

Madam President, as I said, we have all day today and all day on Monday for Senators to offer amendments. I know Senator DORGAN is waiting to offer an amendment. There will be other Senators who will come to the floor.

The authors of the steel amendment have kindly accepted our suggestion to set aside their amendment in order to accommodate other Senators who wish to have their amendments offered. I think it is very important that we use these days for full consideration of other amendments.

It is my intention at this point to file cloture on the bill on Monday in order to have a cloture vote on Wednesday. So amendments will have to be disposed of prior to Wednesday.

It is my expectation that we will be taking up a supplemental appropriations bill, in consultation of course with Senator BYRD, before the end of next week. There is no way we can do that unless we bring our debate on this bill to a successful close.

So we have a lot of work to do next week. We want to finish the bill. We want to finish the supplemental bill. We may take up other issues as well, including some reference to the budget. So it is necessary that we use the days between now and then to the maximum degree possible.

I urge Senators to come over and have their amendments considered. Senator REID will be here, and other members of the leadership, but primarily Senator REID, who has offered to offer the amendments on behalf of Senators who may have travel schedules that will not accommodate their offering of amendments. So there is no reason these amendments cannot be offered. Senator REID will be here to offer them or Senators can come and offer them themselves. But all day today and all day Monday we are open for business and we are determined to use these days to the maximum degree possible.

I thank my colleagues for what I think has been a very productive week on this bill. Their cooperation has been very catalytic in bringing about the final days of debate on the bill—with the one exception that we are spending too much time on the votes themselves.

I yield the floor.

#### UNANIMOUS CONSENT REQUEST— S. 2179

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. CARNAHAN. Madam President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 375, S. 2179, that the bill be read a third time, passed, and the motion to reconsider be laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Reserving the right to object, this legislation was just called to

my attention. We have not had a chance to review it and to do a hotline on it to see if there are any problems with it. It looks like something we will be able to clear, but at this time we have not had a chance to do that so I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. CARNAHAN. I find it unbelievable that my colleagues on the other side of the aisle would object to a bill, unanimously passed by the Judiciary Committee, to honor the law enforcement and public safety officers who risk their lives daily to keep us safe. The bill I introduced provides a small amount of money to honor those who have been injured or killed in the line of duty. As we celebrate Police Officers Memorial Week, it is troubling to me that anyone would want to deny them the recognition that they are due.

I hope whoever is blocking this bill from passing will reconsider their opposition and let us honor these brave men and women.

The PRESIDING OFFICER. The Republican leader.

Mr. LOTT. Madam President, there is a process of doing legislation in the Senate. This was just reported, as I understand it, yesterday. I made the point I had not had a chance to review it at all.

I note we should honor, in whatever way possible, men and women who have fallen in the line of duty as law enforcement and public safety officers. But just looking at this preliminarily, it provides Federal grants to States, local governments, and Indian tribes to establish permanent tributes to honor men and women who are killed or disabled while serving as law enforcement or public safety officers. We have had that happen in my home community. Policemen and highway patrolmen have lost their lives. We should honor them. We should do that locally and privately.

For the Federal Government to encourage and maybe to participate is worth considering, but there is a principle here. I am not sure it is one that we want to just approve without having a chance to take a closer look at it.

The PRESIDING OFFICER. The Senator from Nevada.

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

The PRESIDING OFFICER (Mr. CORZINE). Without objection, it is so ordered.

#### ANDEAN TRADE PREFERENCE EXPANSION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 3009, which the clerk will report.

The senior assistant bill clerk read as follows:

A bill (H.R. 3009) to extend the Andean Trade Preference Expansion Act, to grant additional trade benefits under that Act, and for other purposes.

Pending:

Baucus/Grassley amendment No. 3401, in the nature of a substitute.

Rockefeller amendment No. 3433 (to amendment No. 3401), to provide a 1-year eligibility period for steelworker retirees and eligible beneficiaries affected by a qualified closing of a qualified steel company for assistance with health insurance coverage and interim assistance.

Daschle amendment No. 3434 (to amendment No. 3433), to clarify that steelworker retirees and eligible beneficiaries are not eligible for other trade adjustment assistance unless they would otherwise be eligible for that assistance.

The PRESIDING OFFICER. The Senator from Nevada.

#### CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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 Rockefeller amendment No. 3433:

Jay Rockefeller, Paul Wellstone, Barbara Mikulski, Charles Shumer, Edward Kennedy, Joseph Lieberman, Richard J. Durbin, John F. Kerry, Barbara Boxer, Harry Reid, Tom Daschle, Christopher J. Dodd, Thomas R. Carper, Paul Sarbanes, Jon Corzine, Patrick Leahy, Debbie Stabenow.

The PRESIDING OFFICER. The Senator from Nevada.

#### ORDERS FOR TUESDAY, MAY 21, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business on Monday, May 20, the Senate stand adjourned until 9 a.m., Tuesday, May 21; that on Tuesday, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that there then be a period of morning business until 9:30 a.m., with the time equally divided and controlled between the two leaders or their designees, with Senators permitted to speak therein for up to 10 minutes each; that at 9:30 a.m., the Senate resume consideration of H.R. 3009, and there be 90 minutes of debate with respect to the cloture motion on the steel amendment, with the time equally divided and controlled between the two leaders or their designees; that the Senate vote on the motion to invoke cloture at 11 a.m., with the mandatory quorum required under rule XXII being waived, without intervening action or debate; provided further, that the Senate recess on Tuesday from 12:30 to 2:15 p.m., for the respective party conference meetings.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, reserving the right to object, might I inquire of my colleague from Nevada, the disposition of the amendment that you just referenced would conclude at what point on Tuesday? In other words, what time would the vote be on the steel amendment?

