

our soldiers—whose mission is to create the security to support our political strategy—is undermined. Their work is undermined.

Recently, there has been some tut-tutting in some of the press and the antiwar movement that such declarations as I have just made are beyond proper discourse.

Let me be clear: A state of war should give no cause for inhibiting free speech in a democratic society, and I would tolerate no restriction of free speech here or anywhere in the country.

After all, Michael Moore is free to denounce every manifestation of American foreign policy; is he not? And we are upholding his right to do so, as ridiculous and inane and asinine as his comments are. His antiwar work includes Serbian propaganda clips in defense of genocide in “Bowling for Columbine” to nice pictures of playful Iraqis peacefully flying kites in the halcyon days of Saddam Hussein, which is in his latest virulently anti-Bush creed, and, of course, cheered on by some of our colleagues on the other side. The man is not an idiot, but he acts like an idiot, and he is undermining our young men and women over there.

But likewise, honest policy debates—and the comments on the role rhetoric plays—should also not be restricted.

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. HATCH. I thought I had 15.

The PRESIDING OFFICER. We are in morning business with 10-minute grants.

Mr. HATCH. I think I can finish in the next 5 minutes.

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

Mr. HATCH. When a Democratic spokesman calls Prime Minister Allawi a puppet, that is not a suggestion as to what the Prime Minister could better do in his difficult job. That is a statement that undermines the Prime Minister, our ally in a war against terror and tyranny. And when you undermine our principal ally in a war against terror and tyranny, you are undermining our cause.

Madam President, I buried my brother-in-law at Arlington Cemetery last week. I spoke of him on the Senate floor yesterday. He was a tough sergeant in the Marines. He had that unique pride that I have come to so admire in the Marines. His modesty over his sacrifices for his country was surpassed only by his love of his country. He was a true hero. He fought in Korea and Vietnam, and he bore the wounds of Vietnam through his life. Agent orange exposure killed him. And to his dying day, he thought the cause he fought for in Vietnam was just.

Last May, the Democratic nominee in this fall’s Presidential campaign was quoted as saying that President Bush “didn’t learn the lessons of our generation in Vietnam.” I find this remark staggeringly ironic.

Let me say this, Madam President. I honor the service of all who fought bravely and honorably in Vietnam—everyone, without exception.

But there are two different interpretations of our Vietnam policy. The antiwar movement’s view on our Vietnam policy concluded that the use of American power was immoral and not to be trusted. Today, that world view is still very strong, overseas and here among the American left.

It has not changed much, except that, today, the left, which still distrusts the use of American power, believes that that power must be checked by the international community. That view holds that American power is illegitimate without the sanction of other powers, including the United Nations.

There is another view on Vietnam policy that my late brother-in-law held. And that view is that the sacrifices of those who fought nobly and bravely in Vietnam are to be forever honored. That view—my view—is that the American military won that war. When President Nixon signed the Paris Peace Treaty in early 1973, U.S. forces fighting with South Vietnam had secured South Vietnam. The war was lost when the north violated that peace treaty and a Democratic Congress failed to provide the arms and funds to help an ally defend itself from an invasion supported by the Soviets and the Chinese.

We made many policy mistakes in Vietnam, and the enslavement of the south to communism was a sad conclusion whose responsibility must never be borne by those who fought, but by those who failed to hold the course.

Do you know what one of the earliest policy mistakes we made was? It was when, under the Kennedy administration, the decision was made to stop supporting the Diem administration in South Vietnam. When that happened, the south lost a leading figure, a political leader. Diem was no democrat, but he was our political ally. We dealt ourselves a serious political blow when we failed to support Diem. He was assassinated, and our political goals were undermined.

I am not going to stand by and be silent when our ally, Prime Minister Allawi, is undermined by rhetoric from a top spokesman of the other party. Because some people need to understand that rhetoric has consequences.

Let debate rage, I say. Let the antiwar movement have its say, and let Michael Moore collect his fees on college campuses. But I believe that, in a time of war, we need to hold ourselves to higher standards of intellectual content, honesty and clarity.

Recently we have heard a lot about a CIA analysis from earlier this summer. Am I the only one to notice that the people who have been declaring that CIA analyses are unreliable are treating this latest analysis as holy writ? That the people who have taken the good work of Chairman ROBERTS and our committee—which did a stark and

honest review of the failings of pre-war intelligence—and concluded that the CIA cannot be trusted are now asking us to conclude, based on an analysis no one has read, that the President is lying?

A CIA analysis is just that: analysis. It is more than guesswork, but it is a lot less than prediction. Yes, the situation could go bad in Iraq—very bad.

