush's command about which governments chose sides, recognize that the conclusions I bring to the Senate are not American alone. On Castro's involvement in terrorism, his involvement in bioterrorism, we have the testimony not simply of Americans but of our Canadian allies, and even our former Soviet adversaries.

I do not rest my case on the support of terrorism by Castro alone or his biochemical warfare. There is another aspect to the amendment that Senator SMITH and I offer with Senator NELSON and Senator GRAHAM, Senator ALLEN, and others of our colleagues, and that is the question of harboring fugitives from justice in the United States. Under our amendment, if Fidel Castro wants to get the advantage of the financing of American agricultural exports, he can get that financing. He has to get himself off the terrorism list by stopping harboring terrorists. He has to allow the inspection of his biochemical warfare facilities. If he does those things, he can get our exports financed by institutions supported by this Government.

But he has to do one more thing under the secondary amendment we are

going to offer: Stop harboring fugitives from American justice. Cuba currently is giving safe haven to 77 American citizens who have been indicted or convicted of committing felonies against the United States. These include fugitives who have been convicted of murder, kidnapping, and possession of explosives. They have escaped American justice because Fidel Castro allows them to live safely and freely, in most instances, in Cuba.

Most on this list—60 of the 77—were convicted of what is a terrorist act now in the minds of most Americans: Hijacking an airplane.

Is there a Member of this Senate who will explain to citizens of their State that we are about to change a bipartisan American foreign policy restricting the financing of exports to Cuba and will not accept a condition that first the people who have engaged in the terrorist act of hijacking an airplane—that those fugitives not be returned to the United States? If ever I have heard an explanation difficult to give to the American people, particularly since the events of September 11, this would rank as the most difficult. This may be hard for people in most States, but in my State it would be impossible.

In 1973, Joanne Chesimard was riding on the New Jersey turnpike, the "thruway" to most, along with some accomplices. She was stopped and opened fire on the officers involved. A New Jersey State trooper, Werner Foerster, was murdered. She was convicted. She was sent to jail for having taken his own weapon and shooting him twice in the head, killing him instantly.

In spite of the fact she was given life in jail, she escaped, in 1979, from the Reformatory for Women in Clinton, NJ. She fled to Cuba where, since 1984, she has been granted asylum and has lived for 17 years.

Castro gives asylum to the murderer of a State trooper, a woman who committed terrorist acts against the United States. This is the Government whose exports we would now finance from institutions supported by the American taxpayer. Fidel Castro knows how to end the prohibition on the financing of exports.

Members of the Senate will hear we are using food and medicine as a weapon against the poor people of Cuba. It is not so. It has not been so for nearly 10 years. I know. Legislation that I sponsored in the House of Representatives, the Cuban Democracy Act, lifted prohibition on the sale of American agricultural products and medicine 10 years ago. Fidel Castro can buy anything he wants to buy, any food, any medicine. But he has to pay for it. That is the law. And that is the issue because under the provisions of this bill, now we are not allowing him just to buy, but we are going to finance the sale.

Fidel Castro knows how to end that prohibition: Get terrorists out of your

country, open up for biological weapons inspection, and send these 77 fugitives from justice back to the United States.

Yet I know because I have been through this debate before, we will be told we are using food as a weapon. No, we are using the leverage of finance as a weapon for justice—for justice. Yet in moments you will hear, in a false argument to the American farmer, that if only we could end this embargo, if only we could finance these exports, the problems of American agriculture would be ended.

Let's address that part of the argument. Let's assume we did not care about using this leverage to stop terrorism. Let's assume we did not want to use it for biological warfare leverage. Let's assume we didn't care about the 77 fugitives. Let's just take the argument on its merits with all that aside. Is it a fair argument to make to the American farmer that somehow, 90 miles off our shores, there is a market? We should compromise our principles because there is a market that will ease the financial burden of the American farmer?

As this chart indicates, looking at markets around the world, there is a reason, in these 10 years, Fidel Castro has not bought American agricultural products in spite of the fact we changed the law to allow him to do so. It is the oldest reason in the world: He doesn't have any money. The purchasing power, by comparison, of a Cuban consumer is \$1,700—below Honduras and Egypt. The per capita income of a Cuban is \$500. There is no money. It provides no opportunity to the American farmer. That is why Castro has not taken advantage of our lifting of the prohibition of the sale of American products.

Then they will argue maybe the consumer doesn't have any money in Cuba but we will sell to the Cuban Government. Oh, if it were so. Fidel Castro currently owes \$11 billion to international financial institutions, among the highest per capita debt ever recorded by any nation in history. He owes another \$20 billion to the former Soviet Union and other socialist countries. They all stand in line before any American financial institution would ever receive the first dollar.

He owes more money for recent purchases. South Africa extended him \$13 million in credit for diesel engines in 1997. It has never been paid. There was \$20 million loaned for fish imports from Chile. It has never been paid.

This gives you an indication of Cuba's outstanding foreign debt: \$6 billion to governments; \$2.7 billion to banks; and, \$1.7 billion to private companies—all in arrears.

I ask the authors of the farm bill exactly which American financial institution would like to ask their depositors—no less the regulatory institutions of the U.S. Government that insure—would you like a piece of this debt? Who would like to get in this line behind all of these other people?

The simple truth is Fidel Castro cannot borrow from international institutions. He cannot borrow from other governments. He is certainly not in a position to borrow from American financial institutions. Since we insure those institutions, even putting aside the policy reasons I have argued, we shouldn't allow it.

Finally, what will at this point be a crumbling argument, some of my colleagues may argue: Well, maybe he doesn't have money, maybe he doesn't have credit, but he can certainly bargain with our banks with Cuba's cane sugar.

What sugar? Cuba is now producing less sugar than it produced in 1959. Every year's crop is less. He has already tried to barter for oil and manufactured products. He has been unable to deliver the sugar to meet the contracted price. There is no sugar.

I end on this note: I think the case is compelling as far as the war on terrorism. I think the President has challenged this Congress as he has challenged every other government: You are with us or against us. Castro chose sides. He chose sides. It would be indefensible in the midst of this policy and this war on terrorism while he remains on that terrorist list to now finance these exports. But yet I know because we are a good and a generous people that some of my colleagues will be inclined to say maybe his government did these things. Maybe he can't finance the exports. Maybe it is a hollow promise to American farmers. Maybe it isn't responsible as part of the war on terrorism. But let us just show who we are. Let us do it anyway. Let us go the extra mile.

We have gone the extra mile. Since 1992, the United States has approved \$3 billion worth of food and medicine and humanitarian aid to Cuba. Today, we send more food and medicine to Cuba free—free—despite our relationship with their government which is more adversarial than any relationship between any other two countries on Earth. We are a generous people. We are helping the Cuban people. We have kept them alive with massive aid efforts.

I rest my case. This makes no sense, and it is wrong. Senator SMITH has offered an amendment that will remove provisions from this bill of allowing agricultural finance unless and until Fidel Castro gets himself removed from the terrorist list.

I have an amendment at the desk that will expand this to provide that unless and until he returns fugitives from justice to the United States, he also will not be allowed to get the advantage of financing of American exports.

AMENDMENT NO. 2597 TO AMENDMENT NO. 2596

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. TORRICELLI] proposes an amendment numbered 2597 to amendment No. 2596.