Mr. REID. At 11 a.m., which would be voting on cloture on the amendment.

Mr. DORGAN. Voting on cloture on the steel amendment?

Mr. REID. Yes.

Mr. DORGAN. Mr. President, could the Senator tell me, is there an established order on recognition following that vote for the purpose of offering amendments?

Mr. REID. Yes. I appreciate the Senator's question. I was going to make a statement on that. We have a list that is already in the RECORD of the order in which amendments will be offered.

The next amendment will be a Republican amendment. We understand Senator ALLEN is the person who is going to offer that. Following that would be the Kerry amendment, then a Republican amendment, then Dorgan amendment, and on down the line.

I would say, however, that I am going to offer some amendments on behalf of other Senators during the day. But anyone who wants to come to the floor—including the Senator from North Dakota, if he is here and wants to debate the Cuba amendment he is going to offer—today would be a good time to do that.

As the majority leader has indicated, today we will stay in session as long as people have something to say. On Monday we are going to come in around 1 o'clock in the afternoon. The same would apply on Monday. People can offer amendments on Monday. There will be no votes, but some of these amendments will be debated. Some of them will be accepted. For other amendments we will schedule votes. And we could schedule those votes, of course, on Tuesday.

So I think a lot of progress could be made today and on Monday. We will work our way on down the list.

Did that answer the Senator's question?

Mr. DORGAN. Mr. President, I believe so. I am only concerned that we have time, prior to the filing of the cloture motion and a vote on cloture on this bill, to offer amendments. I have offered one amendment. I have two additional amendments. I certainly want to be able to offer them.

As I understand it, the Senator from Nevada has indicated that, despite the fact there is a list of amendment, if we are able to be here today and/or Monday to offer additional amendments, nothing will preclude us from offering those amendments. Is that correct?

Mr. REID. If there is no one here to offer an amendment, the agreement is that we would set whatever amendment is next in order aside and go to the next amendment.

Mr. DORGAN. Mr. President, I have no objection.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, now we are on the bill; is that right, Mr. President?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. The bill is open for amendment.

As I have indicated, it is my understanding that Senator ALLEN wishes to offer an amendment. He does not appear to be in the Chamber.

The other understanding we certainly need to have is that if the Democrats offer five amendments in a row, the Republicans, when they are ready to offer their amendments, can also offer five amendments to catch up with us. And that is the understanding we have had. And certainly that should be the order of things so we treat people fairly.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 3439 TO AMENDMENT NO. 3401

Mr. DORGAN. Mr. President, I send an amendment to the desk on behalf of myself, Senator ENZI, Senator CANTWELL, Senator HAGEL, Senator JOHNSON, Senator ROBERTS, and Senator MURRAY.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside and the clerk will report the amendment.

The senior assistant bill clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself, Mr. ENZI, Ms. CANTWELL, Mr. HAGEL, Mr. JOHNSON, Mr. ROBERTS, and Mrs. MURRAY, proposes an amendment numbered 3439.

Mr. DORGAN. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To permit private financing of agricultural sales to Cuba)

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ AGRICULTURAL SALES TO CUBA.

(a) IN GENERAL.—Section 908 of the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 2001 (22 U.S.C. 7207) is amended by striking subsection (b).

(b) CONFORMING AMENDMENTS.—Section 908(a) of the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 2001 (22 U.S.C. 7207(a)) (as amended by subsection (a)), is amended—

(1) by striking “(a)” and all that follows through “Notwithstanding” and inserting the following:

“(a) IN GENERAL.—Notwithstanding”;

(2) by striking “(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1)” and inserting the following:

“(b) RULE OF CONSTRUCTION.—Nothing in subsection (a)”;

(3) by striking “(3) WAIVER.—The President may waive the application of paragraph (1)” and inserting the following:

“(c) WAIVER.—The President may waive the application of subsection (a)”.

Mr. DORGAN. Mr. President, Cuba suffered a hurricane that had a fairly significant impact on the island. The Cubans wanted to purchase American food, and they did. They purchased well over \$100 million in food from our country: Corn, wheat, dried beans, eggs, and much more.

However, the legislation that allows us to sell food to Cuba prohibits any financing of these sales—even private financing. Cubans have to pay cash, and it is illegal for U.S. companies or banks to be involved in the transactions. Now, this should strike most people as rather strange. We will allow our farmers to sell wheat or eggs or dried beans to Cuba, but they can't even use private financing to do the sale.

So the ban on extending credit by U.S. private banks and companies to Cuba means transactions are carried out in cash. And the payments cannot even be made directly. When Alimport, the agency in Cuba that purchases this food on behalf of the Cuban people, makes a purchase, the money has to go through a French bank, in a transaction that takes 40-plus hours.

Well, when we were putting together the Senate version of the Farm Bill, we decided to do something about this problem. We inserted a provision into the Senate version of the Farm bill that allowed private financing of agricultural sales to Cuba. No U.S. government financing—just private financing.