But at no time in American history has an administration conducting a war concluded during a dark hour that success was no longer attainable. That is not leadership. To focus on the course to success is not lying. It is leadership. To focus on the darkness of the hour is not.

The situation in Iraq is difficult, but it will not go bad, because we will not accept failure as an outcome. Failure would endanger our security, and this administration will not allow that.

We are in a charged political season. The American public will choose who they believe will best ensure their security. I would ask all who opine to remember that, while we are in a political season, we are in a war. Let us criticize as best we can, but let us do just that: as best as we can. That standard, is far above the rhetoric of defeat, despair and, in the case of calling Prime Minister Allawi a puppet, self-defeating delusion.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak up to 15 minutes.

The ACTING PRESIDENT pro tempore (Mr. SMITH). Without objection, it is so ordered.

#### NORTH KOREA HUMAN RIGHTS ACT

Mr. BROWNBACK. Mr. President, I believe this body is about to consider and pass the North Korea Human Rights Act and our amendment in the nature of a substitute. It is cleared through the House of Representatives and is on our consent calendar. It is about to clear through here, I believe, and I am thankful to the Foreign Relations Committee, the staff of the committee, the chairman and ranking member, for their work getting this moved forward.

This is about the fundamental human rights of the people of North Korea. It is my hope that this will pass today—and if not today, at least Monday.

It is no secret that North Korea policy continues to be a matter of intense debate at the highest levels of our Government and governments around the world. Reasonable people with good intentions disagree vehemently on various aspects of what an appropriate North Korea policy should be.

This is why I am pleased that the Senate, along with the House of Representatives, will soon be able to come together in unity and speak clearly on one particular set of issues regarding North Korea, and that is the most fundamental rights, human rights, of the

people of North Korea, and to put that in a policy position.

The people of North Korea have endured some of the most horrendous assaults on the inherent dignity of human beings of any group of people in the world. Inside North Korea, the totalitarian dynasty of the Kim regime permits no dissent and maintains an inhumane system of prison camps that houses an estimated 200,000 political inmates.

I have held a hearing on this. We have had satellite photography. People who have left the country have testified about this system of gulags that exists and is in operation today in 2004.

The regime strictly prohibits freedoms of speech, press, religion, assembly, and movement. Torture and execution, often in public, are regular tools of state control. Since the collapse of the centralized agricultural system in the 1990s, more than 2 million North Koreans are estimated to have died of starvation and related diseases. That is nearly 10 percent of the total North Korean population—over 2 million people.

North Koreans outside of North Korea are also targets of abuse. Many thousands are hiding inside China, which currently refuses to allow the U.N. High Commissioner for Refugees to evaluate and identify genuine refugees among the North Korean migrant population. This is so even though China is a signatory and has obligations as a party to the U.N. Refugee Convention.

China forcibly returns North Koreans to North Korea where they routinely face imprisonment and torture and sometimes execution. The stories from North Korean refugees who are able to get out are absolutely horrific.

Inside China, North Korean women and girls are particularly vulnerable to trafficking and sexual exploitation. Recent reports also indicate that chemical and biological experiments are going on in the country's gulags inside North Korea.

Let me explain what the bill does. The bill promotes the human rights of North Koreans by funding private, non-profit human rights and democracy programs, increasing the availability of nonstate-controlled sources of information to North Koreans and U.S. broadcasting into North Korea, urging additional North Korea-specific actions by the U.N. High Commission on Refugees and by the U.N. Human Rights Commission.

The bill promotes responsible assistance to the North Korean people by increasing funding for humanitarian assistance to North Koreans outside North Korea. This would include refugees, orphans, widows, and trafficking victims.

The bill endorses U.S. support for providing humanitarian aid inside North Korea but conditioning increases over current levels upon significant improvements in transparency, access, and monitoring. To date, we have had

no transparency; very little monitoring has been able to take place of the humanitarian aid we have provided to North Korea. It conditions future direct aid to the North Korean Government on substantial progress on human rights and transparency benchmarks.

Let me elaborate a little bit on this final point. In an AP story this morning that ran in the *Kansas City Star*, appearing in many papers across the country, the headline reads: "North Korea Asking for More Foreign Aid." The article quotes an NGO official that the North Korean Government wants not only additional humanitarian aid but also technical assistance and developmental cooperation.

At the same time, we have stories and information from Secretary of State Colin Powell warning North Korea against conducting a new missile test.

It would be naive for us to think that North Korea was not making a connection between the two. That is, if aid is not forthcoming, they will test new missiles. If that is not blackmail, I don't know what is. This bill will make it clear that as a matter of U.S. policy, we will not give in to those threats.

