

108TH CONGRESS  
1ST SESSION

# H. R. 3573

To promote human rights, democracy, and development in North Korea, to promote overall security on the Korean Peninsula and establish a more peaceful world environment, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 21, 2003

Mr. LEACH (for himself, Mr. FALEOMAVAEGA, Mr. SMITH of New Jersey, and Mr. ROYCE) introduced the following bill; which was referred to the Committee on International Relations, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To promote human rights, democracy, and development in North Korea, to promote overall security on the Korean Peninsula and establish a more peaceful world environment, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “North Korean Free-  
5 dom Act of 2003”.

## 1 **SEC. 2. TABLE OF CONTENTS.**

### 2 The table of contents for this Act is as follows:

- Sec. 1. Short title.
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- Sec. 101. Reports.
- Sec. 102. Reports by the United Nations.
- Sec. 103. Sense of Congress regarding religious persecution in North Korea.
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#### TITLE II—ACTIONS TO PROTECT NORTH KOREAN REFUGEES

- Sec. 201. Pursuit of first asylum policy.
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- Sec. 207. Weapons of Mass Destruction Informant Center.
- Sec. 208. Right to accept employment.
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#### TITLE III—ACTIONS TO PROMOTE NORTH KOREAN DEMOCRACY

- Sec. 301. Broadcasting into North Korea.
- Sec. 302. Provision of radios to North Koreans.
- Sec. 303. Sense of Congress regarding United States financial assistance designed to address conditions created by the economic and political system of North Korea.
- Sec. 304. Funding for entities that promote programs for democracy, good governance, and the rule of law.
- Sec. 305. Funding for entities that promote market economies.

#### TITLE IV—NEGOTIATIONS WITH NORTH KOREA

- Sec. 401. Sense of Congress regarding negotiations with North Korea.
- Sec. 402. Sense of Congress regarding trade sanctions and economic assistance.
- Sec. 403. Conditions for United States aid and other assistance.

#### TITLE V—MISCELLANEOUS PROVISIONS

- Sec. 501. Annual report.
- Sec. 502. Task force on North Korean criminal activities.

## 3 **SEC. 3. FINDINGS.**

### 4 Congress makes the following findings:

1           (1) The economies of North Korea and South  
2           Korea are dramatically different. The 2002 per cap-  
3           ita gross domestic product of North Korea is esti-  
4           mated to be \$762; in South Korea it is estimated to  
5           be \$10,013. North Korea's 2002 gross domestic  
6           product real growth rate is estimated at 1.2 percent,  
7           while South Korea's is estimated at 6.3 percent.  
8           North Korea's 2002 exports are estimated at  
9           \$730,000,000, while South Korea's are estimated at  
10          \$162,000,000,000.

11          (2) The health of the North Korean people as  
12          a whole is significantly worse than the health of the  
13          people of South Korea. UNICEF estimates the in-  
14          fant mortality rate in 2001 in North Korea to be 42  
15          deaths per 1,000 live births, while in South Korea  
16          it is 5 deaths per 1,000 live births. The estimated  
17          life expectancy for babies born in 2002 is 3.5 years  
18          longer in South Korea than it is in North Korea.

19          (3) Nearly 1 North Korean child in 10 suffers  
20          from acute malnutrition, and 4 out of every 10 chil-  
21          dren are chronically malnourished, according to a  
22          United Nations-European Union survey in 2002.

23          (4) The differences in the economic perform-  
24          ance of North Korea and South Korea and the  
25          health of the people living in those countries cannot

1 be accounted for by differences in land area or nat-  
2 ural resources.

3 (5) The people of the Korean peninsula are un-  
4 justly divided into 2 different countries, one of which  
5 offers its citizens freedom, prosperity, and hope for  
6 the future, and one of which oppresses its people  
7 and threatens them with imprisonment, starvation,  
8 and death.

9 (6) The people of South Korea are able to exer-  
10 cise their basic rights, and in doing so have impres-  
11 sively created and sustained a peaceful, just, and  
12 prosperous society over the past 60 years. The peo-  
13 ple of South Korea have maintained and are contin-  
14 ually improving upon this success.

15 (7) The people of North Korea deserve the  
16 same rights, freedom, and prosperity enjoyed by  
17 their relatives in South Korea, but the current Gov-  
18 ernment of North Korea has denied them those  
19 rights by—

20 (A) forbidding the exercise of free speech  
21 and religion;

22 (B) imprisoning citizens and their families  
23 in a system of prison and labor camps for exer-  
24 cising basic rights;

1 (C) mismanaging the economy and food  
2 production, with the result that millions of peo-  
3 ple are threatened with starvation;

4 (D) dismantling the national food system,  
5 with the result that the customary rules and ar-  
6 rangements by which people exchange labor for  
7 food are no longer in operation; and

8 (E) forbidding nearly all contact with the  
9 outside world.

10 (8) Many persons wish to flee North Korea but  
11 cannot do so because of the threat of arrest, impris-  
12 onment, and execution in North Korea and the  
13 threat of repatriation to North Korea if they are dis-  
14 covered in another country.

15 (9) North Koreans, including agents of the  
16 North Korean Government, have engaged in various  
17 criminal activities, including international trafficking  
18 in narcotics, arms, and persons.

19 (10) The North Korean Government has op-  
20 pressed its people by imprisoning, executing, or  
21 starving people for such crimes as “ideological diver-  
22 gence,” “opposing socialism,” and other  
23 “counterrevolutionary crimes.” An estimated  
24 200,000 people are imprisoned in North Korea for  
25 political reasons.

1           (11) The North Korean people are denied their  
2           right to self-determination by the dictatorship of  
3           Kim Jong Il.

4           (12) Estimates of the number of North Korean  
5           refugees living in China range from 100,000 to  
6           300,000 people.