The vast majority of Senators voted for this amendment. Then the House of Representatives, by a vast majority, passed a resolution calling on the House conferees to accept this provision in conference. But the measure was taken out of the conference report anyway.

The amendment we are offering today to the trade bill is identical to the provisions that were in the Senate version of the Farm Bill. Not one word has been changed.

What we are trying to overcome here is a small group of lawmakers that are trumping the will of Congress.

You know, when we passed the legislation that allowed our farmers to sell food from Cuba, a Congressman from Florida was quoted in the Miami Herald as saying that he was satisfied that the language in the legislation was restrictive, making it difficult for United States companies to do business in Cuba because they will have to go through third countries for financing. My colleague in the House of Representatives did not care about the intent of the legislation—he wanted to make sure that it was as difficult as possible for our farmers to sell food to Cuba. He said he was pleased with the outcome.

Well, I am not pleased with that. I think it makes no sense. And it just defies belief that when the Senate recently tried to fix the problem, the will of the Congress was ignored again. The Senate version of the Farm Bill had a provision to allow private financing of agricultural sales to Cuba, which passed by a 2 to 1 margin. The House voted 273 to 143 to endorse the Senate provision for more trade with Cuba, and to have the House conferees accept it. But guess what? It was dumped out of conference anyway.

So we are back, to offer the same amendment, word for word. The Senate has already voted on this. The bipartisan support is substantial. I mentioned cosponsors of this amendment, who are many, Republicans and Democrats. My expectation is we will continue to offer this amendment until the will of the Congress prevails.

This measure is long overdue. Do you think Castro has ever missed a meal because we won't sell food to Cuba? The restrictions on food sales do nothing but hurt poor, sick, and hungry people. It is not a moral thing to do, to use food as a weapon, as a part of our foreign policy. And it is not a smart trade policy, not when we are depriving U.S. farmers of a market for their crops.

In coming months, we are going to have to deal with a separate aspect of Cuba policy: the restrictions on Americans who want to travel to Cuba. I just held a hearing on that.

Let me describe this policy through the eyes of a retired schoolteacher in Illinois. She was reading a cycling magazine published in Canada. She is a retired schoolteacher in her sixties, and she likes to bicycle. She saw an ad about a bicycling trip to Cuba, and she signed up. She went to Cuba with nearly a dozen other people, and they bicycled for 7 or 8 days. She loved it. She came back to this country, back to Illinois, and a year later she got a letter from the U.S. Department of the Treasury saying: guess what, we are fining you \$7,500 for bicycling in Cuba.

Is that an unusual story? No, it is happening all across the country. We are slapping around the American people, restricting their travel rights because we are upset with Fidel Castro.

I want to bring democracy to Cuba. The wrong way to do that is to use food as a weapon and to penalize Americans who would travel in Cuba. The effective way to do it is to flood Cuba with American products and visitors.

We are told in the Senate that the way to deal with China and move the Communist government in China in the right direction is to have greater engagement, more trade, more travel. The same is true with Vietnam. That is the way to deal with Communists, because they can't resist the relentless march of capitalism and freedom. But a small pocket of people in our country refuse to apply that same approach to Cuba. That makes no sense. The majority of the Members of the House and Senate know that.

Our amendment today deals only with the private financing of sales of food. This amendment does what the Senate has already done on the previous occasion. There is not a word changed. I hope for its favorable consideration. And we will have more to say on the subject of Cuba policy in the weeks and months ahead.

One final point: My colleague from the State of Washington has worked with me to construct this legislation and put it in this bill. I regret a number of the other cosponsors are not here. I wish we had had an opportunity to offer the amendment when they were all here. They have expressed similar sentiments in the past—Senators HAGEL, ENZI, and ROBERTS, and others who believe as I do and as Senator CANTWELL does.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I rise in support of the Dorgan-Cantwell amendment that removes existing restrictions on United States banks from financing the legal export of American food and medical products to Cuba.

My colleague from North Dakota has very eloquently pointed out that our country cannot use food as a weapon. I applaud him for his leadership in the committee in having hearings about the travel penalties being placed on Americans and also the prohibition of some American farmers from traveling to Cuba to discuss either cash purchases or, if this language is changed, the United States financing of legal agricultural purchases by Cuba.

This amendment is particularly appropriate. If you think about it, just last week we passed a farm package basically dedicating our efforts to try to improve the farm economy in America. We did this with the underlying goal of trying to improve the economic competitiveness of American farmers by helping them open up markets. Today we were in the Chamber talking about how to make it easier to have trade negotiations. With this amendment, we have an opportunity to fix what is really an arbitrary, unjust, and illogical sanction on food exports. In doing so, if we change this procedure, we open up potentially billions of dollars of markets for American farmers.

Our colleagues may remember that in the 106th Congress, Congress passed the Trade Sanction Reform and Export Enhancement Act of 2000 in an effort to preclude unilateral sanctions on the export of American food and medical products. In passing this language, Congress sent an important message through TSRA that food and medicine were not to be used as a political tool of foreign policy. Practically speaking, the legislation made it possible for American farmers to export their products around the world, though the law did require licenses from the executive branch for exports to Cuba, Libya, Sudan, and Iran.

The TSRA not only addresses the importance of humanitarian goals of pre-

venting famine and hunger, but it also provides important markets for U.S. agricultural producers, particularly in Cuba.