At the same time, I doubt that anyone in this body would oppose providing aid if there were assurances that the distribution and use of such aid were conditioned on substantial improvement in human rights and transparency benchmarks, that NGOs would get complete access to vulnerable populations, that such aid would be clearly marked and targeted for children and people in need and not the North Korean military apparatus, and that the North Korean Government demonstrates that it is cooperating with NGOs.

The bill additionally protects refugees by clarifying U.S. policy toward North Korean refugees, and the eligibility of North Koreans for U.S. asylum and refugee processing; urging the U.N. High Commission for Refugees to use all available means to gain access and provide assistance to North Koreans in China; and seeking solutions to North Korea's lack of access to refugee protections.

As amended, the bill also asks the President to appoint a special envoy for human rights in North Korea, a person of high distinction. We have in mind someone such as former Senator John Danforth, now the U.N. Representative for the United States to the U.N., who was so instrumental in bringing together the north/south peace accords in Sudan.

In addition, the bill requires a number of reports that will keep the issue of human rights front and center so that even as we continue to seek a resolution to the nuclear issue, which we should, that this matter of human rights is not swept under the carpet and that the matter of human rights does not become a mere afterthought.

For too long, we have challenged rogue regimes on such fundamental

issues and values as freedom of thought, religion, assembly, and press to back down now. We are not going to. We are going to continue to challenge rogue regimes, such as North Korea, on how they treat their own people.

As experience has taught us, during the Cold War and the battle over ideas during that period, these are some of the most effective ways in which we can promote freedom: open and democratic institutions within these countries.

Recently, a leading member of South Korea's Congress said to me in my office that North Koreans fear the West's criticism of its human rights more than any criticism about its nuclear program. North Korea will throw up all kinds of bluster when it comes to their threat as a potential nuclear power, but if you engage them on human rights, they become silent because even they know they cannot hide from the shame of the crimes they have committed against their own people.

With this bill, the regime in Pyongyang will now have to answer for itself in multiparty talks or any other setting on such matters as the gulags, chemical experiments on human beings, the denial of food and deliberate policies of starvation as a political tool, and a thousand other ways they violated human rights by which this regime in Pyongyang maintains its tenuous hold on power.

I know some were concerned about the impact of the bill, but the bill does not tie the hands of the President and ongoing negotiations over North Korean nuclear activities. Rather, I believe this bill will strengthen our negotiating position.

As I said at the outset, I thank the chairman of the Foreign Relations Committee and the ranking member, Chairman LUGAR and Ranking Member BIDEN, and their staff for their assistance in getting this bill to the floor. Hopefully, as I said, it will clear on Monday.

I thank the International Relations Committee, Chairman LEACH of the Asia Pacific subcommittee and his staff, Jamie McCormick and Doug Anderson. Both Chairman HYDE and Congressman LANTOS were critical in securing a bipartisan consensus in getting this bill to the floor in the House.

I also recognize Peter Yeo of Mr. LANTOS' staff and Sean Woo of my staff for the tremendous work in getting this moving forward.

There is a humanitarian crisis in North Korea, a human rights crisis, and I believe on a humanitarian basis, we are seeing in places such as North Korea and the Sudan a use of a humanitarian tool to maintain power and, in the process, people are dying and being killed.

Countries such as North Korea and Sudan have created an axis of death on their own people. This should not be, and it should not be allowed to take place in this world today. We need to stand up for the human dignity of

every person, wherever they are located in the world.

The North Korea Human Rights Act highlights this problem and establishes a position for this country that hopefully will be a model position for many countries around the world in dealing with the human rights tragedy inside North Korea.

I thank the Members of this body for allowing this presentation. I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### HELP THE VICTIMS OF AGRICULTURAL NATURAL DISASTERS

Mr. DASCHLE. Mr. President, South Dakotans have always been generous when our fellow Americans, even those living thousands of miles away, are suffering.

After September 11, we saw equipment makers, firefighters, school children, scout troops, church organizations, and countless other South Dakotans donate whatever they could to the victims. One ranch couple, themselves struggling, even sold 100 calves and dedicated the proceeds to the victims.

As hurricanes ravaged, and continue to threaten, Florida, South Dakotans sent not only their prayers, but also generators and plywood. Yet, while all of these things have taken place, South Dakota has been experiencing its own disaster, the slow-motion disaster of drought.

For the last several years, South Dakotans have been impacted to varying degrees by drought. In fact, 2002 was the worst drought since the Dust Bowl year of 1936. That is why I have worked so hard to get natural disaster aid for our state in the 2002 farm bill. The provision was not in the House-passed farm bill, and it was opposed and eventually stopped by the administration.