The amendment is as follows:

(Purpose: To provide for Presidential certification that all convicted felons who are living as fugitives in Cuba have been returned to the United States prior to the amendments relating to agricultural trade with Cuba becoming effective)

At the end, strike “.” and insert “and until the President certifies to Congress that all convicted felons wanted by the Federal Bureau of Investigation who are currently living as fugitives in Cuba have been returned to the United States for incarceration.”.

Mr. TORRICELLI. Mr. President, I offer the amendment as a secondary amendment to Senator SMITH's amendment. I ask unanimous consent that it be agreed to.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. I object.

The PRESIDING OFFICER. Objection is heard.

The amendment is pending.

Mr. TORRICELLI. Mr. President, I will continue to hold the amendment. I assure Members of the Senate that unless and until I am assured that fugitives who have killed people in my State are returned as a condition of this bill that this bill will not proceed. I will continue to hold the floor.

At this point, since I am not allowed to offer this amendment and it is not agreed to, I will continue on this floor if I have to read a phone book on this floor.

Mr. NELSON of Florida. Mr. President, will the Senator yield?

Mr. TORRICELLI. I would be happy to yield.

Mr. NELSON of Florida. Mr. President, I want to substantiate the seriousness of the 77 people who are fugitives from justice now living in Cuba and the crimes they have committed.

The Senator from New Jersey told us about a crime that was committed in his State. A highway patrol trooper was shot in the face twice by someone who was subsequently convicted, imprisoned, and escaped from prison, and is now a fugitive from justice being harbored by the Government of Cuba.

If you look at the crimes that have been committed by these 77 fugitives, they include air piracy, hijacking an aircraft, crime aboard an aircraft, crime of escape, aiding and abetting, crime of kidnapping, and the crime of solicitation to commit murder.

I thank the Senator from New Jersey for yielding for me to underscore the gravity and the seriousness of these fugitives.

I also think it is quite symbolic that on this day so many of us in this Nation have been riveted to our television sets to see a tape of Osama bin Laden mocking the United States, laughing and enjoying it as he is telling the stories of the World Trade Center being hit by aircraft and the Pentagon in Washington hit by aircraft.

I think it is somewhat ironic that then we bring to the floor, on the very same day that we have once again focused on terrorism and terrorist acts and our war against terrorism, an example of the U.S. State Department

having on a list published in 1999 seven states that sponsor terrorism. One of those seven states is Cuba. We have a bill before us that would allow the export of our bounty and the amber waves of grain and other products that come from the beneficent bounty of this Nation's agricultural produce internationally financed and financed by banks without Cuba being removed from the official U.S. State Department list as state sponsors of terrorism.

It is just another reminder to us that if we are going to be serious about the war against terrorists—I think America is as a result of what happened on September 11—then we had better get serious that once we mop up in Afghanistan, we have to start mopping up these cells in other places.

What does the U.S. State Department say is one of those states that sponsors terrorism?

I thank the Senator from New Jersey and the Senator from New Hampshire for bringing this to the attention of the Senate. This Senate could easily adopt, in this time of a war against terrorism, these amendments by a voice vote, and we could proceed with what is otherwise a very fine farm bill, a bill that is for the benefit of this Nation.

I want to lend my voice to the Senator from New Jersey and the Senator from New Hampshire to tell them that I believe that these amendments ought to be adopted.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. EDWARDS). The Senator from New Jersey. Mr. TORRICELLI. Mr. President, I believe I still have the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, it is my understanding now that the second-degree amendment that I have offered to Senator Smith's amendment is now incorporated?

The PRESIDING OFFICER. The second-degree amendment is pending. It is not incorporated.

Mr. ALLEN. Will the Senator from New Jersey yield?

Mr. GRAHAM. Will the Senator from New Jersey yield?

Mr. TORRICELLI. I am happy to yield.

Mr. GRAHAM. I thank the Senator.

Mr. President, I would like to, if I could, continue to amplify the issue that my good friend and colleague from Florida has just discussed; and that is to attempt to put a human face on this issue which we are dealing with at the present time.

The question is, under Senator Smith's amendment, should there be a requirement that Cuba reform itself so that it is no longer one of the seven nations in the world to be listed as a sponsor of state terrorism in order to get the benefit of U.S. financing of agricultural sales to Cuba, and now the amendment that is pending from the Senator from New Jersey, which would

also require that there be a return to the United States of those fugitives from justice who have found sanctuary in Cuba?

Who are some of these fugitives from justice? Let me just talk about three of them.

First, Victor Manuel Gerena. Mr. Gerena is on the FBI's Ten Most Wanted list. He belongs to a Puerto Rican independence group, the FLAN. This group is responsible for numerous acts of terrorism, terrorism in the United States of America, including a 1975 bombing in New York City that killed 4 and injured 63. He is also sought in connection with the armed robbery of \$7 million from a security company.

How was he able to get himself in a position to rob a security company of \$7 million? He got there because the Cuban Government aided Gerena and his group in preparing the robbery and allegedly funneled them \$55,000 to pay for the operation.

Does that sound a little eerily reminiscent of what was happening before September 11?

Gerena and a part of the stolen \$7 million were smuggled into Cuba by diplomats stationed at Cuba's Embassy in Mexico City. That is one of the fugitives from justice that we believe should be returned to face justice as a precondition of the United States providing financing for agricultural sales to Cuba.

Let's talk about Charles Hill and Michael Finney.

Mr. ALLEN. Mr. President, I call for regular order under rule XIX. The Senator has yielded for more than a question.

Mr. GRAHAM. Mr. President, I asked the Senator from New Jersey if he would yield. He yielded. And I am speaking on his time.

The PRESIDING OFFICER. The Chair informs the Senator that it is the custom of the Senate, with reference to Senators yielding in debate, to construe the rules liberally unless prior notice has been given that they shall not be so construed.

Mr. GRAHAM. Thank you, Mr. President. I wonder if the Senator from New Jersey—

The PRESIDING OFFICER. Let me add to the Senator from Virginia, that given the notice we have now received from you, the rules will be strictly construed from this point forward.

Mr. GRAHAM. I wonder if the Senator from New Jersey is familiar with Charles Hill and Michael Finney?

Mr. TORRICELLI. I say to the Senator from Florida, I am indeed familiar with them.

Mr. GRAHAM. Maybe you might be further illuminated, and our colleagues informed, about these two people who are also part of that large pool of those who are fleeing American justice in Cuba.

Mr. Hill and Mr. Finney are accused of murder and airplane hijacking. In 1971, the two were driving a car filled with guns and explosives from Cali-

fornia to Louisiana in an operation for the militant Republic of New Afrika, a small organization that seeks a black separatist nation within the United States.

As Hill and Finney crossed into New Mexico, they were stopped by a 28-year-old State trooper, Robert Rosenbloom. There was a standoff. Mr. Rosenbloom was tragically shot dead.

Nineteen days later, the fugitives scrambled aboard a TWA plane in Albuquerque and hijacked a flight which was bound for Chicago.

Interviewed in Havana last year by a U.S. journalist, Hill said when he arrived in Cuba he "was accepted by Fidel Castro's government as a soldier of the people's revolution."

Senator TORRICELLI, were you aware this is the kind of person but for the amendment you are proposing would continue to be harbored in Cuba and would be sheltered from U.S. justice, and for which the family of Robert Rosenbloom, shot dead, would receive no sense of finality in terms of the loss of their loved one?