7           (13) As many as 3,500,000 North Koreans  
8           have died from hunger or famine-related disease  
9           since 1994.

10          (14) South Korea has accepted fewer than  
11          3,000 North Korean refugees for resettlement in  
12          South Korea since 1953.

13          (15) Fewer than 100 North Koreans were  
14          granted public interest parole into the United States  
15          in each of 1998 and 1999.

16          (16) Korean unification under a peaceful, politi-  
17          cally free, market-oriented system could contribute  
18          to political stability and economic prosperity in  
19          northeast Asia and beyond.

20          (17) United States and world security, which is  
21          threatened by North Korea's production and export  
22          of weapons of mass destruction, delivery systems,  
23          and related technologies will best be advanced by the  
24          establishment of freedom, democracy, and rights for  
25          the North Korean people.

1           (18) The principal responsibility for North Ko-  
2 rean refugee resettlement naturally falls to the Gov-  
3 ernment of South Korea, but the United States  
4 should play a leadership role in focusing inter-  
5 national attention on the plight of these refugees,  
6 formulating international solutions to that profound  
7 humanitarian dilemma, and making prudent ar-  
8 rangements to accept a credible number of refugees  
9 for domestic resettlement.

10 **SEC. 4. PURPOSES.**

11       The purposes of this Act are—

12           (1) to declare that it is the policy of the United  
13 States—

14               (A) to end North Korea’s development and  
15 transfer of weapons of mass destruction, deliv-  
16 ery systems, and related materials and tech-  
17 nologies;

18               (B) to assist in the reunification of the Ko-  
19 rean peninsula under a democratic system of  
20 government;

21               (C) to achieve respect for and protection of  
22 human rights in North Korea in accordance  
23 with United Nations conventions; and

1 (D) to help construct and provide a more  
2 durable humanitarian solution to the plight of  
3 North Korean refugees; and  
4 (2) to take and encourage steps to implement  
5 this policy.

6 **SEC. 5. DEFINITIONS.**

7 In this Act:

8 (1) The term “appropriate congressional com-  
9 mittees” means the Committee on Foreign Relations  
10 and the Select Committee on Intelligence of the Sen-  
11 ate and the Committee on International Relations  
12 and the Permanent Select Committee on Intelligence  
13 of the House of Representatives.

14 (2) The term “China” means the People’s Re-  
15 public of China.

16 (3) The term “defectors” means persons with  
17 current or former positions of responsibility in the  
18 government or military of North Korea who have left  
19 or are attempting to leave North Korea without the  
20 authorization of their superiors.

21 (4) The term “North Korea” means the Demo-  
22 cratic People’s Republic of Korea.

23 (5) The term “North Koreans” means persons  
24 who are natives or citizens of North Korea.



1           (6) The term “political offenses” means crimes  
2           that are designed to prevent free speech, free exer-  
3           cise of religion, opposition to the government, free  
4           travel and movement, or other similar offenses.

5           (7) The term “Secretary” means the Secretary  
6           of Homeland Security.

7   **TITLE     I—PROTECTING     THE**  
8       **HUMAN RIGHTS OF NORTH**  
9       **KOREANS**

10 **SEC. 101. REPORTS.**

11       (a) PRISON AND LABOR CAMPS.—

12           (1) CLASSIFIED REPORT.—Not later than 90  
13       days after the date of the enactment of this Act, the  
14       Secretary of State, in cooperation with the Depart-  
15       ment of Homeland Security, the Central Intelligence  
16       Agency and other United States intelligence agen-  
17       cies, shall submit to the appropriate congressional  
18       committees a report in classified form on the North  
19       Korean prison and labor camp system. The report  
20       shall particularly focus on any prisons or labor  
21       camps that are used to house persons for political  
22       offenses. The report shall include information on—

23           (A) offenses for which prisoners are sent to  
24       prison;

25           (B) torture;

- 1 (C) forced labor;
- 2 (D) medical experimentation;
- 3 (E) indoctrination and reeducation;
- 4 (F) executions; and
- 5 (G) the adequacy or inadequacy of food,
- 6 water, and sanitation.

7 (2) UNCLASSIFIED REPORT.—No later than 30  
8 days after the date on which the report is submitted  
9 pursuant to paragraph (1), the President, in con-  
10 sultation with the appropriate congressional commit-  
11 tees, shall submit to Congress an unclassified  
12 version of the report. The report shall include un-  
13 classified satellite photography of any prisons and  
14 labor camps described in the report.

15 (b) DEFECTORS.—

16 (1) CLASSIFIED REPORT.—Not later than 90  
17 days after the date of the enactment of this Act, the  
18 Secretary of State, in cooperation with the Central  
19 Intelligence Agency and other United States intel-  
20 ligence agencies, shall submit to the appropriate con-  
21 gressional committees a classified report describing  
22 all United States Government policies toward North  
23 Korean defectors and explaining the reasons for  
24 those policies.

1           (2) UNCLASSIFIED REPORT.—Not later than 30  
2       days after the date on which the report is submitted  
3       pursuant to paragraph (1), the President, in con-  
4       sultation with the appropriate congressional commit-  
5       tees, shall submit to Congress an unclassified  
6       version of the report. The report shall include infor-  
7       mation on—

8                   (A) the number of North Korean defectors  
9       who have been identified;

10                  (B) the countries or regions to which these  
11       defectors have fled;

12                  (C) the estimated total number of North  
13       Korean defectors; and

14                  (D) the reasons why the Department of  
15       State has never identified North Koreans, par-  
16       ticularly high level defectors, as a Priority 2  
17       group of special concern, as defined by the Sec-  
18       retary of State, for expedited consideration in  
19       the United States refugee program.

