

We don't want to go back to the old way where there were strings running from every desk in this Chamber out to every school district. We were saying: You must do this or we are going to pull that string and jerk you around. We want to go to the new way, which says: We are going to give you flexibility; we are going to give you money; we are going to empower parents to know what is going on. But at the end of the day we are going to expect accountability; we are going to expect results; we are going to expect these kids actually are learning.

We are going to test them. The tests will be designed by local folks, but we are going to expect them to learn to the standards the local folks design. It is a reasonable bill. It is going to help a lot of kids in America. And it is unfortunate there appears to be this orchestrated effort to undermine it.

It is extremely unfortunate that we hear, again and again, misrepresentations on the floor of this Senate about how much money is committed to it and about the commitment of this President to funding education.

I yield the floor.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent to speak for up to 15 minutes.

The PRESIDING OFFICER. The Senator is recognized without objection.

#### NORTH KOREA

Mr. NELSON of Florida. Mr. President, we have heard some weighty subjects discussed here today. The Senator from New Hampshire was discussing the issue of education. Prior to that, Senators from Utah and New Jersey were talking about tax policy, trying to get our sickly economy revved up and moving again. If those were not enough of weighty subjects to talk about, I want to bring up one of grave concern to the foreign policy of this United States, indeed to the very defense of these United States: That is the subject of North Korea.

I rise today to speak on this subject as a member of the Senate Foreign Relations Committee. This question of development of nuclear weapons by North Korea is something we should address. That is the occasion to which I rise today.

Over half a century we have seen North Korea struggle along in its totalitarian, repressive regime. If there is any question about that, look at the fruits of that repressive labor—the starvation there among the people while the leaders, indeed, lead very comfortable and cushy lives. Nobody questions the starvation among the people in North Korea. The free world has been trying to do something about it.

To those in this Chamber who have had the privilege, as I have, of going to the DMZ, to the line, to see the stark differences on either side of the line, it is very apparent. One, is a side that is lush in vegetation, highly developed.

Then, just looking across the line, you see quite a contrast with the sparse vegetation on the north side of the line.

But I saw North Korea also from a different perspective, from the window of a spacecraft on the night side of the Earth. There is quite a contrast for the lights reflecting from Earth back up into space—there is a distinct difference between North and South Korea from space at night. The South Korean peninsula is lit up, vibrant in its economic activity, whereas north of the line there are very few lights discernible from the view of the window of the spacecraft.

In North Korea, we have had a regime that has isolated its own country. Now this situation is urgent, vis-a-vis the foreign policy of the United States. It requires sustained attention from our administration even as we deal with a separate and growing crisis in Iraq. Unfortunately, the Bush administration is approaching the events on the Korean peninsula in an inconsistent and incoherent way, in the opinion of this Senator, even as it continues to build up our forces in the Persian Gulf region.

This is dangerous. We cannot, in my opinion, and we must not, allow the North Koreans to develop an effective nuclear weapons arsenal. Yet it is a very difficult situation. Go back to 1994. The Clinton administration faced a similar crisis in 1994, which it averted by striking an agreement with North Korea. This Agreed Framework provided the United States would provide North Korea with economic assistance and more open diplomatic communication in exchange for a cessation of operations and infrastructure development of reactors and facilities used to build its nuclear weapons program. This agreement, while flawed, allowed the United Nations to come in and monitor the disposal of the plutonium rods to ensure they would not be used to develop weapons. Indeed, it helped prevent North Korea from having dozens of nuclear weapons by now.

One year ago, President Bush, in his State of the Union speech, referred to North Korea as a member of the axis of evil for its repressive and brutal actions against their own population. In that respect the President was correct.

But we see now what the consequences of that speech are. Instead of speaking softly and carrying a big stick, President Bush decided to speak harshly without a coherent policy to back it up. Though this pronouncement did not cause the North Koreans to begin their bad behavior and cheat on their agreements—it certainly didn't cause them to start that bad behavior or cheat on their agreements with the United States and the international community which, by the way, the North Koreans have now admitted—it did embolden them to harden their position, to renounce the 1994 agreement and to begin in earnest to openly pursue more nuclear weapons.

This is now the situation in which the Bush administration, by its own words, has painted our Nation into a very difficult corner.

U.S. policy regarding North Korea has been inconsistent. The President has demanded North Korea give up its nuclear weapons programs, which is a good starting point. He said he wants to solve this peacefully, through diplomatic means, but until this week—indeed, until day before yesterday—the President refused even to speak directly to the North Koreans. The administration has said it wanted to isolate North Korea, possibly with sanctions.

Look around the world. That option is opposed vehemently by the governments, friendly to us, of South Korea and Japan. Even China has stated its position, that it supports a non-nuclear Korean peninsula. Yet the administration has scarcely engaged the Chinese in a meaningful way. We ought to be encouraging them to join us to stop the development of North Korean nuclear weapons.