Mr. TORRICELLI. I say to the Senator from Florida, it would leave American law enforcement with no leverage to get the return of these fugitives to the United States. You can imagine the pain of an American family whose loved one was murdered by one of these fugitives now knowing that our country's institutions are lending money to this government, and those very institutions being, in some cases, insured by the U.S. Government. I think it would be extremely painful and difficult to explain.

Mr. GRAHAM. I thank the Senator.

We have been talking about individual terrorists who are being sheltered in Cuba. But beyond individual terrorists, there are organizations of terrorists. There are cartels of terrorists which are being sheltered in Cuba.

I wonder if the Senator from New Jersey is aware of the fact that after a long history of Cuba providing direct support, including direct military support for terrorists and other revolutionaries in the Western Hemisphere, now Cuba is becoming the center of the hemispheric organizations for terrorists.

Was the Senator from New Jersey aware of that latest contribution of Fidel Castro to the terrorization of the world?

Mr. TORRICELLI. Indeed, I was not, I say to Senator GRAHAM, but I am appreciative of the fact that the Senator is bringing it to the attention of our colleagues, if they are, indeed, serious about their intentions of now financing exports to this government.

Mr. GRAHAM. I say to the Senator, I am sorry to have to report that not at some distant point in the past, and not under the administration of a member of our party, but under the current administration, as recently as April of this year, 2001, the State Department, in its report "Patterns of Global Terrorism" has this to say about Cuba and

terrorism: That Cuba maintains ties with other state sponsors of terrorism. As an example, the two most notorious Colombian insurgent groups, the Revolutionary Armed Forces of Colombia, typically referred to as the FARC, and the National Liberation Army, the ELN, maintain a permanent presence in Cuba.

However, Havana is not limited to just providing a shelter for Colombian groups. We found, within the last 18 months, that the Irish Republican Army has its western hemispheric branch located in Havana. We found that from branch relationships that were being developed, particularly with the FARC in Colombia, through which it was alleged that the IRA would receive funding for its terrorist activities through the large drug resources of the FARC, and the FARC would get the IRA's expertise in urban guerrilla terrorism tactics so that they could move from the hinterlands of Colombia into the major cities of Colombia with their acts of terrorism and civil disorder.

Was the Senator from New Jersey aware that this is one of the current phases of Fidel Castro's support for terrorism?

Mr. TORRICELLI. I am. Indeed, it is because of not only allowing them to operate but a permanent presence for these terrorist organizations in Havana that the State Department, under both the Clinton administration and now the Bush administration, has cited Fidel Castro's government as being complicit with terrorism on what remains a very small list of rogue nations. This is not conduct where terrorists simply pass through the country. It requires a continuous, outrageous national policy of actually harboring these organizations that the Senator cited.

Mr. GRAHAM. To go even further, that Cuba, under this same report of the State Department in April of 2001, regularly conducts political, social, and economic interactions with other countries listed on the State Department list of terrorists, such as Libya, Iran, Iraq, and through these relationships, Cuba has access to those countries' illegal supplies of weapons and biotech products, what is the reaction of the Senator from New Jersey to this current grip of terrorism that Fidel Castro has placed on his country and is exporting around the world?

Mr. TORRICELLI. As I have noted previously, it is important for our colleagues to know that the fact that Fidel Castro is involved in bioterrorism and has these facilities that he refuses to allow international inspectors to visit is cited not only by the U.S. Government but cited by the Canadian Government as a source of concern. We have information from former Soviet officials that, indeed, they were aware of it and concerned of it themselves.

Mr. GRAHAM. And well they should be. The U.S. Office of Technical Assessment has included Cuba among the 17

countries in the world which are believed to possess biological weapons.

As I believe the Senator said a few moments ago in his statement, the former deputy director of the Soviet Union's biological weapons program, Mr. Ken Alibek, revealed that the Soviet Union had been providing assistance to Castro and that Cuba now has one of the most sophisticated genetic engineering labs in the entire world. Was the Senator from New Jersey aware of that history of preparation for violence through terrorism?

Mr. TORRICELLI. I am. I hope our colleagues understand this. When we talk about Fidel Castro's dictatorship today, this isn't some old, unsettled grudge. This is a continuing security problem. Ninety miles off our shore we have now established there are fugitives from American justice, including people who have hijacked airplanes and committed murder. There are now established bases for terrorist organizations on an ongoing basis, and an international concern for bioterrorism—not 40 years ago, not 30 years ago, right now, while the United States is engaged in a war against terrorism.

Mr. GRAHAM. Sad to say, we have out of the mouth of Fidel Castro and his minions the most current statement of his attitude toward terrorism and his attitude toward the United States, the Nation which now is being asked to provide U.S. financing for agricultural sales to Cuba.

Would the Senator be surprised that when the tragedy of September 11 was made known to Fidel Castro, while he initially offered some words of support to the United States, he also urged United States policymakers to be calm and stated that the attacks against the World Trade Center and the Pentagon and the failed attack that ended up in the fields of western Pennsylvania were a consequence of the United States having applied "terrorist methods" for years? He is essentially saying that the United States and Osama bin Laden are mirror images of one another. Those were the statements on the day of the attack.

Subsequent statements relative to the attack of September 11 have become even more hostile. A recent press report quoted Cuba's mission to the United Nations as describing the United States' response to the attacks as "fascist and terrorist," so we not only are Osama bin Laden, we have now become Adolf Hitler, and that the United States was using the attack as an excuse to establish "unrestricted tyranny over all people on Earth." Castro himself has said that the U.S. Government is run by extremists and hawks whose response to the attack could result in "the killing of innocent people." Would the Senator believe that?

Mr. TORRICELLI. Let me respond to Senator GRAHAM, if I could. I hope every Senator thinks about the incongruity of this situation. Fidel Castro is blaming the attacks of September 11 on the policies of the United States.

He is now stating his opposition to our military campaign abroad, and we are about to engage in finance of our products to his country and his government. Imagine explaining that to the parents of an American soldier now in Afghanistan or coming to New York, New Jersey, or Virginia or explaining that to the widow of a victim of the September 11 attacks. Talk about choosing whether you are for us or against us, and then trying to explain away what happened to our country.

I am happy to yield for a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, it wasn't clear to me who had the floor. I believe the Senator from New Jersey has the floor, and the Senator from Florida is sort of asking questions. In terms of time here, I am wondering if we could get some notion. Is the Senator from Florida intending to seek recognition on his own when he finishes these series of questions so we might have some sense of whether others might be recognized in this debate?

Mr. GRAHAM. The Senator from New Jersey has certainly clarified some questions of uncertainty in my mind. I still have some policy comments I think bear on the question of whether, in the face of the actions of Fidel Castro relative to those who have used his country as a safe haven for murderers, airplane hijackers, and others, and as a continuing caldron for the support of terrorism in the western hemisphere throughout the world, it is in the United States' national interest to be providing financing for the food that he will control and distribute as he wishes to his people.

Mr. DORGAN. Mr. President, if the Senator from New Jersey will yield further, I respect that, and I understand the rules of the floor. The Senator is making a long statement and then asking, "are you aware of that." He has the right to do that in the form of a question. The Senator from Virginia would like to speak. I would like to speak. Could we get some sense of time here, how long this inquiry will go on? Does the Senator intend to seek recognition on his own behalf, or the Senator from Virginia expect to seek recognition next so we could have some sense of whether or when we could actually have a debate about this policy?