20   **SEC. 102. THE UNITED NATIONS.**

21       (a) IN GENERAL.—It is the sense of Congress that  
22       the people of the United States believe that the United  
23       Nations has a significant role to play in promoting and  
24       improving human rights in North Korea, and United  
25       States confidence in the United Nations will be enhanced

1 if the United Nations deals aggressively with the issue of  
2 human rights in North Korea.

3 (b) REPORTS BY THE UNITED NATIONS.—It is the  
4 sense of Congress that the United Nations should begin  
5 preparation of complete reports on—

6 (1) the prison and labor camp system in North  
7 Korea, particularly those prisons and labor camps  
8 that are used to house persons for political offenses,  
9 including camps reportedly for children under the  
10 age of 17; and

11 (2) the North Korean refugee situation in  
12 China.

13 **SEC. 103. RELIGIOUS PERSECUTION IN NORTH KOREA.**

14 (a) COMMISSION ON INTERNATIONAL RELIGIOUS  
15 FREEDOM.—It is the sense of Congress that, not later  
16 than 1 year after the date of the enactment of this Act,  
17 the United States Commission on International Religious  
18 Freedom should hold extended informational hearings in  
19 the United States on the status of religious persecution  
20 in North Korea.

21 (b) COUNTRIES OF PARTICULAR CONCERN.—

22 (1) ANNUAL REPORT.—The President shall in-  
23 clude in each annual report on proposed refugee ad-  
24 mission pursuant to section 207(d) of the Immigra-  
25 tion and Nationality Act (8 U.S.C. 1157(d)), infor-

1 mation about specific measures taken to facilitate  
2 access to the United States refugee program for in-  
3 dividuals who have fled countries of particular con-  
4 cern, as defined by the Secretary of Homeland Secu-  
5 rity, for violations of religious freedom pursuant to  
6 section 402(b) of the International Religious Free-  
7 dom Act of 1998 (22 U.S.C. 6442(b)).

8 (2) INFORMATION.—The information included  
9 in the annual report described in paragraph (1) shall  
10 include, for each country of particular concern, a de-  
11 scription of access of the nationals or former habit-  
12 ual residents of that country to a refugee determina-  
13 tion on the basis of—

14 (A) referrals by external agencies to a ref-  
15 ugee adjudication;

16 (B) groups deemed to be of special human-  
17 itarian concern to the United States for pur-  
18 poses of refugee resettlement; and

19 (C) family links to the United States.

20 **SEC. 104. HUMANITARIAN AND FOOD ASSISTANCE TO**  
21 **NORTH KOREANS.**

22 (a) REPORT ON UNITED STATES FOOD AID.—Not  
23 later than 180 days after the date of the enactment of  
24 this Act, the Director of the United States Agency for  
25 International Development shall submit to the appropriate

1 congressional committees a report setting forth the fund-  
2 ing for, and use of Federal resources by, entities that are  
3 providing humanitarian or food aid to North Korea.

4 (b) FUNDING TO NONGOVERNMENTAL ORGANIZA-  
5 TIONS.—The Director of the United States Agency for  
6 International Development may provide financial assist-  
7 ance, including grants, to the World Food Program and  
8 any United States nongovernmental organizations that are  
9 able to—

10 (1) provide food aid and other humanitarian as-  
11 sistance to North Koreans; and

12 (2) demonstrate—

13 (A) a successful record of providing food  
14 aid to North Koreans; or

15 (B) the intent and capacity to provide such  
16 aid.

17 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
18 are authorized to be appropriated not less than  
19 \$100,000,000 for each of the fiscal years 2004 through  
20 2007 for the purpose of carrying out this section.

21 (d) SENSE OF CONGRESS.—It is the sense of Con-  
22 gress that significant increases in United States humani-  
23 tarian and food assistance for the people of North Korea  
24 should be connected to improvements in transparency,

1 monitoring, and access to vulnerable populations through-  
2 out North Korea.

3 **TITLE II—ACTIONS TO PROTECT**  
4 **NORTH KOREAN REFUGEES**

5 **SEC. 201. PURSUIT OF FIRST ASYLUM POLICY.**

6 It is the sense of Congress that the United States  
7 should pursue an international agreement to adopt an ef-  
8 fective “first asylum” policy, modeled on the first asylum  
9 policy for Vietnamese refugees, that guarantees safe haven  
10 and assistance to North Korean refugees who arrive in the  
11 United States, until such time as conditions in North  
12 Korea allow for their return.

13 **SEC. 202. ADOPTION OF NORTH KOREAN CHILDREN BY**  
14 **AMERICANS.**

15 It is the sense of Congress that—

16 (1) thousands of North Korean orphans lan-  
17 guish in orphanages with little hope of being adopted  
18 and are threatened with starvation and disease if  
19 they remain in North Korea;

20 (2) thousands of United States citizens would  
21 welcome the opportunity to adopt North Korean or-  
22 phans; and

23 (3) the Secretary of State should seek—

24 (A) to promote the circumstances nec-  
25 essary to allow reputable adoption providers to

1           assist Americans in adopting North Korean  
2           children; and

3                   (B) to encourage the North Korean Gov-  
4           ernment to take the steps necessary to properly  
5           facilitate such adoptions.

6 **SEC. 203. HUMANITARIAN PAROLE.**

7           (a) PREREQUISITES FOR ELIGIBILITY.—Because  
8 North Korean refugees do not enjoy regular, unimpeded,  
9 and effective access to the United States refugee pro-  
10 gram—

11                   (1) for purposes of section 212(d)(5)(A) of the  
12 Immigration and Nationality Act (8 U.S.C.  
13 1182(d)(5)(A)), the parole of any alien who is a na-  
14 tive or citizen of North Korea seeking to enter the  
15 United States, and who is a victim of North Korean  
16 Government malfeasance, shall be considered to be  
17 of significant public benefit; and

18                   (2) for purposes of section 212(d)(5)(B) of the  
19 Immigration and Nationality Act (8 U.S.C.  
20 1182(d)(5)(B)), the parole of any alien who is a ref-  
21 ugee and a native or citizen of North Korea seeking  
22 to enter the United States, and who is a victim of  
23 North Korean Government malfeasance, shall be  
24 considered to be for compelling reasons in the public  
25 interest with respect to that particular alien.