Cuba, a market that has been closed to U.S. exports since 1961, currently imports approximately \$750 million in agricultural products from countries around the world, including European allies. And one recent study by Texas A&M University suggested a long-term export market potential of up to \$1.2 billion for U.S. agricultural products.

However, Mr. President, there was a catch with the legislation as it passed in that it put a restriction on the use of any private financing or letters of credit from U.S. banks for those purchases. The restriction only applied to Cuba—not Sudan, Libya, Iran, or any other country—just Cuba. So as my colleague has suggested, food is being used as a political weapon against Cuba.

This legislation undermines the spirit of the TSRA in that it effectively continues to use food and medicine as a foreign policy tool. As any farmer can tell you, financing is a critical element of selling your products both domestically and throughout the world. We are blocking American food from going to Cuba because of that inability to get private financing.

The potential for the Cuban market to our farmers has been demonstrated over the last months by the announcements of cash purchases of over \$90 million in agricultural products that has been made—the first United States-Cuba commercial transaction since 1961. So we know the Cubans are interested and are willing to pay cash. But we cannot finance agricultural sales of this magnitude by cash purchases.

This opening is particularly important in my home State. Washington had a strong trading relationship with Cuba prior to the embargo, and I think we would be in a good position to benefit from opening up these agricultural markets.

Industry experts predict that Cuba's markets could bring substantial revenue to farmers in my State on products like peas, lentils, apples, sweet cherry and pear production, and many other products. I think given the events of the last week, with President Carter opening a new chapter in our history with Cuba, and the positive steps that have been taken by the Cuban Government in allowing him to come there and address that nation, it is critically important that we rethink this limitation we have had on private financing. My colleagues have said we believe that food and medical products should be sold to Cuba. We have agreed to that. Now all that stands in the way is this arbitrary limitation of saying we are not going to allow you to finance it with private banking in the United States. That is a mistake.

We cannot continue this policy and hold not just the Cuban people hostage to food and medical products, but U.S.

farmers who have products they can sell there. If we have said we believe they should be able to sell those products into that country, we should be willing to say that there can be financing for those products as well.

As my colleague from North Dakota mentioned, we voted on this amendment. It was part of the farm package that passed out of the Senate. We will keep pushing this until we are successful.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I thank the Senator from Washington for her work on this amendment. As I indicated before, this amendment has broad bipartisan support. The Senate has already expressed itself previously. By a wide margin, the Senate says we ought not to use food as a weapon.

I understand that Fidel Castro has been sticking his finger in our eye for a long while. I don't stand here wanting to make life better for Fidel Castro. I want to bring democracy to Cuba. After 40 years of failure with an embargo that doesn't work, it seems that we ought to try something else.

I have been to Cuba. What I learned there is that Fidel Castro says the reason the Cuban economy is in deep trouble is because the United States has its hands around the Cuban economy's neck. This embargo is what they blame for Cuba's economic troubles. I am not saying that Fidel Castro is right. I am just saying this embargo has been Fidel Castro's biggest and best excuse for all of the shortcomings of his regime. He uses it, has continued to use it, and he says to the Cuban people that is the reason they have this trouble.

In any event, it seems to me at some point you would learn a lesson. Fidel Castro has been in power in Cuba through 10 U.S. Presidents. Clearly, what we have been doing has not been working. How about trying something different? My sense is that the more people travel in Cuba and the more investments you have in Cuba, the more Cuba's economy is open, the more likely it is that Castro will lose his grip on power in Cuba. My goal is to bring democracy to Cuba. But we don't, in my judgment, serve our interests, or anybody else's, by saying we want to use food as a weapon.

Because I and others have fought to open the window just a bit, food is now going to Cuba, however slowly. Cuba is able to buy it from our companies and our family farmers. We now have chicken legs, turkey breasts, and dried beans being offloaded in Cuba because they bought them from the United States. Good for them and good for us.

At a time when we are beset by terrorist threats, worrying about future acts of terrorism, those responsible for our nation's safety and welfare have much better things to do than to worry about shutting off the flow of chicken legs, turkey breasts, dried beans,

wheat, and eggs to Cuba. We ought to worry a whole lot more about bombs from terrorists than about our farmers selling dried beans to Cuba.

We just held a hearing in which we found that the Office of Foreign Asset Control and the Treasury, which is responsible for tracking down terrorist funding—has at least some of their staff tracking Americans who have traveled in Cuba. A fellow who testified at my hearing on travel to Cuba came from Senator CANTWELL's State of Washington. His parents were missionaries to Cuba, and built a little church there. After Castro came to power, his family returned to America. A few years ago, this poor fellow's parents tragically died in a house fire. He decided to honor their memory by taking their ashes back to Cuba, to bury them in the little church that they had built decades earlier. He went to Cuba for just one day, and did just that. Upon his return, he told the Customs Service that he had been to Cuba, and explained the circumstances. Months later, he got a letter saying, guess what, you have to pay a fine of \$7,500.

I am just saying that when government officials responsible for tracking down terrorists are spending their time chasing down folks like this poor fellow, they just don't have their eye on the ball.

The amendment we are offering today having to do with private financing of agricultural sales to Cuba is also a call to reason.

This amendment is an amendment that deserves the support of the entire Senate. I hope we will be able to approve this amendment just as we did in the Senate version of the Farm Bill, and I hope this time the provision will survive conference.