Mr. GRAHAM. First, the Senator from New Jersey has been so lucid and candid and expansive in his knowledge of these issues that he has responded to most of the questions that I have, I am certain, to the great benefit, certainly, of this Senator and all of our colleagues. My further questioning will be very brief. Yes, I do have some policy statements that would be inappropriate to attempt to deliver in the context of asking questions of the Senator from New Jersey.

Mr. TORRICELLI. Perhaps if I can answer what I suspect the question is going to be, it was my intention that

when Senator GRAHAM finished, we would yield the floor. We had settled the matter of the secondary amendment. I assumed Senator ALLEN would be recognized next and, at that point, I will have yielded the floor. Senator GRAHAM will be recognized again to make a statement.

Mr. DORGAN. It is actually interesting that the Senator from New Jersey seems to be well aware of that about which you are inquiring. The Senator indicated he is well informed and, observing that, I would concur. All I am interested in doing is to see if we can have a debate spring out and when that might occur.

Mr. TORRICELLI. I can't tell you how helpful it is to be reminded of these things by the Senator.

Mr. DORGAN. It also appears you are intimately familiar with all of that which is being delivered to you by my colleague from Florida.

Mr. GRAHAM. This is a testimonial to the wisdom and range of knowledge of our colleague from New Jersey. He has certainly earned all of those accolades, and the Senator from North Dakota has reinforced that. I appreciate the Senator yielding and for his response to the questions.

As I indicated, it is my intention, at an appropriate time, to seek recognition to make a statement of policy relative to the ill wisdom of the United States under these circumstances providing financing for the sale of agricultural products to Fidel Castro that he can then use for whatever sources of intimidation and control he would put them to, as he has to so many other aspects of the life of the Cuban people over the last 40-plus years. So I thank the Senator from New Jersey for yielding and for the thoughtfulness of his responses and the solid policy of his amendment.

Mr. TORRICELLI. I thank the Senator from Florida for being an ally through the years on this issue and for so much leadership as all of us have tried to regain the freedom of the Cuban people. I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. ALLEN. Mr. President, I rise in support of the amendments of my colleagues, Senators TORRICELLI and SMITH of New Hampshire. These amendments, of which I am a cosponsor, are very good amendments. I have not had the opportunity in years past to hear the argument and debates on these issues. I consider these amendments to be very well founded. What they do is they have conditions for lifting restrictions on the financing of agricultural sales to Cuba, and two findings have to be made. The first condition is that the President must certify to Congress that convicted felons wanted by the FBI who are currently living as fugitives in Cuba have been returned to the United States for incarceration. I will not repeat all of the evidence in this regard that was previously cited by Senator TORRICELLI, Senator NEL-

SON of Florida, and Senator GRAHAM of Florida, concerning the return of criminals to the United States.

The second condition is that the President must certify to Congress that Cuba is not a state sponsor of international terrorism. That is the amendment of Senator BOB SMITH.

Mr. President, I support fair and free trade and increased opportunities for U.S. workers and businesses, including our agricultural sector, to trade with other countries. However, prudence would lead us to seek to finance trade with countries that are not terrorist states. The Secretary of State maintains a list of countries that have repeatedly provided support for acts of international terrorism. Currently, there are seven countries on that State Department terrorism list. They are, in alphabetical order: Cuba, Iran, Iraq, Libya, North Korea, Sudan, and Syria. It is appropriate that Cuba is on that list.

Fidel Castro's regime has a long history of providing arms and training to terrorist organizations, many of which were articulated previously by Senator GRAHAM. Our State Department notes that Havana remains a safe haven to several international terrorists and U.S. fugitives as well.

As we have seen since September 11, terrorists operate in an environment largely dominated by legally and geographically defined nation states. Terrorists sometimes rely on state-provided funding, bases, equipment, technical advice, logistical and support services.

In the wake of the September 11 terrorist attacks on the World Trade Center and Pentagon, President Bush, in addressing our Nation, stressed that the United States, in responding to these attacks, will make no distinction between the terrorists who committed these acts and those who harbor them. As we heard, the President characterized these terrorist acts as "acts of war."

An ongoing issue for our Congress and administration is how do we respond to state-sponsored or state-sanctioned terrorists and terrorism? There is no question that we need to respond. In my view, this country has dawdled along too many years not being worried about international terrorism, thinking that it would never affect us here at home. We have come to recognize that we must wage warfare against terrorists and those who aid, support, and comfort them.

An important part of that warfare is to oppose the terrorist states with every reasonable weapon at hand. That may be financial intercepts, surveillance, enhanced scrutiny of entrants into our country, infiltrating some of these terrorist organizations, greater intelligence here as well as abroad, military action when necessary, law enforcement abroad as well as here at home. All are components of our multifaceted war on terrorism.

Now, trade is also an important component of our current struggle against

countries that are on the terrorism list.

Let's get into another aspect of Cuba. In February of this year, the State Department reported several salient facts about Cuba and life in Cuba for the people of Cuba, who we are purportedly trying to help. I do want to help the people of Cuba, but here is how we help them: First, let's recognize what they are facing.

Cuba's human rights record remains poor. It continues to violate systematically the fundamental civil and political rights of its citizens. The State Department pointed out that the citizens of Cuba—as if we didn't know it already—do not have the right to change their government peacefully.

The Government of Cuba does not allow criticism of the revolution four decades ago or its repressive, tyrannical leaders.

Cuba's laws against antigovernment statements and expressions of disrespect of Government officials carry penalties of between 3 months and 1 year in prison.

If Fidel Castro or members of the National Assembly or the Council of States are the objects of this criticism, the sentence for such expressions can be extended to 3 years in prison.

Recently, Fidel Castro was asked by Robert McNeill:

Do you have political prisoners still in jail in Cuba?

Castro responded:

Yes, we have them. We have a few hundred political prisoners. Is that a violation of human rights?

Well, I will answer Castro's rhetorical question. Yes, it is; darn right it is a violation of human rights. Castro's human rights practices are arbitrary and repressive. Hundreds of peaceful opponents of the Government remain imprisoned. Many thousands more are subject to short-term detentions, house arrest, surveillance, arbitrary searches, evictions, travel restrictions, politically motivated dismissals from employment, threats to them or their families, and other forms of harassment by the Cuban Government authorities.

Mr. President, let me repeat what our State Department said. Citizens of Cuba do not have the right to change their Government peacefully. Let us recall the words written 225 years ago by Thomas Jefferson in our Declaration of Independence:

When a long train of abuses and usurpations . . . evinces a design to reduce (people) under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.

Just as it was important for our ancestors to have the right to throw off the chains of the tyrannical monarchy 225 years ago, it must be the right of the Cuban people to free themselves of the chains of the tyrannical Castro regime.

Let us support the opportunities of the Cuban people to enjoy their



unalienable rights to life, liberty, property, and the pursuit of happiness. Let us not retreat in our opposition to terrorism nor flinch from the advocacy of liberty.

Mr. President, I ask my colleagues in the Senate to support these amendments by Senator SMITH and Senator TORRICELLI. I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I ask unanimous consent that it be in order for me to make my remarks seated at my desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, will the Senator yield for me to make a unanimous consent request?

The PRESIDING OFFICER. Will the Senator yield for a unanimous consent request?

Mr. HELMS. Certainly.

