in need. She understands and lives by the notion of quiet charity, helping others both by spiritual and material assistance.

Judge Muse has been honored numerous times by colleges, bar associations, and other organizations. She is the recipient of an honorary degree from Emmanuel College. She has received the Irish American Charitable Award and has been acknowledged with the Distinguished Jurist Award from the Massachusetts Association of Woman Lawyers. In 1991, she was the recipient of Emmanuel College's Alumna of the Year Award. In 1998, Boston College gave her its Alumni Award for Excellence.

I provide this background to give a small sample of the full and vital life of this still very active woman. But it has one critical omission. Along the way, Judge Muse also raised her 11 children, 8 sons and 3 daughters. Each of them was not only a college graduate, but also has a graduate degree from a professional school. They are lawyers, doctors, teachers, builders—and one son is a judge like his mom. If you asked Judge Muse her greatest achievement in life, it would be a quick answer: her family. Throughout her career, she has placed a primacy on what she deems most important in life: her loved ones. As she pursued and reached the pinnacle of her professional career, she raised a family that was deeply nurtured in great love and values. Judge Muse stands heroically in the eyes of her 11 children, all of whom will come from different spots in the country and abroad to be with her on April 29 when she receives this special acknowledgment of her remarkable life.

Finally, my statement would not be complete if I didn't make some mention of the other great force in her life. Her husband, Bob Muse, himself a great trial lawyer and a much decorated Marine Corps fighter pilot, has been her partner for 60 years. No one will stand prouder on April 29. He has been her source of strength and love—as she has been for him.

Judge Muse has served as an exemplar for others, men and women alike, who seek to achieve in this world while holding on to the values of family, friends, and community. She is a gentle and unassuming person whose modesty and Irish wit forbid her from reflecting on, or talking about, the great influence she has had on so many. But it is appropriate and right that others do so—and Boston College Law School does well to honor one of its most distinguished graduates.

NORTH KOREA

Mrs. FEINSTEIN. Mr. President, today North Korea formally withdrew from the Nuclear Non-Proliferation Treaty. Yet while the United States has marshaled its military, diplomatic, and political resources against Iraq over the past 6 months, too little appears to have been done with regard to North Korea, which I believe represents the most imminent, serious, and dangerous threat facing the United States.

Over the past few months North Korea has: expelled International Atomic Energy Agency inspectors; moved 8,000 previously canned plutonium rods back to a reprocessing facility; started up its Yongbyon nuclear facility again; scrambled fighter jets to intercept a U.S. Air Force reconnaissance plane over the Sea of Japan; and, threatened to abandon the armistice that has been in effect since 1953.

We must face facts: North Korea, an isolated dictatorship, with a collapsed economy, controlled by its military, and in possession of nuclear weapons and the means to deliver them, represents a clear and present danger.

If the United States does not exercise leadership and seek a pragmatic approach to engaging North Korea—pragmatism that comes not from weakness, but from strength—we run the risk of disrupting strategic stability in the Asia-Pacific region, the most vital political, military, and economic region for the United States in the 21st century, and undermining our international credibility and global nuclear nonproliferation efforts.

North Korea is a quasi-Stalinist state which, since its formal creation in 1948, has been run by two men—Kim Il Sung, who died in 1994, and his son, Kim Jong Il. It is still almost entirely closed to the Western World, a stark and isolated country marked by repression and poverty.

The North Korean people have no access to outside sources of information, such as television or radio or the Internet.

The totalitarian discipline of the North Korean people is dramatically illustrated by the fact that North Korean infiltrators commonly commit suicide rather than allow themselves to be captured. Only in rare cases have they been captured before they killed themselves. That is a measure of fanatical devotion.

Second, the North Korean economy is increasingly isolated and stands, in my view, on the brink of collapse.

In many ways, North Korea is the ''black hole'' of Northeast Asia. Even before Russia and China curtailed their energy and food support in the 1990s, the North Korean economy was in freefall.

One measure of the dire straits facing the North Korean economy is the famine that has gripped that nation for the past decade. Largely created by gross human negligence, not natural causes, it has killed an estimated 2 million people since the mid-1990s. Although harvests have improved modestly in recent years, food shortages are still a serious problem.

In recognition of this problem, just last month Secretary of State Powell announced that the United States would provide 40,000 tons of food aid to the North—a modest level compared to recent years but significant nonetheless.

A second measure of the desperate situation facing the North Korean economy is the collapse of its energy sector.

North Korea's total electricity consumption in 2000 was only 65 percent of what it had been in 1991. North Korea has resorted to a rationing system for electricity and often experiences extended blackouts and power losses due to an antiquated transmission grid, and the North Korean agricultural sector is severely afflicted by a lack of diesel and power supplies, as well as spare parts and fertilizer.