Russia also needs to be included in these discussions. The lack of a clear strategy increases the risk of a volatile and destabilized atmosphere in the face of a North Korean nuclear threat. This danger is underscored by today's news that North Korea has announced its immediate withdrawal from the Nuclear Non-proliferation Treaty. U.S. leadership is needed for the world's declared nuclear powers to work together, perhaps through the United Nations, in a common response to this immediate danger.

If we fail to do so, the nightmare scenario of North Korea selling its nuclear weapons to terrorist groups and other rogue states and other provocations could become a reality.

I welcome the President's belated decision to engage the North Koreans directly. I hope it has not come too late. I also hope that these talks will be conducted at the highest possible levels. We must make North Korea understand that the building of an arsenal of nuclear weapons will not be tolerated, and that all options to combat this threat are on the table.

At the same time, we must work to form a viable, regional solution with South Korea, Japan, China, and Russia. No policy that we pursue can possibly work unless it is carried out in consultation with these key countries. We must devise workable policy options that the United States and North Korea may consider to de-escalate the situation immediately. These talks must be substantive and be conducted in good faith, which has been a consistent problem over the years with North Korea—but now the world is watching—immediately, now.

Finally, I hope that the Senate Foreign Relations Committee will hold hearings on North Korea as soon as possible. Hearings should explore the administration's detailed plans and policy prescriptions for this crisis and

its implications. I know Senators LUGAR and BIDEN care a great deal about this. I thank them for their leadership.

I call upon President Bush to stop sending mixed signals on this urgent matter. Consistency in policy and leadership is demanded in these very hazardous and uncertain times. Then one day, maybe from the window of a future spacecraft—with a North Korea that has become a part of the world community of nations, a North Korea that reaches out in friendship to her neighbors—then maybe one day from the window of a future spacecraft on the night side of the Earth, we can look down and see a North Korea joining a South Korea lit up like a glittering jewel showing economic and political progress and freedom in that part of the world.

Thank you for the opportunity to address this most important matter.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

Mr. KYL. Mr. President, I ask unanimous consent to speak as long as I may speak beyond 10 minutes.

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

The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I want to talk today about a subject that is very much on our minds—the subject of North Korea and the threat North Korea poses to the entire world because of its development of weapons of mass destruction, including nuclear weapons, and the fact it is the world's largest proliferator of those kinds of weapons.

Next week, Senator MCCAIN and I will be introducing a bill called the North Korea Democracy Act of 2003. The purpose of this legislation is to establish American policy, from a congressional standpoint, that will help us to move North Korea toward a more democratic regime and forego the development of these weapons of mass destruction and the proliferation of them as well as missiles throughout the world. As we are all very much aware, today, right now, North Korea is ruled by a leader and leaders who have cheated on agreements in the past not to produce these weapons, and has really brought the world to the brink of military conflict, and has removed itself from numerous agreements it had earlier entered into, which have constrained its activities to date.

As a result, the United States is presented with a challenge of what to do in North Korea that has a very short timeline on it, a challenge in which, as one pundit put it, “the clock is tick-

ing.” Just as an aside, we know we have to deal with countries such as Iraq as well. Iraq is one of the fronts of the war on terror, and we are all aware of the fact the President has been preparing for the potential for military action should Saddam Hussein not comply with the U.N. resolutions that require him to come clean on his weapons of mass destruction program and to dismantle those weapons.

The President has made it clear that while he is proceeding for those preparations with regard to Iraq, that he also understands the importance of dealing with the problem of North Korea, because North Korea has nuclear weapons already, we believe, and because of its recent actions, it could create more nuclear weapons quite quickly and, from our past understanding of North Korea's policies, could begin to sell those weapons to other countries.

To not put too fine a point on it, think about the prospects of dealing with a Libya or an Algeria or a Syria or a Sudan or a country such as these that bought a nuclear weapon from North Korea. It is a very troubling prospect, indeed. Yet in a matter of months—not years, not some time way down the line, but literally in a matter of a few months under the current program in which it is engaged—North Korea could develop nuclear weapons and sell them to countries such as those I have mentioned. Of course, it could also sell a weapon to a terrorist organization, other than a state that sponsors terror.

This is, indeed, a troubling prospect, and that is why I say the clock is ticking. That is why it is important for the United States to have a very firm policy, a very clear policy for dealing with this and for the Congress to be engaged in the development of that policy; hence, the reason for the introduction of this legislation.

I will set the stage with what this threat is, what the U.S. policy has been, what our current strategy is with respect to dealing with North Korea, and then I will describe in a little more detail the bill about which I am talking.

The President has said that the centerpiece of our policy with respect to North Korea is that it must promptly and verifiably dismantle its nuclear enrichment program. Of what exactly is the President speaking?