It is time for us to say it is not moral to use food as a weapon. This country is bigger and better than that. I have traveled to refugee camps around the world and I know their misery and share their pain. We all understand that using food as a weapon is not something that represents the best of this country. That is why in this instance, and every instance, I want this country to stop it. This amendment simply opens the door a bit wider so that the flow of food to Cuba—food purchased by Cuba—can be done through normal private financing.

I yield the floor.

Mr. ENZI. Mr. President, I rise in support of the amendment offered by the Senator from North Dakota. I thank the Senator for introducing this amendment, which will directly benefit our American farmers and the citizens of Cuba who have suffered from inadequate access to food.

This amendment would amend a provision that has undeniably hurt the economic viability of our agriculture sector since the passage of the Trade Sanctions and Reform Act, TSRA, in 2001. The TSRA, which prohibited the use of private financing for food and medicine sales to Cuba, instituted an

embargo on all exports to Cuba last year. The TSRA provision effectively eliminated one of our nearest and most easily accessible agricultural markets. Our amendment today seeks to remedy this unworkable situation.

Given the crisis in American agriculture, the prospect of selling to a new market is welcome news to U.S. farmers and exporters. In my home State of Wyoming, agriculture is a driving force behind economic sustainability, and I firmly believe this amendment will strengthen the position of local farmers as they work to compete at the international level. Allowing food exports to Cuba will not only transfer critically needed supplies to the suffering Cuban people, but it will also create a potential new market for American farmers and exporters.

Opponents of this amendment will argue that we should not soften our position on the Cuban embargo, that Cuba has not earned the right to trade, and that we should continue to shut off this socially and economically repressed nation from the world. They will reiterate that isolating Fidel Castro's regime is our only hope in forcing him to recognize the error of his ways. I disagree. Our embargo is not working, because we are not the only country in the world that can provide food and medicine to Cuba. As such, Castro does not have to trade with us. The real losers in this battle are the Cuban people and the American farmers. The United States must develop a policy that goes beyond the embargo. Food and medicine are not tools of war, and should not be used as such.

I truly believe this amendment will strengthen our country's role as a promoter of democracy and freedom. Food and medical attention are the most basic of human needs, and until those are satisfied, the Cuban people will not put political reform at the top of their agenda. The U.S. must first help to satisfy the basic needs of the Cuban people, and then push toward full political reform. This amendment takes us one step closer to that goal. As history has proven, political reform comes when individuals are exposed to worlds unlike their own. Take China for example, opening trade and encouraging dialogue with the Chinese has promoted capitalism and democracy in their country. This amendment would increase that exposure and would improve the social and economic well-being of the Cuban population.

As one of the principal sponsors of the 2001 Export Administration Act, which was passed by the Senate last September but has yet to see action in the House, I understand the importance of export controls and I recognize the delicacy of this situation. However, I do not believe food and medicine should be controlled under unilateral sanctions. We need to tightly control some exports, but food should be allowed to pass as freely as possible across our borders. I encourage my colleagues to vote for this amendment,

not only for the sake of the Cuban people but for the sake of our own local farmers and their families. Now is the time to chart a new course for United States-Cuba relations.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

AMENDMENT NO. 3406 TO AMENDMENT NO. 3401

Mr. ALLEN. Mr. President, I wish to call up amendment No. 3406, which is at the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report the amendment. The senior assistant bill clerk read as follows:

The Senator from Virginia [Mr. ALLEN], for himself, Mr. EDWARDS, Mr. WARNER, and Mr. THURMOND, proposes an amendment numbered 3406 to amendment No. 3401.

Mr. ALLEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide mortgage payment assistance for employees who are separated from employment)

At the appropriate location, insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Homestead Preservation Act".

#### SEC. 2. MORTGAGE PAYMENT ASSISTANCE PILOT PROGRAM.

(a) ESTABLISHMENT OF PILOT PROGRAM.—The Secretary of Labor (referred to in this section as the "Secretary") shall establish a pilot program under which the Secretary shall award low-interest loans to eligible individuals to enable such individuals to continue to make mortgage payments with respect to the primary residences of such individuals.

(b) ELIGIBILITY.—To be eligible to receive a loan under the program established under subsection (a), an individual shall—

(1) be an individual who—

(A) is determined by the Secretary to be a member of a group of workers described in section 250(a)(1) of the Trade Act of 1974 (19 U.S.C. 2331);

(B) is an adversely affected worker with respect to whom a certification of eligibility has been issued by the Secretary of Labor under chapter 2 of title II of such Act (19 U.S.C. 2271 et seq.); and

(C) is receiving adjustment assistance under such chapter;

(2) be a borrower under a loan which requires the individual to make monthly mortgage payments with respect to the primary place of residence of the individual; and

(3) be enrolled in a job training or job assistance program.

(c) LOAN REQUIREMENTS.—

(1) IN GENERAL.—A loan provided to an eligible individual under this section shall—

(A) be for a period of not to exceed 12 months;

(B) be for an amount that does not exceed the sum of—

(i) the amount of the monthly mortgage payment owed by the individual; and

(ii) the number of months for which the loan is provided;

(C) have an applicable rate of interest that equals 4 percent;

(D) require repayment as provided for in subsection (d); and

(E) be subject to such other terms and conditions as the Secretary determines appropriate.

(2) ACCOUNT.—A loan awarded to an individual under this section shall be deposited into an account from which a monthly mortgage payment will be made in accordance with the terms and conditions of such loan.