1 (b) DEFINITION.—For purposes of this subsection, a  
2 victim of North Korean Government malfeasance is a  
3 former political prisoner, a member of a persecuted reli-  
4 gious group, a forced-labor conscript, a victim of debili-  
5 tating malnutrition, a person deprived of professional cre-  
6 dentials or subjected to other disproportionately harsh or  
7 discriminatory treatment resulting from his perceived or  
8 actual political or religious beliefs or activities, or a person  
9 who appears to have a credible claim of other persecution  
10 by the Government of North Korea.

11 (c) DISCRETION.—Nothing in this section shall be  
12 construed to prohibit the Secretary from establishing con-  
13 ditions for parole under section 212(d)(5) of the Immigra-  
14 tion and Nationality Act (8 U.S.C. 1182(d)(5)), or from  
15 denying parole to such aliens who are otherwise ineligible  
16 for parole.

17 (d) LENGTH OF PAROLE.—

18 (1) IN GENERAL.—Notwithstanding section  
19 212(d)(5) of the Immigration and Nationality Act (8  
20 U.S.C. 1182(d)(5)), if parole is granted to an alien  
21 who is a native or citizen of North Korea pursuant  
22 to subsection (a), the parole shall be effective until  
23 the final resolution of any application for adjustment  
24 of status made pursuant to section 204 of this Act.

1           (2) DENIAL OF ADJUSTMENT OF STATUS.—If  
2           an application for adjustment of status made pursu-  
3           ant to section 204 is denied, the Secretary may, in  
4           the discretion of the Secretary, parole the alien de-  
5           scribed in paragraph (1) pursuant to section  
6           212(d)(5) of the Immigration and Nationality Act (8  
7           U.S.C. 1182(d)(5)).

8           (3) EXTENSION OF PAROLE PERIOD.—If no ap-  
9           plication for adjustment of status is made pursuant  
10          to section 204 within 18 months after parole is  
11          granted to an alien described in paragraph (1), the  
12          Secretary may, in the discretion of the Secretary, ex-  
13          tend the parole period temporarily under conditions  
14          that the Secretary prescribes.

15          (4) NO GRANT OF PAROLE.—If parole is not  
16          granted to an alien described in paragraph (2), the  
17          alien shall be treated pursuant to section 212(d)(5)  
18          of the Immigration and Nationality Act (8 U.S.C.  
19          1182(d)(5)) as if the purposes of the alien's parole  
20          have been served.

21          (5) TERMINATION OF PAROLE.—Notwith-  
22          standing any other provision of this section, the pa-  
23          role period of an alien described in paragraph (1)  
24          shall terminate when the Secretary determines  
25          that—

1 (A) the human rights record of North  
2 Korea, according to the Country Report on  
3 Human Rights Practices issued by the Depart-  
4 ment of State, Bureau of Democracy, Human  
5 Rights, and Labor, is satisfactory; and

6 (B) North Korea is no longer on the list of  
7 nations designated as State sponsors of ter-  
8 rorism by the Secretary of State.

9 (e) SUBSEQUENT REMOVAL PROCEEDINGS.—Noth-  
10 ing in this section shall be construed to prohibit the Sec-  
11 retary from instituting removal proceedings against an  
12 alien paroled into the United States under this section  
13 for—

14 (1) conduct committed after the parole of the  
15 alien into the United States; or

16 (2) conduct or a condition that was not dis-  
17 closed to the Secretary prior to the parole of the  
18 alien into the United States.

19 **SEC. 204. NORTH KOREAN STATUS ADJUSTMENT.**

20 (a) STATUS ADJUSTMENT.—Notwithstanding section  
21 245(c) of the Immigration and Nationality Act (8 U.S.C.  
22 1255(c)), and subject to the exception in section 245(j)(3)  
23 of the Immigration and Nationality Act, as added by sec-  
24 tion 206(c) of this Act, the status of any alien who is a  
25 native or citizen of North Korea, has been inspected and

1 admitted or paroled into the United States subsequent to  
2 July 1, 2003, and has been physically present in the  
3 United States for at least 1 year, may be adjusted by the  
4 Secretary, in the discretion of the Secretary and under  
5 such regulations as the Secretary may prescribe, to that  
6 of an alien lawfully admitted for permanent residence if—

7 (1) the alien makes an application for such ad-  
8 justment within 18 months after parole is granted;

9 (2) the alien is eligible to receive an immigrant  
10 visa and is admissible to the United States for per-  
11 manent residence; and

12 (3) the Secretary determines that the alien has  
13 complied with the requirements of subsection (b).

14 (b) REQUIRED COOPERATION WITH THE UNITED  
15 STATES GOVERNMENT.—The requirements of this sub-  
16 section shall be satisfied if—

17 (1) the Secretary determines that—

18 (A) the alien is in possession of critical re-  
19 liable information concerning the activities of  
20 the Government of North Korea or its agents,  
21 representatives, or officials, and the alien has  
22 cooperated or is currently cooperating, fully and  
23 in good faith, with appropriate persons within  
24 the United States Government regarding such  
25 information; or

1 (B) the alien is not in possession of critical  
2 reliable information concerning the activities of  
3 the Government of North Korea or its agents,  
4 representatives, or officials; and

5 (2) the Secretary determines that the alien—

6 (A) did not enter the United States in a  
7 then-current capacity as an agent, representa-  
8 tive, or official of the Government of North  
9 Korea, or for any purpose contrary to the pur-  
10 poses of this Act or for any unlawful purpose;

11 (B) is not, since entering the United  
12 States or at the time during which the applica-  
13 tion for adjustment of status is filed or in proc-  
14 ess, an agent, representative, or official of the  
15 Government of North Korea, or during such pe-  
16 riod acting for any purpose contrary to the pur-  
17 poses of this Act or for any unlawful purpose;  
18 and

19 (C) in the judgment of the Secretary, is  
20 not likely to become an agent, representative, or  
21 official of the Government of North Korea, or  
22 act for any purpose contrary to the purposes of  
23 this Act or for any unlawful purpose.