In the past, North Korea created a plutonium enrichment facility that produced only 5 megawatts of electricity, so it was clearly not something to produce power for the country of North Korea—in fact, it requires coal to operate—but was for producing fissionable material to put into nuclear weapons.

In 1994, North Korea agreed that it would no longer produce fissionable material from that facility and that it would not produce any other fissionable material. That plant was put into a standby mode, in effect, and the

International Atomic Energy Agency, IAEA, was permitted to install devices that would monitor the compliance of that commitment, as well as people who were onsite to verify compliance.

In the interim, North Korea began to develop a uranium enrichment project in deep underground facilities in North Korea. North Korea began this program and only recently 'fessed up to the fact that it had been engaging in this program for a long time.

It, too, is in violation of agreements that North Korea had entered into, including the Nuclear Non-Proliferation Treaty, or the NPT. North Korea today, I believe, announced it was, in fact, withdrawing from the NPT. It had been threatening to do so for some time. At the time it developed this fissionable material, North Korea was a signatory to the NPT.

Throughout the last several years—and we do not know precisely how long—North Korea had been developing a clandestine nuclear fissionable program with which to build nuclear weapons. We believe that as a result of the previous program, as well as perhaps what might have been developed in the uranium program, North Korea does, in fact, possess nuclear capability at this time. The exact number of weapons we believe they have is a classified number.

That is what the President was talking about when he said that North Korea must promptly and verifiably dismantle its nuclear enrichment program—both the plutonium enrichment program, which it has now restarted, as well as the uranium fissile material program that it has recently admitted to possessing.

I mentioned the NPT, but North Korea has also agreed in other fora to not produce these kinds of weapons. Another agreement that it entered into was the North-South Declaration on the Denuclearization of the Korean Peninsula.

It also in 1994, as part of what is referred to as the agreed framework with the United States, forswore the development of any of these nuclear weapons. There are actually four specific different agreements that North Korea is currently in violation of as a result of these two nuclear programs with which it is engaged.

When we confronted the Koreans last September with the fact that we were aware of the development of its uranium enrichment program, at that point North Korean leaders threatened to pull out of the NPT and, as a result of that, the United States and the other nations that had been involved in the agreed framework on the Korean peninsula agreement decided the violation of these accords could not be rewarded with continued sale or providing of heavy fuel oil or other products to North Korea, as a result of which the last shipment, I believe, went to North Korea in September or October.

That was part of the quid pro quo for North Korea forswearing these nuclear

programs. We said: We will build nuclear facilities for you; we will provide you with fuel for your current facilities, including this heavy fuel oil; if you will continue to forswear those nuclear weapons, we will continue to supply that material and that fuel to you.

Once they threatened to pull out of the NPT and agreed they were in violation, we stopped those fuel oil shipments. That is what brought the current controversy to a literal boiling point when the Korean leaders said they would pull out of the NPT ostensibly because we cut off the fuel shipments, and, of course, it was the other way around.

The question is what to do at this point with the North Korean leaders having not only threatened now to pull out of the NPT, but actually giving notice that they pulled out, and their admission they have been in violation of these other agreements.

There have basically been three schools of thought. One school of thought is we should actually engage in a military attack on the plutonium facility which has been restarted by North Korea. Some people who worked in the Clinton administration, and perhaps President Clinton—I am not sure—actually said that was part of President Clinton's threat against North Korea: That if they ever started that facility again, we would bomb the facility. I do not know if that was conveyed to the North Koreans. I do not know whether we ever would have done so.

The problem with military activity is that North Korea is a country that today possesses a very large number of rockets and artillery pieces, as well as missiles, all of which could very quickly, within a matter of minutes, literally kill millions of people in the area of Seoul, Korea, only 30-some miles away from the DMZ.

It is a good example, by the way, of why, if we are going to have to deal with Saddam Hussein, it is better to do it today when he does not pose that kind of threat to us than tomorrow when he might, just as North Korea does today.

So, the military option, while probably not one that should be taken off the table, is one that is fraught with peril and difficulties. North Korea could very probably cause great destruction not only on South Korea, killing South Koreans and American servicemen, about 37,000 of which are stationed in South Korea, but also, if they desire to do so, could strike Japan and possibly even Hawaii. Its missiles are that well developed.

Because of that, the potential for military action, while it probably should never be taken off the table because we do not know just how serious North Korea will be with its aggression, is not one most experts believe should be threatened as a means of making North Korea comply.

At the other end of the spectrum are those who say we should talk with

North Korea. There are two problems. One, it has been tried and found to have failed. North Korea is willing to talk, but it is not willing to make concessions or, if it does make concessions, it is not willing to keep them. So talk alone is clearly, at least in my view, not a solution to this problem. Originally, North Koreans said if you will talk to us, then we can get a dialog going that will actually result in our compliance with these agreements. But as soon as the Secretary of State hinted maybe the United States would talk, all of a sudden there are new conditions. As a matter of fact, it is reported in the news media that the North Korean leaders said they were going to pull out of the nuclear non-proliferation treaty today—unless we would resume fuel oil shipments to them.