Mr. DORGAN. The Senator is very courteous. I have been waiting some while to speak. I ask unanimous consent that I be recognized to speak following the remarks of the Senator from North Carolina.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Carolina.

Mr. HELMS. Mr. President, I think I may be the only Senator now a Member of this body, or maybe one or two or three, who remembers when Edward R. Murrow and Herbert Matthews portrayed a young man out in the boon-docks of Cuba as being a humanitarian who was ready to come into Cuba and save the Cuban people. That young man's name was Fidel Castro. Night after night, CBS repeated that fiction. Morning after morning, the New York Times repeated that fiction. And finally, Fidel Castro came in after Batista left.

The first thing he did was to take up all the guns of the people who were politically opposed to him.

The second thing he did was jail most of them.

The third thing he did was to back the rest of them up against a wall and end their lives before a firing squad.

I say all this because so much fiction has been circulated about Fidel Castro, and so much cruelty is being heaped upon the farmers of North Carolina, giving them hope that they can get financial gain from making their crops available to the people of Cuba.

I wish it were so, but it is not so. The Cuban Government, as has already been discussed this afternoon, is not prepared to pay for anything. It is bankrupt.

As has been said here this afternoon by two or three of the distinguished speakers, Cuba has been identified on the State Department's so-called State Sponsors of Terrorism List for very good reason. Not only has the State Department documented evidence that Fidel Castro provides aid and comfort to the terrorists, but there is also clear evidence that Castro has close ties to

insurgent groups and other government sponsors of terrorism all around the world.

Fidel Castro maintains connections with guerrillas in Colombia, Spain's Basque separatists, the Irish Republican Army, and so on.

Today nearly 100 terrorists and fugitives from United States justice enjoy safe haven in Cuba. Most of these fugitives are airline pirates and airline hijackers. Among the terrorists being shielded by Castro are members of Puerto Rican terrorists, which includes terrorists on the FBI's most wanted list. One of the fugitives was the lead bombmaker responsible for several terrorist attacks, including a New York bombing that killed 1 and maimed 60 others.

I am sure Senators recall that in 1996 it was Fidel Castro who ordered that two unarmed civilian U.S. aircraft be shot down, and they were. They were shot down over international waters. I know Senators have not forgotten that it was this savage act of terrorism that united the Congress of the United States and the White House in opposition to the terrorist state of Havana.

The Cuban regime trades in information it collects on United States activities through a deeply entrenched spy network in the United States. Just after the September 11 attacks, for example, the Federal Bureau of Investigation arrested a high ranking U.S. Defense Intelligence Agency official who was passing sensitive national security information to Castro's government. There should be no doubt that this traitor would have continued to funnel information to Cuba and, therefore, our enemies in the war against terrorism around the world. The FBI acted quickly to shut down this dangerous leak, even as U.S. troops headed into battle as a result of the episodes on September 11.

Despite all of this evidence, there are still some Senators who are attempting to help the terrorist state of Havana to fill its coffers with U.S. dollars. If financing restrictions are lifted, it is an absolute certainty that a great many additional American dollars will give Castro's regime the means to enhance cooperation with our terrorist enemies and fuel its cruel repression of the Cuban people.

If we had the time, I would outline facts that are known and are part of the Foreign Relations Committee books. Women, doctors, and lawyers are having most of their income taken from them by Castro's government, and a lot of these women have no choice that they can see in order to feed their families but to subject themselves to prostitution. This is the kind of man Fidel Castro is.

Senators who seek United States financing for United States businesses which hope to do business with Havana do not seem to want to discuss the fact that Cuba could not be more hostile to private business interests or more unreliable in paying its bills.

The Cuban Government has without compensation expropriated more United States property from United States citizens than any other government in the world. No other government is even close to Cuba.

The Cuban economy is one of the most repressed economies in the world and features an appalling lack of workers' rights, no protection for private property rights, no provision for international arbitration of disputes, and no enforcement of contracts.

This point needs to be underscored. The Cuban Government does not pay its bills. The Cuban Government has more than \$12 billion in hard currency debt. Earlier this summer, France froze \$175 million in short-term trade cover for Cuba after the Castro government defaulted on a similar agreement in the year 2000. When the record is reviewed regarding this year alone, it will be clear that governments and companies from South Africa to Panama to Chile and Spain are complaining that the Cuban Government is not paying its bills. Now, how would any Senator be eager for their home State businesses, including especially their farmers, to assume the risk of doing business with the Castro regime?

I don't need to remind this Senate that our country is at war with terrorism. This is not the time for the Senate to make unilateral discussions and concessions to a faltering dictatorship and a known identifiable terrorist state. That is the most foolish kind of appeasement.

President Bush's administration has stated its strong opposition to repealing the financing restrictions on sales to Cuba: "Because of Cuba's continued denial of basic civil rights to its citizens as well as its egregious rejection of the global coalition's efforts against terrorism . . ."

I urge my colleagues to stand with President Bush in the fight against terrorism. Support the Torricelli amendment.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from North Dakota is recognized.

Mr. DORGAN. I am happy to yield to the Senator from Arizona for an inquiry, without losing the right to the floor.

The PRESIDING OFFICER. Without objection, the Senator yields for an inquiry.

Mr. MCCAIN. I ask unanimous consent I be recognized following the Senator from North Dakota.

The PRESIDING OFFICER. Is there an objection?

Mr. ALLARD. I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from North Dakota.

Mr. DORGAN. Mr. President, there has been a generous amount of debate about this subject, and an interesting debate it is. However, let me put in a word on behalf of family farmers in our country who would say to you "don't



use food to punish people; don't use food as a weapon."

That is what this issue is about. Let me stipulate to all what has been said about Cuba or Castro or terrorism. Let me stipulate to all of it, and then ask you the question: When you use food and medicine as a weapon against a country, any country, what on Earth have you accomplished when the day is done? What have you accomplished?

We have had a vote in the Senate on this subject before. Over 70 Members of the Senate said we ought not use food and medicine as a weapon. We ought not, in the conduct of foreign policy, trying to punish some other country, use food and medicine. It is unseemly. It is wrong. It is not the moral thing to do. Over 70 Members of the Senate have already voted on that.

Did we get it done? No, because it got hijacked in a conference with the House of Representatives on two occasions. So we opened up a small crevice, that some food can go to Cuba under certain conditions provided there is no public financing and no US private financing. So you have no public financing, no capability of getting private financing, and some food can go to Cuba if someone goes to Europe and gets financing, gets a license and has to wait on a ship for 2 weeks, and in the event of a hurricane, we send some corn to Cuba, as we finally did yesterday.

Because 70 Members of the Senate have already expressed themselves on this issue, someone listening to this debate earlier would believe because four or five people have spoken about it in passionate terms, this issue is about stopping terrorism in its tracks, about punishing the Castro government, punishing the government of Cuba. I have no truck for Fidel Castro and his government. What I do care about is the ability of our family farmers to be able to move food around the world to hungry people. That is what this is about.

How often do we continue to use food as a weapon? It is one thing to shoot yourself in the foot. It is quite another thing to take aim before you shoot. That is exactly what has happened here, time and time and time again. Maybe we ought to have a little clear thinking about what we are doing.

Restrictions on food sales to Cuba are not going to punish Fidel Castro. What they do is punish poor people, sick people, hungry people, and kids. Everyone knows it. That is why 70 percent of the Senate has already voted to say this is a policy that doesn't work.

