

later of the rendition of a Canadian-Syrian citizen to Syria, despite his fear of being tortured there, and despite the Syrian government's well-documented history of torture. Unnamed CIA officials told the press that this man was in fact tortured in Syria.

The Committee and the Senate will want to know your role in these situations and your views with regard to the development of the legal justifications that appear to underlie so many of these actions. You will be called upon to explain in detail your role in developing policies related to the interrogation and treatment of foreign prisoners. The American public and the Senate that will be called upon to confirm your appointment deserve to know how a potential Attorney General, the chief law enforcement officer in the nation, will interpret and enforce the laws and how you will develop policy.

We want to know what the current policy on torture is, but since the Administration disavowed the August 1, 2002, memo, no public statement of policy has replaced it. Questions remain unanswered on a host of issues. Requests to the White House and the Department of Justice for relevant documents—including my requests to you in May and June of this year—have been ignored or rejected. I urge you and the Administration to provide the documents that have been requested by myself and others without further delay so that the hearings will be well informed.

Another key concern you will be called upon to discuss is how you view the duties and responsibilities of the Attorney General. As we discussed, I view the White House Counsel position and that of the Attorney General as quite distinct. You may well have viewed this President as your "client" while serving him at the White House, although the courts do not recognize an attorney-client privilege in that setting. We will want to know how differently you will act and view your responsibilities as the Attorney General of the United States.

Finally, I encourage you to commit to cooperating with all members of the Judiciary Committee on issues of oversight and accountability. In the 108th Congress, the Judiciary Committee failed to fulfill its oversight responsibilities. Accountability and improving government performance are sound and long established purposes of congressional oversight, and accountability has been lacking on these and other crucial issues. With a new Congress, and a new Attorney General, I expect a return to the diligent oversight envisioned by our Founders to ensure that the Executive Branch remains accountable to the American people.

Our meeting was a constructive beginning at the start of the confirmation process, and I look forward to your hearing early next month. In the meantime, Marcelle and I send our best wishes to you and your family and hope that you have a restful and rewarding holiday season.

Sincerely,

PATRICK LEAHY,
Ranking Democratic Member.

Mr. LEAHY. Mr. President, I yield the floor. I see the distinguished Senator from North Dakota now seeking the floor.

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

Mr. DORGAN. Mr. President, let me ask consent to speak for 20 minutes in morning business.

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

SALE OF AGRICULTURAL GOODS TO CUBA

Mr. DORGAN. Mr. President, I want to speak today about several items, the first of which is the sale of agricultural goods to Cuba.

Some years ago, Attorney General John Ashcroft, who then was a U.S. Senator, and I, offered an amendment that opened the opportunity to sell agricultural commodities into the Cuban marketplace. For over 40 years that marketplace had been closed to American farmers because of an embargo.

The bill that Congress passed was called the Trade Sanctions Reform and Export Enhancement Act of 2000. It permitted agricultural sales to Cuba on the condition that the Cubans had to use cash in order to purchase agricultural commodities from this country. We have now sold over \$900 million worth of farm commodities to the Cuban marketplace for cash. In fact, about 1½ or 2 years ago, 22 train carloads of dried peas left North Dakota to be shipped into the Cuban marketplace—the first time in 42 years our farmers had an opportunity to sell into this market that the Canadians and the Europeans had been selling into all along.

That is what we did in the legislation. I felt that having an embargo on food shipments to Cuba all those years was wrong. It didn't affect Fidel Castro. We tried to injure Fidel Castro by slapping on this embargo which included food and medicine, which I thought was an insidious policy. It didn't hurt Fidel Castro. He never missed a breakfast, lunch, or dinner because we were not able to sell food into Cuba.

The same is true with travel restrictions. We prohibited Americans from traveling into Cuba except for those who are able to get a license from the Treasury Department, which is increasingly difficult to do. Restricting the American people's right to travel is not hurting Fidel Castro. It simply injures the American people. We can travel in Communist China and in Communist Vietnam but we can't travel in Cuba. I have held up a picture on the floor of the Senate of Joni Scott. She went to Cuba to distribute free Bibles. This administration's Treasury Department tracked her down and said we are going to try to slap a \$10,000 fine on you for distributing free Bibles in Cuba. I have also shown the picture of Joan Slote, a retired senior Olympian in her midseventies. She went to ride a bicycle in Cuba with a Canadian group. The Treasury tracked her down even as she was dealing with her son's brain cancer and slapped a fine on her and threatened, by the way, to seize her Social Security payments.