This is the point. That is the way the North Koreans talk. They are always bargaining. They will talk to you today if you will give them something today; otherwise, no dice. And the problem is you give it to them and then even if they have made a commitment, we find they will break it. So the North Koreans are not exactly the kind of partners you can rely upon and negotiate. For the same reason, we are not negotiating with Saddam Hussein or the al-Qaida. We do not believe it is in our best interest to negotiate with the North Koreans. So talk alone will not solve the problem.

Somewhere in between military action and talk there has to be a solution to this problem. As I pointed out, the clock is ticking. We do not have a long time to wait. So even though the legislation I will be describing in a moment contains components that would gradually pressure North Korea to become more democratic, to become more peaceful, to eschew its weapons of mass destruction and stop its nuclear program, the question is whether even this kind of approach can take hold quickly enough to force North Korea to stop before it develops the nuclear weapons and gets them in somebody else's hands. That is the real question.

So, even this middle ground, this third wave, as I call it, has the potential of not working if North Korea believes it can gain enough time to build these nuclear weapons and sell them to somebody else or build them and threaten to do that as a way of extracting concessions from us. That is the problem. I don't want to get too specific about the timing. I will say that in a matter of months, much less than a year, North Korea could develop a number of nuclear weapons. That is the kind of timeframe we are talking about.

Mr. DORGAN. Will the Senator yield for a unanimous consent request.

Mr. KYL. I am happy to yield.

Mr. DORGAN. I apologize for interrupting. I ask unanimous consent that I be recognized following the presentation by the Senator from Arizona.

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

Mr. KYL. I ask unanimous consent to have printed in the RECORD a very well thought-through op-ed piece called "Don't Rule Out Force," penned by Dennis Ross, which appeared in today's Washington Post newspaper.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 10, 2003]

DON'T RULE OUT FORCE

(By Dennis Ross)

Why is the Bush administration suggesting there is no crisis in Korea? Is it because it doesn't want to be diverted from taking on Saddam Hussein and, in effect prefers dealing with each threat sequentially? Perhaps. But I suspect it has less to do with Hussein than with what is clearly a weak set of options.

True, it would not be easy to fight both North Korea and Iraq at the same time. But even more to the point, North Korea has formidable conventional military capabilities. If the United States decided to bomb the nuclear processing center in the Yongbyon complex, one could not rule out the possibility that the North Koreans would react with a massive attack against the South. They certainly want us to think they would, and it would be irresponsible not to take this threat seriously.

Does that argue for the administration's approach of isolation and containment of North Korea? It might, if the North Koreans were two or three years away from being able to produce a half-dozen nuclear devices. But it's more likely that they are only six months away, and that is not sufficient time for the effects of isolation and containment to work on Kim Jong Il. The price to North Korea in six months will not be appreciably different from what it is today. In six months North Korea will be in a position to sell a nuclear device, and its record to date demonstrates unmistakably that it will sell anything to anybody any time.

To put it simply, the clock is ticking. And paradoxically, by publicly taking the military option off the table, the United States is sending Kim Jong Il the message that he has time. From his standpoint, that will permit him to become a nuclear power, making him, in his eyes, a factor internationally and requiring us to deal with him on his terms.

He may, of course, be miscalculating. But even the Bush administration's preferred strategy of isolation and containment has no real support from those who would be essential to making it work over time. Neither the South Koreans nor the Chinese nor even the Russians seem to accept it. Each country favors a policy of engagement. While South Korea's desire to mediate the crisis is understandable, North Korea will continue to use the South's fears to erode its positions and to try to drive a wedge between Washington and Seoul.

If we want diplomacy to stand a chance, we cannot divorce it completely from possible military responses, and we must look to those who actually do possess leverage given current realities. Our readiness to use military force—alone if necessary—has been essential to the administration's ability to isolate Iraq and build a consensus on disarming it. By taking the military option off the table in Korea, we not only signal the North Koreans that they have time, but also reduce the sense of urgency that might alter Chinese and Russian behavior. And it is the Chinese and Russians who have the greatest leverage on Kim Jong Il.

The Chinese provide half of North Korea's food and fuel assistance. Russia's leverage stems less from what it provides now, though

its economic ties are important to North Korea, than from the relationship President Vladimir Putin has with Kim Jong Il. He has feted him in Moscow and seems to take him seriously. The North Korean leader clearly values his connection to Putin.

While neither the Chinese nor the Russians are pleased with North Korean behavior, their public reactions have been tepid. (Moscow "regrets" the North Korean threat to withdraw from the Nuclear Non-Proliferation Treaty.)