That is why I felt that as the Senate considered disaster assistance for the people of Florida, it was time for us to look for ways to help the people of South Dakota and other areas of the Nation who have been the victims of agricultural disasters. Make no mistake about it, this aid would help farmers and ranchers in Florida who have lost a majority of their citrus crop, much of the nursery stock and hundreds of head of cattle. In fact, farmers in Mississippi, Alabama, Louisiana, and Georgia and all along the eastern seaboard were seriously damaged by the myriad hurricanes, and the devastation may not be over. But for farmers and ranchers in the upper Midwest, the drought has continued for years.

On August 17, I wrote to the President expressing my support for assist-

ance to hurricane victims and asking him to include other natural disaster victims, including drought-related disaster relief, in any emergency-funding request that he might send to Congress. While the Bush administration did not include this funding in its emergency hurricane funding requests, I still believed there was a way to secure this assistance.

When the first disaster assistance bill for Florida was on the floor of the Senate, I attempted to include agricultural disaster assistance in that legislation. While a procedural maneuver blocked that effort, we were able to secure a commitment from Senator FRIST to allow a vote on drought relief as part of the Homeland Security appropriations measure. On September 15, we got that vote, and the Senate passed a bipartisan provision for \$2.9 billion in emergency disaster relief to agricultural producers.

This is a tremendously important for farmers and ranchers throughout the Nation, including those in South Dakota. It is important for our nation's rural economy, and for all of the communities that have waited too long for this relief.

The package includes \$2.5 billion in assistance to crop producers through the crop disaster program, \$475 million to livestock producers through the livestock assistance program, and \$20 million for the tree assistance program. While some of us would have preferred assistance for both 2003 and 2004, the provision that passed would allow producers to choose compensation for either the 2003 or 2004 crop year.

The Senate's passage of this assistance is not the final step in this process, and the Senate and the House are currently meeting to resolve the differences they have with the Homeland Security bill.

I am deeply troubled by news reports that some in the House Republican leadership and the Bush administration are opposed to this most recent emergency aid provision. I would hope that the broad bipartisan support for this disaster provision in the Senate will convince the House and the President to provide the support farmers and ranchers across the country so badly need.

I wholeheartedly support providing States like Florida with the assistance they need to bounce back from a hurricane. By unanimously approving this agriculture-related disaster aid, the Senate also acknowledged something South Dakotans know far too well: victims of agricultural natural disasters are no less deserving of assistance than victims of hurricanes, floods, or tornadoes.

In South Dakota, we believe in helping our neighbors through tough times. But sometimes, we need some help, too.

I am hopeful that help will soon be on the way, and the administration will reverse its long-standing opposition to agricultural disaster aid for

farmers and ranchers throughout the Nation.

#### STATUS OF THE TRANSPORTATION BILL

Mr. DASCHLE. Mr. President, I want to say a few words about the state of the transportation bill. That bill expired a year ago, and we have been operating on short-term extensions ever since. The delay has denied us the opportunity to create over 100,000 jobs and has led to continuing uncertainty in the States as they try to make contract and construction decisions without knowing what funding will be available. Our states, our communities, and our infrastructure deserve better.

It is not as if there have been no efforts to pass a new and stronger transportation bill. The Senate-passed transportation bill was a model of bipartisanship. It met the needs of States like South Dakota, which have a sparse population, but have a large geography and many miles of roads. Likewise, it ensures that the more populated States were treated fairly.

In the Senate bill, we were able to reach an agreement that worked for everyone. Our bill not only treated States fairly, but it treated transit fairly. There has often been a struggle between highways and transit, and the Senate bill struck a good balance. More importantly, it was a bill that did right by America's families, making critical investments in our infrastructure, and creating nearly 2 million jobs in the process.

The one area where we were unable to reach agreement was on the rail provisions, and I am hopeful that we can work to remedy that as we move forward. Having a dependable and affordable rail system to transport goods, including agricultural commodities, is critical to our Nation.

It is clear to me that despite the broad bipartisan agreement we were able to reach in the Senate, the rejection of that agreement by the President and some of the House majority leadership means that we are being denied the opportunity to debate and pass a bipartisan transportation bill.

Senators BOND and REID have suggested that we give some certainty to the States by ensuring that they will have a steady funding stream for the next 6 months. Senator SHELBY and Senator SARBANES, our leaders on the Banking Committee and on transit issues, agree. I, too, think that this is, unfortunately, the best course of action given the situation in which we find ourselves. And so I am hopeful that the majority leader will take up the bill early next week.

The reason for not completing this bill is clearly over the question of resources. The administration has not been willing to consider any bill that is anything other than their proposed \$256 billion. In fact, the President threatened to veto both the House and Senate-passed bills because they contained