I was in Cuba. Many Members have been to Cuba. I was in a hospital in Cuba, in an intensive care ward where a little boy was in a coma. He had been in a bicycle accident. He was severely injured and was in a coma, lying in the intensive care unit, without one piece of equipment, without one machine attached to him. Why? Because they didn't have any. In that particular hospital, they told me they were out of 240 different kinds of medicine.

Yet the policy advocated by those that push this amendment is we should

continue to use medicine as an instrument of punishment against Fidel Castro or the Cuban Government. This is not about Fidel Castro or the Cuban Government. It is about kids in hospitals. It is about kids who are hungry. It is about family farmers in North Dakota who are told time and time again: "By the way, we intend to use your wheat fields as an instrument of foreign policy, and we are not going to pay for it."

It is easy to put on a blue suit in the morning and come to the Senate and decide you want to use a field of wheat in Nebraska as an instrument of your foreign policy and say you can't sell that wheat to this country or that country. We are familiar with embargoes. We have had too many. We ought never have an embargo on food. Hubert Humphrey, many years ago, said: "Sell them anything they can't shoot back."

So they are going to shoot corn back at us, are they? All these restrictions do is hurt kids and hungry people. Does anybody in this Chamber want to stand up and tell me because we had a 40-year embargo and we have decided we will cut Cuba off from being able to purchase or achieve a food shipment from the United States, that Fidel Castro has ever missed a meal? Does anybody believe he has missed a meal? If so, which one? Breakfast? What day? Dinner? Lunch? I don't think so. We know better than that. Those who govern in Cuba have never missed a meal because we decided to use food as a weapon. It is the hungry, the sick, and poor people that get hurt with embargoes. And America's family farmers get hurt with embargoes.

We get all the agents of change that come to the Senate on virtually every issue except this: 40 years of a policy that doesn't work. We know it doesn't work. The biggest excuse Castro has for the total collapse of the Cuban economy is that he says the American Government has its fist around the Cuban economy's neck. That is what causes these problems. That, of course, is pure nonsense. But that is what he uses.

The quickest way to get Castro out of power is to open that country up, eliminate this embargo, see the investments go into Cuba. They are going in now from Europe. If we stop this embargo, Castro would have an awful tough time holding on to power.

Aside from that, there is a narrower question. Should part of the embargo be food shipments and medicine shipments to Cuba? The answer is, no.

Let me ask a question: Are we able to ship food to Communist China? I say Communist China because China is a wonderful, big country, a big trading partner of ours. I say "wonderful" because we have spent a lot of time negotiating with them. We have treaties with them. But it is a Communist country, isn't it? Has anybody come to the floor of the Senate talking about cutting off food to China, a Communist country?

Let me ask the question, when China was selling missile technology to Iran, did anybody rush down to the floor of the Senate talking about cutting off food to China? No. No, you won't hear about that. Nobody will do that.

How about North Korea? Is there anybody rushing to the floor to talk about cutting off food to North Korea, a Communist country? Is anybody rushing around with their Vietnam amendment to cut off food to Communist Vietnam, a country that is a wonderful country, coming out from behind the curtain with a market system, but still a Communist government? Is anybody rushing to see if we can cut off food to a country that is run by a Communist government?

No, the only country in the world in which we prohibit by law private financing—not public, private financing—to ship food, the only country in which we prohibit private financing to ship food is Cuba. We can do private financing and ship food to China. We can do it to North Korea and Vietnam. I can go down a long list of countries that are depicted as terrorist countries, but nobody is on the floor saying we have to stop this. We have to start using food and medicine as a weapon to stop this. No one is saying anything about that.

Why? This is about Cuba only. Let me stipulate again to all that which has been said before me. I don't know how much of it is true. I suspect a fair amount of it is true. It is a repressive government. It is not a government chosen by the people of Cuba. It jails dissidents. But it is interesting, if you go to Cuba and talk to the dissidents in Cuba, they will tell you the embargo is counterproductive. A good many dissidents believe a good way to get rid of Fidel Castro is to get rid of the embargo.

Those who believe we ought not be able to ship food to Cuba, even financed privately, ought to explain to us why we ought to be able to ship food to China, North Korea, Libya, and the rest of the world, through private financing. Why? Is it all right to ship food through private financing to the country of Iran? Yes, with a license. But not Cuba. Why?

It is interesting to me. It seems to me we are so blinded we cannot think our way out of this fog. I have spoken on the floor a number of times about the restrictions on travel to Cuba. We are not debating that today, but those restrictions are absurd also, just absurd. You can travel anywhere else in the world, but you can't travel to Cuba.

Let me tell you about a little old lady in the State of Illinois, retired, responding to an advertisement in a Canadian travel magazine, a biking magazine. She decided she wanted to bike. The Canadian bicycle club was sponsoring a bicycle tour of Cuba for 8 days. She signed up. She is retired, living in Illinois, loves to bike, and wanted see Cuba. She went to Cuba, had a wonderful bicycle trip, and came back.

Eighteen months later, from the U.S. Treasury Department, she got a \$9,600 fine for traveling in Cuba. So we have the Office of Financial Assets Control in Treasury tracking little old ladies in Illinois riding bicycles in Cuba while we have terrorists plotting to fly airplanes into the World Trade Center. Obsessive? I think so.

Maybe we can find our way out of this public policy mess if we just think through it clearly. It seems to me we ought to decide, every one of us, that we should not use food or medicine as a weapon.

I understand the Senator from Arizona wishes consent to be recognized. I ask unanimous consent he be recognized following my presentation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Let me make one final point. We have been stuck in reverse with respect to policy for decades. The Senate has spoken on this issue; 70 Senators said using food and medicine as a weapon is absurd. Let's change the policy. So we are going to have a vote today. I hope the vote today will reflect what the Senate has previously reflected on this issue. This is not about Fidel Castro. It is not about the Cuban Government. It is about being able to ship food as we do to every other country in the world with private financing: Iran, Libya, North Korea, China, and on and on and on. Except this absurd proposition that with private financing we cannot ship food to the country of Cuba. It makes no sense. Everyone in this room understands it and knows it and it is time to change it.

Mr. SMITH of Oregon. Mr. President, I rise today as a cosponsor of both Senator BOB SMITH's and Senator TORRICELLI's amendments regarding the Cuban Government. These amendments are simple and straight-forward. Senator SMITH's amendment provides for Presidential certification that Cuba is not involved in acts of international terrorism as a condition precedent to agricultural trade with Cuba. Senator TORRICELLI's amendment would provide similar certification that all convicted felons living as fugitives in Cuba be returned to the United States prior to the amendments relating to agricultural trade with Cuba.

The pattern of refuge and support that Cuba provides for fugitives wanted in other countries is quite troubling—many of these fugitives are members of outlawed terrorist groups. History is quite clear regarding Castro's links to international terrorist groups—these include Colombian and Salvadoran guerrilla groups, the Chilean MIR and even the PLO. Our own State Department has presented irrefutable evidence that Castro has been involved in drug trafficking to provide arms and cash to support guerilla movements.

Due to the closed and repressive nature of Castro's Cuba, the transit of international criminals and terrorists is difficult to track. I strongly believe

that this Nation needs to have some certification regarding terrorists in Cuba and the harboring of fugitives in Cuba.