Both the Russians and the Chinese would undoubtedly oppose a U.S. military response. But if we want to mobilize more vigorous action from them, those two countries have to become seized with the seriousness of the moment. They have to believe that the resumption of reprocessing is not acceptable to us and could trigger a military reaction.

The purpose is not to make the military option inevitable but to build the pressure to produce a diplomatic alternative.

At the minimum, the administration must introduce greater ambiguity into its posture. For example, it could make clear that no option is being excluded, including military ones. Similarly, without calling attention to it, we could also build our naval presence in the area, something that would please neither the Chinese nor the Russians. Should we feel the need for more dramatic and extreme measures, the administration could say that a continuing North Korean capability to produce nuclear weapons is so threatening that we would reserve the right to act militarily and would even contemplate extending our nuclear umbrella to South Korea.

The goal would be to promote a greater sense of urgency, without making an empty bluff or triggering worse North Korean behavior. Making clear we have been left with no choice but to consider the military option need not be done in public, but it does need to be done if we are to persuade the Russians and the Chinese to help us alter North Korean behavior.

Neither the Russians nor the Chinese want a war on the Korean peninsula; nor do they want the U.S. presence to be expanded or the U.S. nuclear umbrella to be extended, making us even more of the arbiter of Asian affairs. We have to play on these fears, while making it clear that it is in the hands of Russia and China to head off the very possibilities that are so troubling to them.

The Russians, in particular, could organize a diplomatic initiative that could finesse the administration's unwillingness to "negotiate" with North Korea, while creating the indirect engagement that will be necessary. In this connection, Moscow could host a meeting of all the interested parties: the United States, China, South Korea, Japan and perhaps the European Union and the United Nations.

Ground rules for settling this crisis could be established, with the clear understanding that North Korea's wishes will not be addressed until Pyongyang is ready to stop its nuclear program, subject all parts of its nuclear efforts to intensive and continuing inspection and turn over all existing spent fuel.

No doubt if the Russians were to present such demands to North Korea, the North Koreans would seek to negotiate on these conditions and what they might receive in return. Provided the Russians knew clearly what our red lines were—and convinced of our readiness to act militarily if necessary—diplomacy might yet succeed.

Mr. KYL. The reason I do this at this point, Mr. President, Dennis Ross makes the point, and I think eloquently, that the administration should not rule out force; that it ought

to make it clear not only to North Korea but to North Korea's neighbors, Russia and China, that, of course, force is always an option; that there have to be some consequences to an absolute refusal of North Korea to agree to abide by the norms all the rest of us abide by, and to abide by the agreements it has entered into.

I hasten to point out neither Dennis Ross nor I are advocating the use of force. He points out, and I reiterate the point, one would hope it would never come to that because the use of force against North Korea is fraught with the perils I discussed before.

But Ross makes the point, and I think it is a valid one, that without consequences to failing to agree to be reasonable, it is unlikely North Korea will be reasonable. And more importantly, without that kind of a potential development, it may well be our allies in the region—the Russians and Chinese—who may also not be willing to put the kind of pressure they can and should against North Korea to cause North Korea to back down.

So that is the reason why this kind of action by the United States should not necessarily be ruled out, even with all of its potential dangers.

The reason I make this point is as follows: Talks can only succeed if we change the circumstances on the ground today. As of right now, talks result in promises by North Korea in exchange for fuel oil or food or whatever to North Korea, and then they violate the agreements and we are left in a position of reacting to their violation. We have to change that dynamic in some way so that North Korea feels some pressure to come to terms with its violations, some pressure to comply with the commitments it has made, some pressure to begin to dismantle its nuclear programs. Without that kind of pressure, without something to lose by refusing to go along in our negotiations or violating the agreements they make, talk alone is not likely to change anything. We have to change the circumstances.

How do we do that? That is where our legislation comes in. This legislation would put into place several circumstances which we believe would cause North Korea to more seriously consider negotiations as a means toward real, peaceful resolution of the dispute and real disarmament of its nuclear facilities. But without these kinds of pressures or conditions or circumstances, they are not likely to do so.

Let me briefly summarize the legislation. The first thing is to recognize what the North Koreans themselves have said, but to make it official: That the agreed framework entered into 9 years ago has failed and is no longer extant and it related to a circumstance North Korea has no longer permitted to exist and, as a result, the subsidization of North Korea called for under the agreement will cease; that they are not going to continue to be supported

by the United States under the agreed framework.

The second thing we do is prohibit the United States assistance to North Korea or the Korean Peninsula Energy Development Organization under the agreed framework. This is designed, among other things, to help deny North Korea the funds, the hard currency it needs, to continuing the development of its nuclear program.