(d) REPAYMENT.—

(1) IN GENERAL.—An individual to which a loan has been awarded under this section shall be required to begin making repayments on the loan on the earlier of—

(A) the date on which the individual has been employed on a full-time basis for 6 consecutive months; or

(B) the date that is 1 year after the date on which the loan has been approved under this section.

(2) REPAYMENT PERIOD AND AMOUNT.—

(A) REPAYMENT PERIOD.—A loan awarded under this section shall be repaid on a monthly basis over the 5-year period beginning on the date determined under paragraph (1).

(B) AMOUNT.—The amount of the monthly payment described in subparagraph (a) shall be determined by dividing the total amount provided under the loan (plus interest) by 60.

(C) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to prohibit an individual from—

(i) paying off a loan awarded under this section in less than 5 years; or

(ii) from paying a monthly amount under such loan in excess of the monthly amount determined under subparagraph (B) with respect to the loan.

(e) REGULATIONS.—Not later than 6 weeks after the date of enactment of this Act, the Secretary shall promulgate regulations necessary to carry out this section, including regulations that permit an individual to certify that the individual is an eligible individual under subsection (b).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, \$10,000,000 for each of fiscal years 2003 through 2007.

(g) TERMINATION.—The program established under this section shall terminate on the date that is 5 years after the date of enactment of this Act.

Mr. ALLEN. With the permission of the Chair, I would like to address the amendment.

The PRESIDING OFFICER. The Senator is free to speak.

Mr. ALLEN. Mr. President, this amendment, which is entitled the Homestead Preservation Act, is an amendment to the trade promotion authority/trade adjustment assistance substitute which is currently being considered. First and foremost, I thank my good colleagues, Senator JOHN EDWARDS of North Carolina, Senator JOHN WARNER of Virginia, and Senator STROM THURMOND of South Carolina, for their important cosponsorship of this amendment. Their leadership and understanding of the desirability for this amendment is very important.

I say to my colleagues in the Senate that this is an amendment which is designed to help displaced workers get access to short-term, low-interest loans to help cover monthly home mortgage payments while they are looking for a new job. This is a commonsense, compassionate legislative idea designed to help working families who, through no fault of their own, are adversely affected by international competition.

During the past several months, all Americans have been deluged with news of recessions, plummeting consumer confidence, and rising unemployment. While these are uneasy times for everyone, in States such as North Carolina, South Carolina, Alabama, Georgia, Southside and Southwest Virginia, and every State with heavy concentrations of manufacturing, especially in the textile and apparel industries, they have been especially hard hit.

Nationwide, employment in apparel manufacturing has been just devastating. Factory employment has plummeted just in the last year and a half. One out of every three layoffs in Virginia is from the manufacturing industry, although only one in six jobs in Virginia is in this sector. Virginia's Southside region and Southwest Virginia region are already suffering from the effects of international competition.

Nationwide, an average of 37,500 Americans lose their jobs because of NAFTA-related competition each year. During the 1990s, Virginians saw the loss of 15,400 apparel jobs, a decline of 54 percent, and 15,300 textile jobs, a decline of 36 percent.

That is bad news. However, please understand, Mr. President, I strongly believe that fair and free trade is necessary and desirable if American businesses are to have the opportunity to promote their goods, services, and continue to expand their growth abroad.

NAFTA, despite those negative stories I just went through in Virginia—and it is similar in other States, I suspect—has actually created a net increase in employment. So while on balance it is a net increase, we still do need to recognize there are good, hard-working people who end up losing their jobs.

When NAFTA came into effect, I was Governor of Virginia, and we led trade missions to Quebec, Ontario, and to various places in Mexico, from Veracruz to Mexico City. We were able to bring back an agreement from Mexico and Canada that initially meant a half a billion dollars in new investments and sales for Virginia. These investments were made possible only by fair and free trade.

While trade is helping our economy as a whole, there still are good, hard-working families who have been adversely affected by international competition, especially in the textile and apparel industries.

Anytime a factory closes, it is a devastating blow to all the families in the community and region. Usually to these textile facilities which are not in big urban or suburban areas. They are usually in smaller, more rural communities.

I was especially proud of how the close-knit Southside communities in Virginia came together when people

lost their jobs, when companies such as Pluma or Tultex closed their doors. These individuals should not have to go through these hard times alone.

After the Tultex plant closed in Martinsville, right before Christmas in December 1999, people donated toys to the Salvation Army to make sure Christmas came to the homes of thousands of laid-off workers.

I am proposing that the Federal Government do its part to help these people through these tough times. There are already thoughtful programs in place, such as the NAFTA Transitional Adjustment Assistance Program that helps workers obtain additional job skills, training, and employment assistance. That program provides extended unemployment benefits during job training. These programs are the result of a commonsense, logical understanding and the conclusion that people can lose their jobs because of trade agreements. They are not losing their jobs because of anything they did wrong or because they do not want to work. For the most part, these are folks who have worked in these companies for a great number of years. In some cases there are entire families working at these companies. Their parents and their children may all work together in some of these mills.

We ought to find a way to ease the stress and turmoil for people whose lives are unexpectedly thrown into transition after years of steady employment with a company that just suddenly disappears.

While these hard-working families are trying to find appropriate new employment, they should not have to fear losing their homes as well. For most people and their families, the biggest financial investment they make in their lives is their home. Many have considerable equity built up in their homes.