24 (c) EFFECT ON IMMIGRATION AND NATIONALITY  
25 ACT.—

1           (1) DEFINITIONS.—The definitions in sub-  
2           sections (a) and (b) of section 101 of the Immigra-  
3           tion and Nationality Act (8 U.S.C. 1101) shall apply  
4           to this section.

5           (2) APPLICABILITY.—Nothing in this section  
6           shall be construed to repeal or restrict the powers,  
7           duties, functions, or authority of the Secretary in  
8           the administration and enforcement of the Immigra-  
9           tion and Nationality Act (8 U.S.C. 1101 et seq.) or  
10          any other Federal law relating to immigration, na-  
11          tionality, or naturalization.

12          (d) SUBSEQUENT REMOVAL PROCEEDINGS.—Noth-  
13          ing in this section shall be construed to prohibit the Sec-  
14          retary from instituting removal proceedings against an  
15          alien whose status was adjusted under subsection (a)  
16          for—

17                (1) conduct committed after such adjustment of  
18                status; or

19                (2) conduct or a condition that was not dis-  
20                closed to the Secretary prior to such adjustment of  
21                status.

22   **SEC. 205. TEMPORARY PROTECTED STATUS.**

23          (a) EXTRAORDINARY AND TEMPORARY CONDITIONS  
24          CONSIDERED TO EXIST.—

1           (1) IN GENERAL.—For purposes of section  
2           244(b)(1)(C) of the Immigration and Nationality  
3           Act (8 U.S.C. 1254a(b)(1)(C)), extraordinary and  
4           temporary conditions shall be considered to exist in  
5           North Korea that prevent aliens who are natives or  
6           citizens of North Korea from returning to North  
7           Korea in safety.

8           (2) TERMINATION OF PROTECTED STATUS.—  
9           The extraordinary and temporary conditions referred  
10          to in paragraph (1) shall be considered to exist until  
11          the Secretary determines that—

12                 (A) the human rights and trafficking  
13                 records of North Korea, according to the Coun-  
14                 try Report on Human Rights Practices issued  
15                 by the United States Department of State, Bu-  
16                 reau of Democracy, Human Rights, and Labor,  
17                 and the country report on trafficking issued by  
18                 the Trafficking in Persons Office of the Depart-  
19                 ment of State, are satisfactory; and

20                 (B) North Korea is no longer on the list of  
21                 nations designated as state sponsors of ter-  
22                 rorism by the United States Department of  
23                 State.

24          (b) SENSE OF CONGRESS.—It is the sense of Con-  
25          gress that the United States should use its diplomatic

1 means to promote the institution of measures similar to  
2 humanitarian parole or the form of temporary protected  
3 status granted under subsection (a), in countries that  
4 neighbor North Korea.

5 **SEC. 206. S VISA.**

6 (a) EXPANSION OF S VISA CLASSIFICATION.—Sec-  
7 tion 101(a)(15)(S) of the Immigration and Nationality  
8 Act (8 U.S.C. 1101(a)(15)(S)) is amended—

9 (1) in clause (i)—

10 (A) by striking “Attorney General” each  
11 place that term appears and inserting “Sec-  
12 retary of Homeland Security”; and

13 (B) by striking “or” at the end; and

14 (2) in clause (ii)—

15 (A) by striking “Attorney General” and in-  
16 serting “Secretary of Homeland Security”; and

17 (B) by striking “1956,” and all that fol-  
18 lows through “the alien;” and inserting the fol-  
19 lowing: “1956; or

20 “(iii) who the Secretary of Homeland Se-  
21 curity determines—

22 “(I) is in possession of critical reliable  
23 information concerning the activities of  
24 governments or other organizations, or  
25 their agents, representatives, or officials,



1 with respect to weapons of mass destruc-  
2 tion, delivery systems, or related materials  
3 and technologies if such governments or  
4 organizations are at risk of using or ex-  
5 porting such weapons; and

6 “(II) is willing to supply or has sup-  
7 plied, fully and in good faith, information  
8 described in subclause (I) to appropriate  
9 persons within the United States Govern-  
10 ment;

11 and, if the Secretary of Homeland Security considers  
12 it to be appropriate, the spouse, married and unmar-  
13 ried sons and daughters, and parents of an alien de-  
14 scribed in clause (i), (ii), or (iii) if accompanying, or  
15 following to join, the alien;”.

16 (b) NUMERICAL LIMITATION.—Section 214(k)(1) of  
17 the Immigration and Nationality Act (8 U.S.C.  
18 1184(k)(1)) is amended by striking “The number of  
19 aliens” and all that follows through the period and insert-  
20 ing the following: “The number of aliens who may be pro-  
21 vided a visa as nonimmigrants under section  
22 101(a)(15)(S) in any fiscal year may not exceed 3,500.”.