That is the third thing the act would do. It would reinstitute the sanctions that were previously in place and permit the President to invoke new sanctions. In effect, what I have called for is a resolution similar to resolution 611 against Iraq. Same terms, prohibiting exports and imports, as a way of denying hard currency to a country to engage in illicit activity. In the case of North Korea, this is especially important. The biggest source of hard currency for North Korea is the illicit drug trade and the weaponry it sends to other countries.

Where do countries such as Iraq get Scud missiles? North Korea. Where did Pakistan get some of its equipment? North Korea. Where do other countries get weapons of mass destruction? North Korea.

If we impose sanctions that both prohibit the importation and the exportation of these items from North Korea, we can help to impose upon their regime an economic circumstance which might persuade them it is more beneficial to talk and to make promises they intend to keep than to continue on their present course of action.

Another provision of the act would prohibit any nuclear cooperation agreement or type of nuclear interaction with North Korea unless and until the President made several determinations and sent them to the Congress and Congress approved of such an interaction or agreement by congressional action.

We would also encourage the President to obtain multilateral sanctions including the blocking of remittances from ethnic Koreans to North Korea. That's the other source of hard currency, the remittances from North Koreans elsewhere in the world to their relatives in North Korea itself.

But with regard to multilateral activity here, it is interesting to me that probably the most significant pressure that could be put on North Korea to begin complying with its commitments would come from China. China supplies approximately 80 percent of the fuel oil to North Korea. It provides over half of the food and fuel generally to North Korea. It has a long border with North Korea. It clearly would be called upon to help enforce sanctions if they were imposed. And it clearly would suffer, probably more than any other country, from any kind of nuclear explosion on the North Korean peninsula or any other explosion in which poison gases or nerve agents or biological agents of some kind were released from the atmosphere since the wind is prevailing south to north.

China has a great deal to lose from North Korea acquiring a nuclear capability as well. In the first place, I don't think China wants other countries in the region to have nuclear weapons. China has those weapons, but I don't think it wants Japan to acquire those weapons. I don't think it would want South Korea or Taiwan to acquire nuclear weapons. I am not sure it would want the United States to extend its nuclear umbrella to South Korea, for example.

All of those things could happen if North Korea is permitted to develop nuclear weapons. It seems to me, therefore, it is very much in China's interest to quietly, if that is the way they have to do it, but firmly dissuade the North Koreans from progressing with its nuclear development program.

It is especially troublesome that very recently China has continued to supply North Korea with materiel and other assistance for the further development of North Korea's nuclear program. Again, without going into details, we are well aware of what China has been doing. The United States needs to come down very firmly against this kind of export from China to North Korea. Not only do I think we should argue to China what we believe is in China's best interests, but in other ways to exert what other kind of influence we can on China to stop this kind of activity and assist us working with the North Koreans to stop their program.

To some extent, arguments similar to that relate to Russia, although Russia is not as close to North Korea as are the Chinese. But in both cases, both Russia and China could assist us. One of the things our bill urges is the development of those multilateral kinds of agreements and actions that would stop North Korea from furthering its program.

We would also in this act do a variety of things which we think would help to put pressure on North Korea, in terms of democratization and in terms of liberalizing its country in general. For example, granting North Koreans refugee status in the United States, encouraging the executive branch to work with other countries to care for and resettle refugees from North Korea and provide money for that purpose. We would require Radio Free Asia to increase its broadcasting to North Korea to 24 hours a day and authorize whatever money is necessary to do that.

We also believe it is important for Congress to actually take measures, including military reinforcements, if that is called for, and enhanced defense exercises and other steps as determined appropriate to assure the highest level of deterrence against North Korea.

This is important for two reasons. First, there are those who called on us to bring our troops home from South Korea and, frankly, the temptation is great, when South Korean leaders basically talk about not wanting the United States in South Korea anymore, to do precisely that. Why should we

have our own troops there when they allegedly do not want us there? Unfortunately, that's a shortsighted way of looking at the problem. If we are to put the pressure on North Korea to make dialog meaningful, the third way I was talking about, to back it up with some potential action, then you do have to have a military presence and demonstrate you mean it when you talk about the North Koreans needing to comply with their agreements. Therefore, it would be the wrong time to either remove our troops or suggest they are not prepared. Thus, the reason our bill calls for enhanced measures to ensure our deterrence in that area.

What these provisions of the bill demonstrate is that there are a lot of alternatives in between just talk which, as I said, is cheap, and military action, which is to be avoided at all costs here because of the consequences of it. There are a lot of things we could be doing in between that. I have described in not very much detail what our bill provides in that regard, to just demonstrate there are a lot of things we could be doing to cut off its supply of hard currency, to isolate it, and to put pressure on North Korea to begin to comply with the agreements it has made in the past.

Some might say this is provocative. Frankly, I don't think it is very provocative. It is certainly not as provocative as having to resort to military force. It seems to me it is also not provocative to let the North Koreans know there are consequences to violating agreements they have made with the rest of the world.