Taken together, North Korea's continuing isolation, famine, and economic collapse constitute a humanitarian crisis, and act as a barrier to improving cooperation and engagement in Northeast Asia on a number of fronts—political, economic, and military.

In early October of 2002, Assistant Secretary of State James Kelly informed North Korean officials that the United States was aware that North Korea had a program underway to enrich uranium for use in nuclear weapons.

According to Secretary Kelly, with whom I have discussed this situation on several occasions, North Korea initially denied the allegations, but later confirmed the U.S. claim. In confirming that they had an active nuclear weapons program, they also declared that the 1994 Agreed Framework was essentially null and void.

Under the Agreed Framework, signed by North Korea and the United States: North Korea would freeze its existing nuclear program and agree to enhanced International Atomic Energy Agency, IAEA, safeguards; the United States would lead an effort to replace the DPRK's graphite-moderated reactors for related facilities with light-water, LWR, powerplants; the U.S. pledged to provide 500,000 tons of heavy fuel oil, HFO, annually until the LWRs were completed; both countries would move toward full normalization of political and economic relations; both sides would work together for peace and security on a nuclear-free Korean peninsula; and both sides would work to strengthen the international nuclear nonproliferation regime.

Implementation of the Agreed Framework was never perfect. None of those who negotiated it or worked to implement it were operating under the mistaken belief that North Korea was a ''good actor.'' But the guts of the deal—international safeguards on North Korea's plutonium facilities in exchange for HFO and the construction of the LWRs—appeared to be intact until October 2002, when North Korean officials acknowledged the existence of a clandestine program to enrich uranium for nuclear weapons that is in violation of the Agreed Framework and other agreements.

With the Agreed Framework now null and void, North Korea may well

find in the production of fissile material a new cash crop, ready for export, to support its sagging economy.

What makes the North Korean nuclear program of particular concern is that North Korea also possesses advanced missile technology—in fact, it is the only country on earth that continues to sell Missile Technology Control Regime-banned missiles—including missiles that one day may be capable of reaching the United States.

North Korea produces a wide range of ballistic missiles, including extended range versions of the Soviet-era Scud missile as well as indigenous medium range No Dong and Taepo Dong missiles.

In fact, in 1998, North Korea test fired one of its Taepo Dong missiles over Japan and into the Pacific.

In addition, since at least 1987, North Korea has been developing long-range missiles, including the Taepo Dong 2. A two-stage Taepo Dong 2 has a range of approximately 6,000 miles, while a three-stage version has a 9,300 mile range, allowing it to hit almost any point in North America.

North Korea has also developed and produced cruise missiles. In fact, the land-to-ship missile fired last month on the eve of Roh Moo-hyun's inauguration as South Korea's new President, was a cruise missile believed to be based on the Chinese Silkworm missile design.

Exporting missiles is one of the few sources of hard currency for North Korea, and in addition to the recent Scud sale to Yemen, North Korean leader Kim Jong Il has admitted that Pyongyang sells missile technology to other nations, including Syria, Iran, and Libya.

Now, I believe the blame for precipitating the current crisis lies squarely with North Korea, which clearly violated the Agreed Framework by undertaking its secret uranium enrichment program.

The government of Kim Jong Il has clearly placed its focus not on feeding its people but in developing its military, its missiles, and its nuclear capability all in defiance of the treaties it has signed.

Yet it also appears that our own handling of events on the Korean peninsula over the past 2 years, as well as our broader foreign policy rhetoric and statements have served, ironically, to fuel North Korea's paranoia and made the situation much more difficult to manage.

Part of the problem was our reluctance to endorse former President Kim Dae Jung's ''Sunshine Policy,'' a diplomatic and economic effort by the South Korean Government to ease tensions with the North. President Kim was awarded the Nobel Peace Prize in 2000 for precisely these initiatives.

This move was perceived as a major humiliation in South Korea, helped set the stage for the rise of anti-Americanism, and was seen as a sign by the North that the administration was intent on a policy of isolation and confrontation.

Next month, when President Roh visits Washington, I would urge the administration to take great care to assure that the United States and South Korea share a common vision, goal, and purpose regarding North Korea.

The North Korean situation offers no easy solution. But over the past several months it has gone from bad to worse, and the administration has yet to demonstrate the degree of high-level seriousness and commitment necessary to defuse the crisis.

We cannot allow North Korea to produce additional nuclear material. Restarting its production facility will allow North Korea to develop at least a half dozen nuclear weapons within 6 months.

It is bad enough that North Korea might acquire a significant nuclear arsenal for its own possible use. But even worse would be North Korea becoming a plutonium factory selling fissile material to the highest bidder. As we were reminded in December when we intercepted a quasi-legal missile shipment to Yemen, this is a regime that will sell anything it develops.