Many Government agencies already have low-interest loan programs that are in place to help families who have met unexpected economic disasters, such as natural disasters—which include floods, tornadoes, and hurricanes.

When I look at the factory closings and literally thousands of jobs being lost, it is an economic disaster to these families and communities, and its effects are just as far-reaching and certainly as economically devastating as floods, tornadoes, and hurricanes.

Like in a natural disaster, families displaced by international competition are not responsible for events leading to the factory closings. The Federal Government, in my view, ought to make similar disaster loan assistance programs available to our temporarily displaced workers. This is the rationale for introducing the Homestead Preservation Act.

This legislation will provide temporary mortgage assistance to displaced workers, helping them make ends meet during their search for a new job. Specifically, the Homestead Preservation Act authorizes the Depart-

ment of Labor to administer a low-interest loan program, say 4 percent, for workers displaced due to international competition. An individual, who qualifies for the program will be eligible for up to 12 monthly home mortgage payments.

The program is authorized at a maximum of only \$10 million a year for 5 years. The loans will be distributed through an account providing monthly allocations to cover the amount of the worker's home mortgage payment. The loans could be paid off once the person finds another job or repaid over a period of up to 5 years. No payments would be required until 6 months after the borrower has returned to work full time.

Again, if someone is laid off and they want to apply for these loans, they can only get a loan for 12 months for monthly mortgage payments, and then 6 months after they get back on their feet, they will have to pay it off over a 5-year period. This program will only be available for workers displaced due to international competition and who also qualify for benefits under the NAFTA Trade Adjustment Assistance Program. Furthermore, they actually have to be participating in such programs.

Like the NAFTA-TAAP and the TAA benefits program, the Homestead Preservation Act recognizes that some temporary assistance is needed as workers take time to become retrained, reeducated, expand upon their skills, and search for new employment.

As Governor, I enjoyed nothing more than being able to recruit and bring new investment, new jobs, and enterprises into Virginia. By recruiting new businesses, we brought in more jobs and better jobs for the hard-working, caring people of Virginia. For example, in the Martinsville, Henry County area, we were able to get Drake Extrusion in Great Britain to open a new facility in Virginia. They chose Martinsville Industrial Park for its new carpet and bedding fiber manufacturing plant. This was announced as a \$12 million investment which doubled since its opening in 1995. It brought in additional small businesses, and they now employ about 225 people.

Unfortunately, it can take time to bring new companies and new industries into a region, just as it takes time to learn a new skill or earn a degree. The displaced families, unfortunately, in many cases, do not have the time because they have monthly bills that must be paid in full with no excuses.

The Homestead Preservation Act provides financial assistance necessary to bridge the time it takes to find employment. Without this bridge, many working families would not be able to take advantage of the opportunities that are out there for them. They would be denied the necessary tools to help them succeed in the changing economy.

The current economic situation for our country has made it even more

vital that the Federal Government do what is right by our workers in the textile and apparel industries and indeed in all industries suffering high rates of job losses due to international competition.

Because of international competition, textile and apparel workers are even more vulnerable to the current economic situation, making them ill-equipped to weather an economic downturn.

The reason I say this is because in the year 2000, the average wage rates in Virginia for a textile or apparel worker were 77 percent and 57 percent, respectively, compared to the overall wage rate for Virginians. What that means is that their wages are providing them less money for their family's rainy day savings account, and right now it is storming for many of these families.

When these workers are displaced, in many cases meager savings and temporary unemployment benefits are frequently not enough to cover expenses that have previously fit in within the family's budget.

Without immediate help, many of these families, at a minimum, risk losing their credit ratings. And in the worst case scenario, they could lose their home or their car, or both. The biggest financial investment many people make in life is in their home, and when they lose their home, they have lost a great deal. Their credit ratings are obviously damaged. Many have a great deal of equity built up in that home, and much is lost, including their dignity.

It is important that we enable and try to assist people in keeping their homes and protect their credit ratings. We should do so as these people work toward strengthening and updating their skills as they continue a search for a new job.

The Homestead Preservation Act provides the temporary financial tools necessary for displaced workers to get back on their feet. And when they get back on their feet, they not only still have a home, but they also have the ability to succeed.

In my view, it is a caring, logical, and responsible response. I hope my colleagues will vote on this matter, possibly as early as next Tuesday. I hope they support this commonsense, compassionate idea that will help those individuals who have lost jobs due to international competition, while we still go forward with trade promotion authority, the Andean measure, and trade adjustment assistance.

All of these measures are very important, but let's make sure we are helping everyone that is negatively impacted. We need to also understand the balance that is necessary as this country opens up new markets, tears down barriers, which allows our goods, our products and services, and our technology to enter into other areas.

We need to recognize there are some who will need help in transition to get back on their feet. Let's make sure



they do not lose their homes because they have been displaced by international competition. They are good families, they are hard-working families, they are diligent, and this is the least I think we can do as we enter into these trade agreements.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

#### UNANIMOUS CONSENT REQUEST— S. 1140

Mr. DASCHLE. Mr. President, I have a couple of unanimous consent requests having to do with the consideration of future legislative items, and I make these requests now.