If we are not able to back up these agreements, then why ever have agreements in the first place? Why couldn't any country simply get out of the NPT and say, We didn't really mean it when we signed up? The United Nations charter itself—I have forgotten the exact chapters; I think it is chapters 6 and 7—provides for the imposition of international norms of behavior in cases where the peace of the world is threatened by a particular country. That applies directly to North Korea in this case.

So we have the ability to act as an international group of nations, in addition to unilaterally in the case of the United States. But I would also say to those who say this is dangerous and provocative, that's the same thing people criticized Ronald Reagan for when he talked about the Evil Empire, Russia. It was the pressure the United States put on Russia in the latter stages of the Soviet Union, during which time the President not only built up our military to create a strong deterrence to any military action by the Soviet Union but also began to expand our push for democratization and freedom in Eastern Europe and in the outlying areas of the Soviet empire.

Many think it was the combination of those factors that caused the Soviet Union to break up, the combination of a strong deterrence on our part, the

peace-through-strength concept of Ronald Reagan, but also the declaration that it was an evil empire, the assistance to Lech Walesa, the characterization of the country and all of the eastern satellite countries of the Soviet Union as evil and nondemocratic and abusive of human rights, the Jackson-Vanik amendment. Those actions, over time, I believe, had a very salutary effect on the people in the Soviet Union and caused them to eventually conclude they could not confront the democratic nations of the world. As a result, Russia has been the product, fortunately for the people of Russia, of that kind of push.

I do not think you create a more dangerous or provocative situation here. I think in the case of North Korea you begin to lay the groundwork for the North Koreans to become a democratic society that can actually take care of its people and not starve them to death and engage in the human rights abuses it has in the past.

Let me just quote something Ronald Reagan wrote to himself. This is in a book called "Reagan's War." It is talking about the philosophy Reagan had in dealing with the Soviet Union, but I think it is relevant to North Korea as well. In his diary the President wrote the following with respect to a meeting that had been convened, an emergency meeting of the NSC. He jotted these notes to himself about his goal with respect to Poland. He said:

I took a stand that this may be the last chance in our lifetime to see a change in the Soviet empire's colonial policy re Eastern Europe. We should take a stand and tell them unless and until martial law is lifted in Poland, the prisoners were released and negotiations resumed between Walesa and the Polish government, we would quarantine the Soviets and Poland with no trade or communications across their borders. Also tell our NATO allies and others to join us in such sanctions or risk an estrangement from us.

Bearing in mind that all know what the result of President Reagan's policies were, I think that is the same philosophy that should animate our policy today toward North Korea. We should not be seen as vacillating. Some have characterized the administration as vacillating.

We should be sure the positions we are taking are clear-cut, firm, and no one can mistake what our intentions are, as the first step. Second, we should adhere to the President's policy of forcing North Korea to promptly and verifiably dismantle its nuclear enrichment program. And third, Congress can play a role in this by enacting legislation of the kind I have described that would not only create the conditions for more democratization in the country by granting refugee status to political refugees, broadcasting into North Korea the message of freedom to its people, but also squeezing economically the military leaders of the country to deny them the hard currency they are currently using to build up this nuclear capability, to prevent them from exporting these weapons of mass destruction to other countries.

Just as a final point, such an export limitation or quarantine as part of the sanctions that could be imposed here would not only deny the economic reward to the North Koreans from the production of this material, but it could result in an interdiction of such material if in fact they are going to try to send it some place else. Remember that shipment from North Korea that was recently intercepted going into Yemen. This kind of sale of weapons of mass destruction by North Korea, therefore, if interdicted, would not only deny the country the hard currency that it uses for its nuclear program but perhaps ultimately more importantly would prevent this kind of equipment from getting into the hands of terrorists or terrorist nations that mean us harm.

This is the approach we believe is appropriate for the United States to take. Neither military action nor just plain talk, but a dialog backed up by firm, positive, constructive actions on the part of the United States would put a lot of pressure on North Korea and would hopefully bring countries such as China and Russia along with us to help us put pressure on North Korea to cause it to come to meaningful agreement with the United States that is verifiable and that would result in peace in the region and the dismantlement of dangerous nuclear weapons they have been building.

We will be introducing this legislation next week. I appreciate the support Senator MCCAIN has provided in putting this legislation together, and I look forward to visiting with my colleagues and getting sponsorship of the legislation with an early commitment to get it passed by this body and sent on to the President.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

#### HIGH-SPEED PURSUITS

Mr. DORGAN. Mr. President, in this morning's Los Angeles Times there was a story headlined "Border Pursuit Crash Kills Two, Hurts Thirteen".

The paper reported that 2 women were killed and 13 people were injured—7 of them critically—when a pickup truck full of suspected illegal immigrants overturned, after a pursuit by the Border Patrol. The 15-year-old truck was packed with people huddled under a tarp as it sped west on Interstate 8.