As we advance our Nation's war on terrorism, it is interesting to note Fidel Castro's speech in Tehran, Iran, recently. Castro told Iranian students that the United States was an imperialist king that would fall just as the U.S.-backed Shah of Iran fell in the 1979 revolution. He said:

you destroyed the strongest gendarme of the region . . . and the people of the region should thank you for that . . . However this Imperialist King will finally fall, just as your King was overthrown.

I urge all my colleagues to support these amendments and look forward to a day when democratic values reign in a free and democratic Cuba.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 2598

Mr. MCCAIN. Mr. President, I send an amendment to the underlying bill to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself, Mr. GRAMM, and Mr. KERRY, proposes an amendment numbered 2598.

Mr. MCCAIN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for the market name for catfish)

At the end of the underlying bill, insert the following:

**SEC. . MARKET NAME FOR CATFISH.**

The term "catfish" shall be considered to be a common or usual name (or part thereof) for any fish in keeping with Food and Drug Administration procedures that follow scientific standards and market practices for establishing such names for the purposes of section 403 of the Federal Food, Drug, and Cosmetic Act, including with respect to the importation of such fish pursuant to section 801 of such Act.

**SEC. . LABELING OF FISH AS CATFISH.**

Section 755 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2002, as repealed.

Mr. MCCAIN. Mr. President, we will have additional time, I am sure, after the cloture vote and perhaps I may even make a tabling motion, depending upon the parliamentary situation on this issue. But it is very simple. The amendment was an amendment slipped into the 2002 Agriculture appropriations bill as part of a managers' amendment.

I still remember very clearly, it was in the evening. We were about to vote final passage. I said: Wait a minute; has anybody seen the managers' amendment? There was dead silence. There were maybe 50 or 60 Members here. So I said: We really should look at the managers' package. Everybody grumbled, so I relented.

It turned out there were 35 amendments, 15 of them specific to members of the Appropriations Committee. One bans catfish, basically bans catfish from being imported into the United States of America, without debate, without discussion, without knowledge until the next day after the bill was passed.

Again, the remarkable degeneration of the parliamentary system that is taking place as we address appropriations bills is remarkable. Think of it: 35 amendments, no one knowing what they are. We all voted aye. One of them fundamentally affected a trade agreement that had just been completed between the United States of America and Vietnam.

This is happening all the time. We find amendments slipped in which affect national policy, which affect, in the case of the North American Free Trade Agreement, commerce as far as Mexican trucks are concerned. There was legitimate debate on both sides but—what? It was put into an appropriations bill. Time after time after time. This is another dramatic example of it.

It is entertaining. We will get to talk about it a lot. But this is a provision, as I say, which was added without debate, discussion, or knowledge of the Members that basically calls catfish from this country catfish and catfish from any other part of the world not catfish. Remarkable.

According to the Food and Drug Administration and the American Fisheries Society, the *Pangasius* species of catfish is imported from Vietnam and other countries as "freshwater catfishes of Africa and southern Asia." Existing regulations required imported catfish to be labeled differently from catfish grown domestically so consumers can make informed choice about what they are eating. Yet the Agriculture appropriations language overturns these regulations by allowing only North American catfish growers to call their catfish "catfish" and prohibits catfish from any other country being labeled as such. Remarkable.

This was commented on by several newspapers and magazines. Also, by the way, there was an advertising campaign mounted against catfish. According to the Far Eastern Economic Review, in its feature article on this issue:

For a bunch of profit-starved fisherfolk, the U.S. Catfish lobby had deep enough pockets to wage a highly xenophobic advertising campaign against their Vietnamese competitors.

This protectionist campaign against catfish imports has global repercussions. Peru has brought a case against the European Union and World Trade Organization because the Europeans have claimed exclusive rights to the use of the word "sardine" for trade purposes.

As a direct consequence of the passage of this restrictive catfish labeling language in the Agriculture appropriations bill, USTR has withdrawn its

brief supporting the Peruvian position in the sardine case against the European Union because the catfish provision written into United States law makes the United States guilty of the same type of protectionist labeling scheme for which we have brought suit against the Europeans in the WTO.

Sooner or later, we are going to have to stop legislating on appropriations bills. Sooner or later, we are going to have to stop giving away to special interests, and we are going to have to have campaign finance reform.

I would be very interested in hearing the campaign contributions made by this catfish lobby in past and present political campaigns.

We have to stop the kind of protectionism which will destroy free trade on which America's economy is built and maintained. We are seeing example after example and case after case of protectionism creeping in but not through open and honest debate. If the supporters of this amendment thought it was a good amendment, why couldn't we have brought it up and had open and honest debate and amendments? No. It was snuck in a managers' package, the most disgraceful practice—the most disgraceful is putting it in the conference report. That is the worst. The second worst is putting it in the so-called managers' package. Usually, it is late at night.

I stray from the subject a bit, but if you think we have had fun, wait until you see the DOD appropriations bill. Wait until next Friday when everybody is going to want to get out of town because Christmas is coming and the last train is leaving. It is going to have more Christmas trees on it than the North Pole. It will be a remarkable document. But I intend to be here and make sure that at least the American people know what is in it.

Putting an amendment that affects trade relations, trade agreements, and fundamental issues of free trade into a managers' package is the kind of conduct that causes the American people to lose confidence in their elected representatives.

I don't mind open and honest debate. I wouldn't mind losing an open and honest debate. I do mind on the part of my constituents and the American people that this kind of amendment gets the attention it has received.

I know it is almost time, according to the unanimous consent agreement, for the cloture vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, let me explain very briefly to our colleagues what we hope to do.

The Senator from Kansas and the Senator from Oregon have an amendment that has been agreed to. They would like 2 minutes on a side to present it. Immediately following that, I will make a unanimous consent request that would allow us the opportunity to consider and debate the defense authorization conference report between now and 5:30. At that time, we will have the cloture vote, then the Department of Defense authorization conference report vote, and then a vote on a judge, all stacked, from 5:30 to whatever time following that.

Following those votes, if Senators wish to offer additional amendments on the farm bill, they are certainly entitled to do so.

Mr. LOTT. Is the majority leader propounding that unanimous consent request at this time or are you going to wait until after this?

Mr. DASCHLE. Actually, I now have the text.

Mr. LOTT. If you would be willing to do it now, we would get on to this issue quicker.

#### UNANIMOUS CONSENT REQUEST

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate, immediately following the disposition of the amendment to be offered, turn to the consideration of the conference report to accompany S. 1438, the Department of Defense authorization bill; that when the report is considered, it be considered under the following limitations; that there be 75 minutes for debate, with time controlled as follows: 45 minutes for the chair and ranking member or their designees; and 30 minutes under the control of Senator BYRD; that upon the use or yielding back of time, without further intervening action, the Senate proceed to vote on adoption of the conference report following a vote on the motion to invoke cloture on the Harkin substitute amendment to S. 1731; that upon adoption of the conference report, the Senate then turn to the conference report to accompany H.R. 2883, the intelligence authorization; that the conference report be considered agreed to, and the motion to reconsider be laid upon the table, with no intervening action or debate; provided further that H. Con. Res. 288, a concurrent resolution providing for a technical correction in the enrollment of S. 1438, be considered and agreed to, and the motion to reconsider be laid upon the table, without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Reserving the right to object.

Mr. LEVIN. Reserving the right to object.

The PRESIDING OFFICER. The Republican leader.