In short, the administration's justification for being concerned about Iraq that it is a brutal dictatorship that may threaten instability in the region and may provide WMD to terrorists is quickly becoming a reality with North Korea.

A failure to stop North Korea's nuclear program is sending a terrible message to other rogue states and to our friends and allies as well. Every would-be proliferator is measuring our response to North Korea as they consider how to chart their futures.

And a nuclear North Korea may lead friends in the region, like Japan and South Korea, to conclude that they have to increase their military capabilities, sparking an arms race in Asia and drawing China, India, and Pakistan into a regionwide cycle of escalation.

At the end of the day, I believe that we face the same three basic options today that we did in 1994: We can launch a preemptive strike against North Korea's nuclear facilities; we can pursue a policy of isolation and containment; or, we can seek to persuade North Korea to abandon its nuclear ambitions through negotiations.

In reality, a preemptive strike is not a feasible option.

First, while we might be able to take out Yongbyon and other well-known sites, we simply don't know where all of North Koreans fissile material, missile, or nuclear facilities are located. There are over 10,000 caves and holes in North Korea. We don't know the location of the uranium facility.

Second, launching a preemptive strike is hardly a palatable option given the military realities on the ground at the DMZ. Such a strike would lead to all-out war on the Korean peninsula, and although I believe the U.S. and our allies would emerge victorious, the price would be high.

Finally, our South Korean allies strongly reject a preemptive strike, which should give us pause.

Likewise, there are major problems with continuing a policy of isolation and containment, as some in the administration have argued for. In essence, isolation and containment appear unlikely to succeed in toppling a regime that has been isolated and contained for so long. And it means that we have acquiesced to North Korea's going nuclear, and to North Korea acquiring serial production capacity for nuclear weapons and fissile material. Furthermore, isolation will not prevent North Korea from exporting fissile material to Iran, al-Qaida, or others.

A policy that allows North Korea to build and retain nuclear weapons and long-range missiles capable of reaching the United States, and to possess excess fissile material and a highly efficient network to sell or transfer fissile material to terrorists or other rouge states, is not in our best interest, which brings us to the third option negotiations.

I strongly believe that the United States must signal its willingness to engage in immediate U.S.-North Korean negotiations to dismantle North Korea's nuclear program in return for U.S. security assurances to North Korea, economic assistance and normalized relations. In fact, as some experts have suggested, bilateral negotiations themselves could be premised on a North Korean commitment not to reprocess the Yongbyon reactor fuel rods into plutonium during the discussions.

As we seek creative solutions to engage North Korea and go forward with a process of negotiations, it is critical that we do so in harmony with South Korea and Japan, and both China and Russia must also play a major role. The administration is right that this crisis is an international problem that requires the active involvement of the other powers in the region.

I am particularly pleased to note that China has, in fact, played a constructive role in helping to convey to North Korea the gravity of its current course.

At the same time, I believe that the burden of international leadership falls on the United States, and, as we seek to engage North Korea diplomatically, we must move beyond continuing to argue over the shape of the table or how many chairs should be at it. Continuing to do so is little more than an excuse for those who would prefer to see the crisis escalate instead of seeking to solve it.

Although the administration believes, correctly, that bad behavior should not be rewarded, it is also a truism of diplomacy that if you want to get something you must be prepared to give something.

And I strongly believe that it is in the United States' best interests to get something from North Korea: That North Korea cease and desist its nuclear activities and stop proliferating missiles.

So I believe that it is imperative to think creatively about inducements that can be offered to induce North Korea to relinquish its nuclear ambitions. Implementation of several relatively modest nonnuclear energy sector initiatives—introducing market institutions to the North Korean energy sector; undertaking efforts to repair the existing electric grid; rehabilitating coal supply and transport; eliminating waste; and underwriting small-scale renewable projects—would provide for a stable energy sector for North Korea in the near and intermediate term. And, as part of a process of larger diplomatic engagement with North Korea, this can contribute significantly to defusing the current crisis.

There is no evidence that North Korea has started to reprocess. North Korea may well be determined to go down the nuclear path and a nuclear North Korea may well be an unavoidable consequence of the current crisis. But nothing is yet set in stone, and at a time of increasing uncertainty the world looks to the United States to lead. And there is no better way to underscore our seriousness than through direct negotiations. Such talks are all the more important when dealing with an isolated, tyrannical and bellicose regime, because miscommunication can all too easily lead to miscalculation, with possibly catastrophic consequences.

REAUTHORIZING THE ASSAULT WEAPONS BAN

Mr. LEVIN. Mr. President, a Bureau of Justice Statistics survey published in November 2001 reported that almost 7 percent of State inmates and more than 9 percent of Federal inmates carried military-style semiautomatic weapons in carrying out the crime for which they were convicted. In 1997, roughly 43 percent of inmates who carried a military-style semiautomatic or fully automatic weapon fired it and more than 25 percent of them killed or injured their victim.