That pickup truck apparently smashed into a guardrail and overturned sending bodies tumbling down an embankment. According to the California Highway Patrol, two women were pronounced dead at the scene 20 miles north of the U.S.-Mexican border. Seven victims were taken to local hospitals in critical condition, and six other people with minor to moderate injuries.

The issue of high-speed pursuit by law enforcement officials is not new. In

fact, on Tuesday of this week, the Los Angeles Police Department announced that they were severely restricting circumstances in which officers could engage in high-speed pursuits, following a series of deadly crashes in that city involving fleeing vehicles.

Los Angeles has become known as the car chase capital of the world. We have all seen the helicopters following police chases on live television. In 2001, the Los Angeles Police Department launched 781 pursuits. One-hundred and thirty-nine people were injured. Six people died in those pursuits. Fifty-nine percent of the police pursuits in Los Angeles resulted from minor traffic infractions.

According to the Border Patrol, in 1996, 8 illegal immigrants were killed and 19 were injured when their vehicle tumbled into a ditch as part of a high-speed pursuit by the Border Patrol. There is a list of such cases.

Look, this is not the fault of law enforcement officials. It is the fault of the people who are fleeing law enforcement officials. But we ought to have policies and training on high-speed pursuits, to make sure pursuit is appropriate. In cases where we have minor infractions, in cases where there is no imminent danger, we ought not have chases at 60-, 80-, or 100-mile miles per hour, in which innocent people get killed.

Today I am writing to the head of the Border Patrol asking for an investigation into what happened yesterday. I want to understand what kind of pursuit policies the Border Patrol uses, and what kind of pursuit policies and training they have.

This is happening too often. I think more law enforcement ought to follow the model of Los Angeles.

I have a personal interest in this issue. My mother was killed in a high-speed police chase. She was driving home from a hospital one night about 9 o'clock in the evening on a quiet street in Bismark, ND. A couple of drunks driving a pickup truck fishtailed. Witnesses said the police were chasing them at 80 to 100 miles an hour, down a city street in Bismark, ND. There was a crash. My mother was an innocent victim.

Three-hundred to four-hundred people a year in this country suffer that fate; some say up to 1,000.

This is not some mysterious illness for which we don't know a cure. We understand what causes the death of innocent people with respect to police pursuits. We understand how to stop it.

I believe if there is a bank robbery and guns are blazing and a getaway car is moving, the police ought to chase and ought to pursue because they have no choice. The public is desperately endangered in that circumstance. But such chases are inappropriate in many other circumstances.

I have spent a lot of time on this issue in recent years. I remember talking to a county sheriff in North Dakota about this issue. He said: Just last

week we had a police pursuit. We started this pursuit, and one of my deputies saw someone horribly drunk weaving all over the road. He began immediately to apprehend this person. The person took off at a high rate of speed, and my deputy saw two little children in the backseat of that car and immediately disengaged. We got the license number. We didn't chase. We arrested that person about 3 hours later and those children were safe.

If they had not made that judgment call, perhaps that would have resulted in a car crash and the death of those children.

I mentioned my family's acquaintance with this issue in a deadly way. Here are some other examples, which occurred recently in Los Angeles. In March of 2002, Henry and Anna Polivoda, 79 and 76 years old, were struck and killed by a fleeing suspect in a pursuit that began over a car registration. Henry and Anna were Holocaust survivors, but they couldn't survive a high-speed pursuit on a city street. They were innocent victims of that pursuit.

A couple of months after that, a 4-year-old girl was killed when an auto theft suspect ran a red light on a busy downtown street, causing a chain reaction that knocked over a traffic light, killing the girl.

This goes on and on and on.

Yesterday's incident is one I know very little about—only that which I read in the newspaper. Of course, it brought back to me some very sad memories.

I know that those who were attempting to smuggle illegal immigrants into this country yesterday are ultimately at fault. I know those smugglers who decided not to stop when the Border Patrol tried to apprehend them are at fault.

But I also know this requires us, once again, to review when it is appropriate for us to engage in high-speed police pursuits and when it is inappropriate.

I have undying admiration for the work law enforcement officers do every day and every night. While we lie safely in our beds at night, there are people patrolling our streets and keeping us safe. They deserve our enormous admiration for the work they do. It is dangerous and difficult.

But I only ask this: How many more crashes, how many more deaths will it take for this country—all of us—to decide that in some circumstances it is inappropriate for law enforcement to engage in high-speed chases?

I know a city police chief from a southern State. His daughter is dead as a result of a high-speed police chase. Now, this is a police chief. This is a law enforcement official. His daughter was killed in a chase that occurred as a result of a broken taillight. That broken taillight was a cause for law enforcement to want to stop the vehicle. The vehicle did not stop. It took off at a high rate of speed. Because of that broken taillight, the police pursued, and