It is outrageous what this policy has been with respect to Cuba. But we had a small victory when Senator Ashcroft and I were able to change the law so that our farmers and ranchers could sell into the Cuban marketplace. Since then we have sold \$900 million of agricultural commodities for cash to Cuba.

In recent weeks something else has happened. It is apparent this administration is fighting every possible way to shut down the opportunities of farmers and ranchers to sell into the Cuban marketplace. Here is a new way. This chart shows part of the Trade Sanctions Reform and Export Enhancement Act of 2000 legislation. Here are the words that stipulate that the Cubans must pay "cash in advance" for food they purchase. And that is exactly what the Cubans have done for about \$900 million in shipments so far. But someone at Treasury took a look at this, and said, You know, there is a way to interpret these words to shut down these shipments even tighter. We will interpret cash in advance to mean the cash must be received by the exporter before anything can be shipped toward Cuba.

That is much different from the way the term cash in advance has been generally understood by the export community and the way I as an author would have understood what we meant. Up to now, cash in advance meant that you must pay cash before you take receipt of the product. That ship goes to Cuba with dried peas, or wheat, or flour, or beef. Before it is offloaded and the Cubans take possession, they must pay cash to the seller. It is very simple. You pay cash before you take possession of the product.

The Treasury Department has now found a way to say, Not good enough. The way sales have been made to Cuba for the past three years is not what the Treasury thinks the legislation says. We insist that the phrase cash in advance means you pay cash before anything gets loaded on the ship.

What is this about? It is about someone down at the Treasury Department who has decided they have found another way to see if they can stop our farmers and ranchers from selling into the Cuban marketplace. I was an author of the legislation, and they need to understand that I knew what I was doing, and I believe my colleague Senator Ashcroft and others in the Congress knew what they were doing. We were trying to provide access to the Cuban marketplace.

This country has now said for almost two dozen years the way to move Communist countries such as China and Vietnam toward greater human rights is through more trade and travel engagement to move them in the right direction. We have said that with China and with Vietnam, both Communist countries. The exception is Cuba. They say if we begin to allow people to travel in Cuba, to trade with Cuba, somehow that is pernicious and moves in the wrong direction.

At some point you have to say that is an argument that is completely devoid of common sense. But Congress has already acted on this. The Congress said it is all right and we believe we should be able to trade with Cuba provided that sale is for cash. The Cubans buy agricultural commodities from us.

They pay for it through a European bank with cash so that no direct transfer of funds from Cuba to a U.S. institution. And now there is someone who has found a way to restrict this, to try to interrupt rice shipments and other shipments to Cuba.

The farm community was caught unaware by this issue. I was unaware of it. Once we discovered it, I called people in the Bush administration to ask, What on earth are you doing this time? Can't you get it straight that this Congress has already said this is the law, this is the way the law reads? I have asked, by the way, the Inspector General at the Department of the Treasury to investigate what OFAC—called the Office of Foreign Assets Control—is doing here. Essentially, the Office of Foreign Assets Control at Treasury is supposed to be tracking money to terrorists. They are supposed to be shutting down the funding for Osama bin Laden. They are supposed to be tracking the network of funds around the world that finances terrorism.

But what are the people at OFAC doing? They are tracking down Joan Slote and Joni Scott who traveled to Cuba to ride bicycles and distribute free Bibles. They are spending time trying to figure out how they can reinterpret Federal law to try to put a wrench in the crankcase of farmers and ranchers who are trying to sell into the Cuban marketplace. They ought to be ashamed of themselves down at OFAC. They know better than that.

When Secretary of Treasury O'Neill testified at a hearing a couple of years ago, I asked him repeatedly about this. He finally answered, but he didn't want to. I asked him, Wouldn't you, with some common sense, much rather use your assets in OFAC to track the financing of terrorists than track Americans who are suspected of taking a vacation in Cuba? Finally, he said, Sure, sure.

The OFAC is not a very big agency. But they have over 20 people who are tracking this Cuba issue trying to nab an American person who is suspected of taking vacations in Cuba or trying to find ways to reinterpret the law to shut down agricultural trade to Cuba. They have more people doing that than they have tracking Osama bin Laden, and trying to shut down Osama bin Laden's network of funding to support his terrorist activity.

OFAC ought to be ashamed. What a false choice for the security of this country. And what a false choice for the welfare and benefit of family farmers and ranchers, just like the Europeans and Canadians and others who have access to this marketplace. My hope is they will have a meeting in the administration. My understanding is they had one late yesterday afternoon, or will have one today, and perhaps some common sense will prevail. If not, we will find a way here on the floor of the Congress to see if we can't make the right thing happen and perhaps force them to use their resources—or

perhaps if they are misusing their resources, to diminish the resources they have.