I ask unanimous consent that the Majority leader, after consultation with the Republican leader, may turn to the consideration of Calendar No. 210, S. 1140, a bill to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts; that it be considered under the following limitation:

Two hours for debate on the bill equally divided between the chairman and the ranking member of the Judiciary Committee; one relevant amendment for each leader or their designee; that there be 1 hour of debate on each amendment equally divided in the usual form; that no other amendments be in order; and that upon the disposition of the amendments and the use or yielding back of time, the bill be read a third time and the Senate vote on final passage, without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Virginia.

Mr. ALLEN. On behalf of our leader, I object.

The PRESIDING OFFICER. The objection is heard.

#### UNANIMOUS CONSENT REQUEST— S. 625

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Majority leader, after consultation with the Republican leader, may turn to the consideration of S. 625, the Local Law Enforcement Enhancement Act, and that it be considered under the following limitations:

There be 4 hours of debate on the bill equally divided between the chairman and the ranking member of the Judiciary Committee; that each leader or their designee be permitted to offer two relevant first-degree amendments; that there be a time limitation of 1 hour for debate on each first-degree amendment; that no second-degree amendments be in order prior to a failed motion to table; that if a second-degree amendment is offered, it be relevant to the first-degree and be limited to 30 minutes for debate; that upon the disposition of the amendments and the use or yielding back of time, the bill be read a third time and the Senate vote

on passage of the bill, without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Virginia.

Mr. ALLEN. On behalf of our leader, I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Massachusetts.

Mr. KENNEDY. I see the majority leader on his feet, so I will wait until he finishes, although I would like to perhaps ask him whether he understands any reason that—as I understand, this is a motion to proceed; is that correct? Was this a motion to proceed to the bill included in the majority leader's request?

Mr. DASCHLE. Mr. President, this is not only a motion to proceed but it would be the circumstances under which we would consider the bill itself.

Mr. KENNEDY. This is the legislation which we have addressed in this body that was passed by a vote of 56 to 42. I believe as an amendment on the Defense authorization bill last year; am I correct?

Mr. DASCHLE. The Senator is correct. We have addressed this legislation in the past. As I will make known for the record, this is identical legislation to what was passed before. It is legislation we will take up either under a unanimous consent agreement or through a motion to proceed at some point in the not too distant future.

My hope was we could work out arrangements whereby we could expedite the consideration of the legislation. As the Senator has accurately noted, we have addressed this successfully in the past and it is critical that we have an opportunity once again to ensure that this time the legislation does not die in conference. That is what happened. The amendment was dropped in the conference committee, even though the Senate had passed on a bipartisan basis this bill as an amendment to the Defense authorization legislation.

Mr. KENNEDY. I stand corrected. The vote was 57 to 42 in the Senate. As the Senator knows, we passed this on a UC in 1999 by 57 to 42. It has been reported out of the Judiciary Committee 12 to 7. In a vote on this issue in the House of Representatives, there were 232 Republicans and Democrats alike who effectively supported it.

I ask the Senator a final question. This past week we had one of the most extraordinary events that we experience annually, when the police officers gather on the westside of the Capitol. The names were read of 233 officers who died in the line of the duty, a good part of those who died in the terrorist acts. No one asked those law enforcement officials what their race was, what their ethnicity was, what their religion or sexual orientation was. They died.

We all take a great sense of pride in their service to this country. We have all taken a great sense of pride in the work of selfless individuals who tried to help the victims during this period:

organized blood drives, organized assistance to the families, without asking about their race or religion or ethnicity or sexual orientation.

Is the Senator perplexed, as we celebrate both the lives that were lost and celebrate the extraordinary heroism and gallantry of the men and women, does the Senator find it somewhat ironic we cannot in this body make sure we are going to protect those individuals from the vicious acts of bigotry and hatred and prejudice taking place in the United States, acts that have actually escalated in recent years?

Does the Senator feel a sense of frustration about why this body cannot come to grips with a reasonable debate and discussion, as we have in the past, and have action, either for or against this?

Does he not share the concern of many families, and the 500 religious leaders from all of the great faiths that urged this body to pass this legislation expeditiously, and share the frustration they are feeling as religious and moral leaders?

Does the Senator feel we have an important responsibility to get to this legislation and consider it and take action and do it in an expedited manner?

Mr. DASCHLE. Mr. President, the Senator from Massachusetts has asked some very good questions.

I share his frustration and his utter dismay that a bill of this importance would have difficulty passing the Senate right now. How can anyone be opposed to a bill that is already supported by 500 organizations? How can anyone be opposed to a bill that has already passed on an overwhelming basis—in one case, unanimously?

How can anyone be opposed to a bill that addresses the fact that almost every day at least three hate crimes on the average are committed? How can anyone be opposed to a bill with the title Local Law Enforcement Enhancement Act? For the life of me, I don't understand.

At the end of the day, whatever day it is, this legislation will pass. It will pass the easy way or the hard way, but it will pass. We will not adjourn without having passed this legislation. It is that critical. The time has come and gone for delay, for explanation, for excuse, for anything else. There is no reason why this legislation should not pass by an overwhelming bipartisan margin.

I appreciate the comments of the Senator from Massachusetts and his extraordinary leadership in this issue. I join in acknowledging the importance of this legislation and asking our colleagues to join in ensuring its passage.

Mr. KENNEDY. Those assurances, Mr. President, are enormously important and a tribute to all Americans, one of the great challenges to free ourselves from all forms of discrimination.

I acknowledge the strong support and leadership of Senator GORDON SMITH, a prime mover on this among our Republican colleagues. Also, Senator SPENCER has been a very strong supporter.