Military-style semiautomatic weapons are modifications of traditional semiautomatic weapons. They incorporate features intended to give users an advantage in combat situations. Such features include but are not limited to: pistol grips, folding stocks, bayonet mounts, and flash suppressors. The 1994 semiautomatic assault weapons ban prohibited the manufacture of semiautomatic weapons that incorporate at least two of these military features and accept a detachable magazine. Preexisting military-style semiautomatic weapons were not banned.

The semiautomatic assault weapons ban will expire on Sept. 13, 2004. If the law is not reauthorized, the production of military-style semiautomatic weapons can legally resume. As the Bureau of Justice Statistics study illustrates, the use of military-style semiautomatic weapons is already a widely used option for many in the criminal population. Restarting production of these weapons will obviously increase their number and availability. Such an increase does not bode well for public safety.

It is critical that we reauthorize the semiautomatic assault weapons ban. We should not wait for new statistics to demonstrate that more criminals are turning to newly manufactured military-style semiautomatic weapons. Existing evidence of past behavior is clear. If we wait, more damage will already have been done. Military-style semiautomatic weapons represent a danger to the lives of police officers and the general public. For the safety of our Nation's citizens, the Congress should act this year.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. In the last Congress, Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred September 19, 2001, in Pittsburgh, PA. A 43-year-old man attacked a 22-year-old Pakistani-born university student. The student was walking home from classes when he was alarmed to see a stranger charging after him, his arms already swinging. As he punched and kicked the student, the attacker yelled, ''Are you from Afghanistan?'' and ''I'm going to kill you!'' A nearby construction worker managed to stop the attacker, who then fled.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

CLUSTER BOMBS AND LANDMINES IN IRAQ

Mr. LEAHY. Mr. President, we can all celebrate the collapse of Saddam Hussein's brutal, corrupt regime. While much remains to be done to rebuild Iraq and reassure the Arab world that the United States is a liberator, not a conqueror, and that we have no intention of imposing our will on the Iraqi people, the demise of such a tyrant should be universally welcomed.

As we reflect on the past 3 weeks of war, we should above all pay tribute to the extraordinary courage and professionalism of our Armed Forces. They conducted themselves in ways that should make all of us proud.

We should also make note of the vast arsenal of modern weapons which enabled them to prevail. These weapons have devastated Iraqi troops, armor, and military infrastructure.

We have seen on television how effective our precision-guided missiles and bombs are, and we can only imagine how many civilian casualties were avoided because of their accuracy. It is partly because we have such increasingly accurate weapons that I want to discuss an issue that concerns me, and that is the use of cluster bombs by our forces in Iraq.

Cluster bombs, otherwise known as ''submunitions'' or ''bomblets,'' are strewn by aircraft or artillery over a wide area. They can be as small as a baseball. They are designed to detonate on impact and scatter deadly shrapnel in every direction. However, on average some 2–20 percent do not explode on impact. Instead, they remain on the surface of the ground, often hidden by sand or vegetation, where they lie in wait for some unsuspecting child, farmer, or other innocent person. They also pose a grave danger to U.S. forces in the area.

The United States military dropped millions of cluster bombs on Laos during the Vietnam war. Today, over 30 years later, they continue to maim and kill innocent people. The cost of removing these tiny, lethal weapons is prohibitive for an impoverished country like Laos. The United States Agency for International Development, through the Leahy War Victims Fund, is aiding some of the severely disabled victims of these indiscriminate weapons.

More recently, the United States has used cluster bombs in several countries, including Kosovo, Afghanistan, Iraq during the first gulf war, and, according to reports, again in Operation Iraqi Freedom.

In the first gulf war, U.S. planes dropped more than 24 million submunitions on Iraq, leaving roughly 1.2 million duds which resulted in over 1,600 Kuwaiti and Iraqi civilian deaths and an additional 2,500 injured following the war. The cost of clearing these duds and other unexploded ordnance was in the hundreds of millions of dollars.

In 1995 in Bosnia, U.S. military officers reportedly banned the use of cluster bombs because they were seen to present an unacceptable risk to civilians. However, 3 years later, during the NATO air campaign in Yugoslavia, U.S., British and Dutch military aircraft dropped more than 295,000 submunitions. The U.N. Mine Action Coordination Center estimated that more than 20,000 live bomblets remained after the war, and the International Committee of the Red Cross reported that in the year following the war there were 151 reported casualties due to cluster bombs.

The U.S. Air Force has used cluster bombs in Afghanistan, where, predictably, they have caused the deaths of innocent civilians. Additionally, the appearance of the yellow bomblets bore a