In any event, we have a significant problem in agricultural trade.

Ten years ago, we had a \$25 billion agricultural trade surplus. This year, it is \$9 billion. It shrank from \$25 billion to \$9 billion, and next year it is expected to be zero. For the first time in over 50 years we will not have a surplus in agricultural trade, according to the estimates in the administration.

If that is the case, why are they trying to shut down our sales of agricultural product to Cuba? It doesn't make sense at all to me.

I hope those in the administration who have done this and who think that redefining the meaning of cash in advance is a genius scheme to try to thwart the will of Congress will think through it more clearly and understand it is a harebrained scheme that doesn't comport at all with the law. My hope is they will finally get that message.

TRADE ISSUES

Mr. DORGAN. Mr. President, let me mention a couple of other trade issues because I think they are critically important. I am going to spend a great deal of time on trade issues in this coming session of Congress. We have the largest trade deficit in the history of the country. That translates into lost jobs and lost opportunity for our country. This town is completely brain dead on trade issues.

We can start with the Washington Post and the major news outlets. They do not cover trade or care about it, and if they cover it at all, they only cover one side, and that is the side of so-called free trade. Let me tell you where the so-called mantra of free trade has led: the largest trade deficit in the history of our country with massive outsourcing of jobs replaced with jobs that pay less with fewer benefits in our country.

I have spoken at great length about the trade issues to a deafening silence; it could be because of my presentation. But this country, this Congress, this town, has to get serious about this issue because it is hollowing out the economic stability and opportunity for this country's future.

We have a huge unprecedented trade deficit with China. We buy everything China has to manufacture—shoes, shirts, shorts, trinkets, toys, just name it. It is coming in an armada of ships every single day. We buy every single day nearly \$2 billion more from other countries than we are able to export.

Why do we do that? I have spoken about Huffy bicycles, and I will not go through the story today, but Ohio workers making Huffy bicycles, proud of their jobs, lost their jobs, and Huffy bicycles are now made in China. The little red wagon, American Flyer, made in America for 120 years, but the employees lost their jobs to China.

A new report, December 3rd in the Washington Post: "A Rough Ride for

Schwinn Bicycles." We know Schwinn bicycles. I rode a Schwinn when I was a kid. They are now made in China. This story describes the mistake of Schwinn bicycles. They decided as a company they needed to try to continue to stay in the United States and manufacture bicycles here. What a huge mistake, they decided later, because it drove them into bankruptcy. So there are no longer any Schwinn bicycles made in America.

Let me give an example of why this is happening, whether it is Huffy or Schwinn bicycles or a thousand other items.

This is a story about unrest in a Chinese manufacturing plant from the Washington Post. In the latest unrest, about 1,000 workers staged a walk out on November 7th at the Shanlin Technology appliance factory near Guangzhou, demanding higher overtime pay and more days off, according to the government-run New China News Agency. The workers returned to the assembly line a day later after receiving assurances that overtime pay would rise by 12 cents to 36 cents an hour and that they would get two days off a month.

When the Huffy jobs went from Ohio to China, for example, the jobs changed in one respect. The U.S. workers had made \$11 an hour plus benefits. The Chinese workers instead make 33 cents an hour and work 12 to 13 hours a day 7 days a week. Some insist that is what America should compete with. I insist that is a race to the bottom of economic standards and one this country should not aspire to win.

What has happened to our Yankee ingenuity when it comes to international trade? We used to be known as good traders. Instead, we now have a strange idea that if we can just open up all markets and have no admission standards or no admission price to the U.S. marketplace, and allow the production of most goods to migrate to countries in the world where you can hire 12-year-olds, pay them 33 cents an hour, work them 12 hours a day, and ship the products to Toledo and Santa Fe, that America would be better off. And that is just not so. In fact, as the jobs migrate from a country that cannot continue to pay workers \$11 or \$20 an hour, when corporations will simply move the jobs to China where they are paid 33 cents or 50 cents an hour, this country begins to feel the economic pain and the shrinking of economic opportunity.

It seems to me, that after decades of failed trade policy—whether it is GATT, WTO, NAFTA, CAFTA or any one of a number of trade agreements—at some point those who predicted a good outcome for these trade agreements, and were so fundamentally wrong, should be discredited.

NAFTA is an example. We were told with respect to NAFTA, This is a good thing for our country because what will happen if jobs migrate to Mexico, they will only be low-wage and low-