Mr. LOTT. Mr. President, let me just say that I will not object. I think this

is a reasonable arrangement. I want to explain, though, why we are doing this. We were scheduled to have a vote at 4 o'clock on the cloture motion. We had at least a couple Senators who were unavoidably delayed, and we would want to accommodate that under these conditions. This allows us to move forward on the Defense authorization bill, which we need to do, and that we would have the vote on the cloture motion that was scheduled for 4 o'clock at 5:30, as I understand it, followed by the vote on the defense authorization conference report, followed by a vote on a judge—stacked votes.

For those of you who are worried about agriculture, as I understand it, don't worry, because everything will be at this point when we, if and when, come back to it. But this is to accommodate as many Senators as possible while getting a vote on the very important defense authorization bill and a vote on the cloture motion on the agriculture bill.

Mr. MCCAIN. Reserving the right to object.

Mr. LOTT. I withdraw my reservation.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Reserving the right to object.

Mr. HARKIN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. It is a good thing this is the Defense authorization conference report or I would object. I do not intend to permit anything else to interrupt this farm bill until we finish it. It is defense. It is important for our country, so I will not object. I just want to put everyone on notice, that is it. Once we get back on the farm bill, we will be on it. I will object to going off this farm bill for anything else other than the defense of this country. I just want to make it clear.

Secondly, I want to ask my leader about tonight. We are going to have these three votes. We have had some amendments. We have some amendments ready to go tonight. I want to know if it is the intention to have the Senate stay in session tonight and to have votes, to debate amendments and have votes tonight to move this farm bill forward. I would just like to know if that is what we are going to do.

Mr. DASCHLE. I would be happy to respond to the Senator from Iowa.

This does not preclude additional consideration of amendments or votes tonight.

Mr. HARKIN. So there will be votes tonight, if, again, Senators offer amendments and we debate them? We can have votes tonight on further amendments to the farm bill?

Mr. DASCHLE. That is correct.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object.

Mr. LOTT. Reserving the right to object.

The PRESIDING OFFICER. The Republican leader.

Mr. LOTT. Just to clarify what was said, Senator HARKIN said that there will be more votes tonight. That is not what Senator DASCHLE said. He said this does not preclude that. We have our normal rights for full debate, and we have to work out agreements to when we would vote, ordinarily. So I am not saying there will not be votes, but I just do not want to leave the wrong impression.

Mr. HARKIN. So I guess what I read into that, if the Senator will yield, is that it is the Senator's intention not to have any votes tonight?

Mr. LOTT. I don't want to make any more profound statement on this subject than Senator DASCHLE did. I would want to consult with him. No final decision or announcement has been made on that.

Mr. MCCAIN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I reserve the right to object. Because of intentional and unintentional parliamentary procedures, I have not been allowed to propose my amendment before the vote on cloture. If cloture is invoked, then I may not be able to have this amendment be germane.

So I ask unanimous consent that that unanimous consent agreement be amended that my amendment be made in order to the Daschle substitute, as several other amendments have been made in order, in the event of the invocation of cloture.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object.

Mr. MCCAIN. Then I object to the unanimous consent request. I think I should be allowed to propose and have debate on an amendment to the bill.

The PRESIDING OFFICER. Objection is heard.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Daschle for Harkin substitute amendment No. 2471 for Calendar No. 237, S. 1731, the farm bill:

Tim Johnson, Harry Reid, Barbara Boxer, Tom Carper, Zell Miller, Max Baucus, Byron

Dorgan, Ben Nelson, Daniel Inouye, Tom Harkin, Kent Conrad, Mark Dayton, Debbie Stabenow, Richard Durbin, Jim Jeffords, Tom Daschle, and Blanche Lincoln.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the substitute amendment No. 2471 to S. 1731, a bill to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Washington (Mrs. MURRAY) is necessarily absent.

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 53, nays 45, as follows:

[Rollcall Vote No. 368 Leg.]

#### YEAS—53

Akaka	Dodd	Levin
Baucus	Dorgan	Lieberman
Bayh	Durbin	Lincoln
Biden	Edwards	Mikulski
Bingaman	Feingold	Miller
Boxer	Feinstein	Nelson (FL)
Breaux	Graham	Nelson (NE)
Byrd	Harkin	Reed
Cantwell	Hollings	Reid
Carnahan	Hutchinson	Rockefeller
Carper	Inouye	Sarbanes
Chafee	Jeffords	Schumer
Cleland	Johnson	Snowe
Clinton	Kennedy	Stabenow
Collins	Kerry	Torricelli
Conrad	Kohl	Wellstone
Corzine	Landrieu	Wyden
Dayton	Leahy	

#### NAYS—45

Allard	Fitzgerald	Murkowski
Allen	Frist	Nickles
Bennett	Gramm	Roberts
Bond	Grassley	Santorum
Brownback	Gregg	Sessions
Bunning	Hagel	Shelby
Burns	Hatch	Smith (NH)
Campbell	Helms	Smith (OR)
Cochran	Hutchison	Specter
Craig	Inhofe	Stevens
Crapo	Kyl	Thomas
Daschle	Lott	Thompson
DeWine	Lugar	Thurmond
Ensign	McCain	Voinovich
Enzi	McConnell	Warner

#### NOT VOTING—2

Domenici Murray

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 45. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. DASCHLE. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

Mr. President, I withdraw my motion.

The PRESIDING OFFICER. The motion is entered.

#### ORDER OF PROCEDURE

Mr. DASCHLE. There has been a good deal of discussion during the vote on how to proceed. I think we may have reached an agreement, a consensus on how to complete the agreement that would be in most people's interests and accommodating most schedules; that is, if we voted on the defense authorization conference report right now.

As I understand it, the chair of the committee, the chair of the Appropriations Committee, as well as the chair of the defense authorizing committee and ranking member are prepared to speak about the conference report for the record and share with Members its many component parts immediately following the vote.

I ask unanimous consent that the defense authorization conference report be brought before the Senate and the Senate vote on its final adoption.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Reserving the right to object—I do not intend to object—I want Senators to know I intend to vote against this conference report, and I will explain why because I understand the problems that confront the leader and I am very willing to wait until after the vote to make that statement.

Mr. MCCAIN. Reserving the right to object, is it the intention of the majority leader to return to consideration of the agriculture bill?

Mr. DASCHLE. The Senator from Arizona is correct.

Mr. MCCAIN. I ask that, following the Wyden-Brownback amendment, the McCain-Gramm amendment be considered.

Mr. DASCHLE. For clarification, we will have the discussion about the defense authorization conference report. Immediately following that, it will be my intention to go back to the farm bill. I think there was some understanding that we recognize the Senator from Kansas and the Senator from Oregon for a brief period of time for an amendment that I think has been agreed to, and then it would be our intention to move to the amendment offered by the Senator from Arizona.

Mr. LOTT. Reserving the right to object, if I could, just for one clarification, if Senator DASCHLE would clarify, will we have the vote on the judge that had been scheduled in this back-to-back vote?

Mr. DASCHLE. That would be my intention, that we would.

Mr. LOTT. I withdraw.

The PRESIDING OFFICER. Is there objection?

Mr. GRAHAM. I ask, in addition to the current unanimous consent request, that immediately after debate on the amendment of the Senator from Arizona, we then turn to the debate on the amendment as offered by Senator SMITH of New Hampshire and Senator TORRICELLI of New Jersey.

Mr. DASCHLE. That will be made part of the request.