23 (c) ADJUSTMENT OF STATUS.—Section 245(j) of the  
24 Immigration and Nationality Act (8 U.S.C. 1255(j)) is  
25 amended—

1           (1) by striking “Attorney General” each place  
2           that term appears and inserting “Secretary of  
3           Homeland Security”;

4           (2) by redesignating paragraph (3) as para-  
5           graph (4);

6           (3) by inserting after paragraph (2) the fol-  
7           lowing:

8           “(3) If, in the sole discretion of the Secretary of  
9           Homeland Security—

10           “(A) a nonimmigrant admitted into the United  
11           States under section 101(a)(15)(S)(iii) has supplied  
12           information described in subclause (I) of that sec-  
13           tion; and

14           “(B) the provision of such information has sub-  
15           stantially contributed to the purposes of the North  
16           Korean Freedom Act of 2003;

17           the Secretary of Homeland Security may adjust the status  
18           of the alien (and the spouse, married and unmarried sons  
19           and daughters, and parents of the alien if admitted under  
20           such section) to that of an alien lawfully admitted for per-  
21           manent residence.”; and

22           (4) in paragraph (4), as so redesignated, by  
23           striking “Upon the approval of adjustment of status  
24           under paragraph (1) or (2),” and inserting “Upon

1 the approval of adjustment of status under para-  
2 graph (1), (2), or (3),”.

3 **SEC. 207. WEAPONS OF MASS DESTRUCTION INFORMANT**  
4 **CENTER.**

5 (a) ESTABLISHMENT.—There is established within  
6 the Department of Homeland Security a Weapons of Mass  
7 Destruction Informant Center.

8 (b) RESPONSIBILITIES.—The Weapons of Mass De-  
9 struction Informant Center established under subsection  
10 (a) shall—

11 (1) educate consular officers regarding the visa  
12 classification described in section 101(a)(15)(S)(iii)  
13 of the Immigration and Nationality Act (8 U.S.C.  
14 1101(a)(15)(S)(iii));

15 (2) facilitate, receive, and evaluate visa requests  
16 for nonimmigrants described in section  
17 101(a)(15)(S)(iii) in consultation with appropriate  
18 personnel both within and outside of the Department  
19 of Homeland Security;

20 (3) in the event the Weapons of Mass Destruc-  
21 tion Informant Center recommends the approval of  
22 visa requests for nonimmigrants described in section  
23 101(a)(15)(S)(iii), act in coordination with the Di-  
24 rector of the Bureau of Citizenship and Immigration  
25 Services and other appropriate government agencies

1 to facilitate the issuance of such visas, including ad-  
2 ditional visas as are considered to be appropriate for  
3 the spouse, married or unmarried sons and daugh-  
4 ters, and parents of the alien whose request was  
5 granted;

6 (4) facilitate the cooperation of aliens who re-  
7 ceive such visas with the United States Government  
8 in ways that further the purposes of the visa and the  
9 goals of this Act;

10 (5) ensure that aliens who receive such visas  
11 comply with the terms of the visa; and

12 (6) ensure that such visas are not utilized as a  
13 method of gaining entry into the United States for  
14 any purpose other than those outlined in this Act.

15 **SEC. 208. RIGHT TO ACCEPT EMPLOYMENT.**

16 Section 208(d)(2) of the Immigration and Nationality  
17 Act (8 U.S.C. 1158(d)(2)) is amended—

18 (1) by striking “Attorney General” and insert-  
19 ing “Secretary of Homeland Security”; and

20 (2) by adding at the end the following: “In the  
21 case of an applicant who is a citizen or native of  
22 North Korea, the Secretary of Homeland Security  
23 shall issue regulations under which such applicant  
24 shall be entitled to employment authorization, and

1       such applicant shall not be subject to the 180-day  
2       limitation described in the previous sentence.”.

3   **SEC. 209. REFUGEE STATUS.**

4       The Secretary of State shall designate natives or citi-  
5   zens of North Korea who apply for refugee status under  
6   section 207 of the Immigration and Nationality Act (8  
7   U.S.C. 1157), and who are former political prisoners,  
8   members of persecuted religious groups, forced-labor  
9   conscripts, victims of debilitating malnutrition, persons  
10   deprived of professional credentials or subjected to other  
11   disproportionately harsh or discriminatory treatment re-  
12   sulting from their perceived or actual political or religious  
13   beliefs or activities, or others who appear to have a cred-  
14   ible claim of other persecution, as a Priority 2 group of  
15   special concern, as defined by the Secretary of State, for  
16   purposes of refugee resettlement.

17   **SEC. 210. FUNDING FOR THE UNITED NATIONS HIGH COM-**  
18                   **MISSIONER FOR REFUGEES.**

19       (a) SENSE OF CONGRESS.—It is the sense of Con-  
20   gress that—

21               (1) the United Nations High Commissioner for  
22       Refugees (UNHCR) should monitor the situation of  
23       North Korean refugees in China and provide assist-  
24       ance to those refugees;

1           (2) the Government of China should provide the  
2           UNHCR with access to any North Koreans inside  
3           its borders to enable the UNHCR to determine  
4           whether they are refugees and whether they require  
5           assistance, as required by the 1951 United Nations  
6           Convention Relating to the Status of Refugees, the  
7           1967 protocol, and Article III, paragraph 5 of the  
8           Agreement on the upgrading of the UNHCR Mission  
9           in the People's Republic of China to UNHCR  
10          branch office in the People's Republic of China  
11          signed at Geneva, December 1, 1995 (referred to in  
12          this section as the "UNHCR Mission Agreement");

13          (3) the Government of China should not pro-  
14          hibit such access by unilaterally declaring North Ko-  
15          reans inside of China to be "economic migrants";

16          (4) the UNHCR, in order to effectively carry  
17          out its mandate to protect refugees, should liberally  
18          employ as professionals or experts on mission per-  
19          sons with significant experience in humanitarian aid  
20          work among displaced North Koreans in China; and

21          (5) the UNHCR, in order to effectively carry  
22          out its mandate to protect refugees, should liberally  
23          contract with appropriate nongovernmental organi-  
24          zations that have a proven record of providing hu-  
25          manitarian aid to displaced North Koreans in China.

1 (b) ARBITRATION.—It is the sense of Congress that  
 2 should the Government of China fail to provide the  
 3 UNHCR full access to all North Koreans within its bor-  
 4 ders, the UNHCR should initiate arbitration proceedings  
 5 pursuant to Article XVI of the UNHCR Mission Agree-  
 6 ment and appoint an arbitrator for the UNHCR.

7 **SEC. 211. FUNDING FOR HUMAN RIGHTS ORGANIZATIONS.**

8 (a) GRANTS TO ENTITIES THAT ASSIST NORTH KO-  
 9 REAN REFUGEES.—

10 (1) IN GENERAL.—The Administrator of the  
 11 United States Agency for International Development  
 12 may make grants to nongovernmental, non-profit  
 13 human rights organizations or persons, or foreign  
 14 governmental organizations—

15 (A) that—

16 (i) provide assistance to natives or  
 17 citizens of North Korea who are attempt-  
 18 ing to escape from North Korea or from  
 19 agents of North Korea outside that coun-  
 20 try; or

21 (ii) establish or operate camps or re-  
 22 settlement centers for North Korean refu-  
 23 gees; and

24 (B) that can demonstrate—

- 1 (i) a successful record of providing the  
2 type of assistance to be funded; or  
3 (ii) the intent and capacity to provide  
4 such assistance.

5 (2) TIME OF GRANTS.—A grant provided under  
6 this subsection may not exceed 3 years in duration.

7 (3) REPORTING REQUIREMENTS.—Each entity  
8 or person awarded a grant pursuant to this sub-  
9 section shall, not later than 1 year after the date the  
10 grant is awarded, submit a report to the Director re-  
11 garding the activities of, and use of funds awarded  
12 through such grant by, such person or entity during  
13 the previous year. Notwithstanding any other provi-  
14 sion of law, the contents of each such report shall  
15 not be revealed until 10 years after the date on  
16 which the report was submitted.

17 (b) GRANTS TO ORGANIZATIONS THAT ASSIST  
18 NORTH KOREAN ORPHANS.—

19 (1) QUALIFYING ORGANIZATIONS.—The Admin-  
20 istrator of the United States Agency for Inter-  
21 national Development may make grants to non-  
22 governmental organizations that—

23 (A) provide assistance to North Korean or-  
24 phans in any country; and

25 (B) can demonstrate—



- 1 (i) a successful record of providing as-  
2 sistance to North Korean orphans; or  
3 (ii) the intent and capacity to provide  
4 such assistance.

5 (2) TIME OF GRANTS.—The grants provided  
6 under this subsection may not exceed 3 years in du-  
7 ration.

8 (3) REPORTING REQUIREMENTS.—Each non-  
9 governmental organization awarded a grant pursu-  
10 ant to this subsection shall submit an annual report  
11 to the Director not later than March 1 of each year  
12 regarding the activities of, and use of funds awarded  
13 through such grant by, such organization during the  
14 previous year.

15 (c) GRANTS TO ORGANIZATIONS FOR RESETTLE-  
16 MENT AND ADMISSIONS FOR NORTH KOREAN REFU-  
17 GEES.—

18 (1) IN GENERAL.—The Secretary of State may  
19 make grants to nongovernmental, nonprofit organi-  
20 zations or persons that—

21 (A) provide legal assistance to natives or  
22 citizens of North Korea who are applying for  
23 refugee status, parole, visas, or other means of  
24 admission to the United States; or

25 (B) can demonstrate—

1 (i) a successful record of providing  
2 similar assistance to other persons in the  
3 past; or

4 (ii) the intent and capacity to provide  
5 such assistance.

6 (2) REPORTING REQUIREMENT.—Each non-  
7 governmental organization awarded a grant pursu-  
8 ant to this subsection shall, not later than 1 year  
9 after the date the grant is awarded, and annually  
10 thereafter, submit a report to the Secretary of State  
11 regarding the activities of, and the use of funds  
12 awarded through such grants by, such organization  
13 during the previous year.

14 (d) GRANTS FOR HUMAN RIGHTS DIALOGUE.—The  
15 Secretary of State may make grants to nongovernmental  
16 organizations from the United States, South Korea, and  
17 Japan to promote dialogue regarding human rights in  
18 North Korea.

19 (e) AUTHORIZATION OF APPROPRIATIONS.—There  
20 are authorized to be appropriated—

21 (1) to the Administrator of the United States  
22 Agency for International Development, \$20,000,000  
23 for each of the fiscal years 2003 through 2006 to  
24 carry out subsection (a);

1           (2) to the Administrator of the United States  
2       Agency for International Development, \$500,000 for  
3       each of the fiscal years 2003 through 2006 to carry  
4       out subsection (b);

5           (3) to the Secretary of State, \$5,000,000 for  
6       each of the fiscal years 2003 through 2006 to carry  
7       out subsection (c); and

8           (4) to the Secretary of State, \$2,000,000 for  
9       each of the fiscal years 2003 through 2006 to carry  
10      out subsection (d).

11 **SEC. 212. ELIGIBILITY FOR REFUGEE OR ASYLUM CONSID-**  
12 **ERATION.**

13       (a) PURPOSE.—The purpose of this section is to en-  
14      sure that North Koreans are not barred from eligibility  
15      for refugee status or asylum in the United States on ac-  
16      count of any legal right to citizenship they may enjoy  
17      under the Constitution of the Republic of Korea. This Act  
18      is not intended in any way to prejudice whatever rights  
19      to citizenship North Koreans may enjoy under the Con-  
20      stitution of the Republic of Korea.

21       (b) TREATMENT OF NATIONALS OF NORTH  
22      KOREA.—For purposes of eligibility for refugee status  
23      under section 207 of the Immigration and Nationality Act  
24      (8 U.S.C. 1157), or for asylum under section 208 of such  
25      Act (8 U.S.C. 1158), a national of the Democratic Peo-

1 ple's Republic of Korea shall not be considered a national  
2 of the Republic of Korea.

3 **TITLE III—ACTIONS TO PRO-**  
4 **MOTE NORTH KOREAN DE-**  
5 **MOCRACY**

6 **SEC. 301. BROADCASTING INTO NORTH KOREA.**

7 (a) SENSE OF CONGRESS.—It is the sense of Con-  
8 gress that the United States should facilitate the  
9 unhindered dissemination of information in North Korea  
10 by increasing its support for radio broadcasting to North  
11 Korea, and that the Broadcasting Board of Governors  
12 should increase broadcasts to North Korea from current  
13 levels, with an eventual goal of providing 24-hour-per-day  
14 broadcasting to North Korea, including broadcasts by  
15 Radio Free Asia and Voice of America.

16 (b) REPORT ON RADIO BROADCASTING IN NORTH  
17 KOREA.—Not later than 120 days after the date of the  
18 enactment of this Act, the Broadcasting Board of Gov-  
19 ernors shall submit to the appropriate congressional com-  
20 mittees a report that, in addition to describing current  
21 United States broadcasting to North Korea, outlines a  
22 plan for increasing such broadcasts to 24 hours per day,  
23 and details the technical and fiscal requirements that  
24 would be necessary to render that plan feasible.

1 **SEC. 302. PROVISION OF RADIOS TO NORTH KOREANS.**

2 (a) PURPOSE.—It is the purpose of this section to  
3 increase the availability of information inside North Korea  
4 by making available to North Koreans radios capable of  
5 receiving outside broadcasts.

6 (b) AUTHORIZATION OF APPROPRIATIONS.—There  
7 are authorized to be appropriated to the President  
8 \$1,000,000 in each of the fiscal years 2004 through 2008  
9 to carry out this section.

10 (c) REPORT TO CONGRESS.—Not later than 1 year  
11 after the date of the enactment of this Act, and in each  
12 of the three years thereafter, the Secretary of State, after  
13 consulting with other agencies of the United States Gov-  
14 ernment, shall submit to the appropriate congressional  
15 committees a report, in classified form, on measures being  
16 undertaken pursuant to this section, including the number  
17 of radios that have been provided to date.

18 **SEC. 303. SENSE OF CONGRESS REGARDING UNITED**  
19 **STATES FINANCIAL ASSISTANCE DESIGNED**  
20 **TO ADDRESS CONDITIONS CREATED BY THE**  
21 **ECONOMIC AND POLITICAL SYSTEM OF**  
22 **NORTH KOREA.**

23 (a) SENSE OF CONGRESS.—It is the sense of Con-  
24 gress that, as a precondition to receiving bilateral United  
25 States assistance meant to defray the direct costs to their  
26 respective governments of any future, large-scale humani-

1 tarian contingency resulting from the collapse of the eco-  
2 nomic and political system of North Korea, each of the  
3 nations of Northeast Asia should have, in the six months  
4 prior to the provision of such assistance—

5 (1) been an active participant in the Prolifera-  
6 tion Security Initiative and the Illicit Activities Ini-  
7 tiative;

8 (2) taken significant and public actions to pro-  
9 mote human rights in North Korea for the purpose  
10 of assisting the people of North Korea;

11 (3) taken significant actions, including criminal  
12 prosecutions, to deny the North Korean Govern-  
13 ment, its officials, and affiliated entities (including  
14 Division 39) benefits resulting from illegal activities;  
15 and

16 (4) observed controls sufficient to ensure that  
17 any financial benefit it provided to the North Ko-  
18 rean Government, its officials, or affiliated entities  
19 had a legitimate commercial or humanitarian aid  
20 purpose, and was used for that purpose rather than  
21 as a direct subsidy of the North Korean Govern-  
22 ment, its officials, or affiliated entities.

1 **SEC. 304. FUNDING FOR ENTITIES THAT PROMOTE DEMOC-**  
2 **RACY, GOOD GOVERNANCE, AND THE RULE**  
3 **OF LAW.**

4 (a) GRANTS AUTHORIZED.—The Director of the  
5 United States Agency for International Development may  
6 make grants to nongovernmental, non-profit human rights  
7 organizations or persons, or foreign governmental organi-  
8 zations for the purpose of promoting and supporting pro-  
9 grams for democracy, good governance, and the rule of  
10 law in North Korea.

11 (b) TIME OF GRANTS.—A grant provided under this  
12 subsection may not exceed 2 years in duration.

13 (c) REPORTING REQUIREMENTS.—Each entity or  
14 person awarded a grant pursuant to this subsection shall  
15 submit a report to the Director not later than March 1  
16 of each year regarding the activities of, and use of funds  
17 awarded through such grant by, such person or entity dur-  
18 ing the previous year.

19 (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
20 authorized to be appropriated to the Director of the  
21 United States Agency for International Development  
22 \$500,000 for each of the fiscal years 2003 through 2006  
23 to carry out this section.

1 **SEC. 305. FUNDING FOR ENTITIES THAT PROMOTE MARKET**  
2 **ECONOMIES.**

3 (a) GRANTS AUTHORIZED.—The Director of the  
4 United States Agency for International Development may  
5 make grants to nongovernmental, non-profit human rights  
6 organizations or persons, or foreign governmental organi-  
7 zations that promote market economies modeled after pro-  
8 grams in Vietnam.

9 (b) TIME OF GRANTS.—The grants provided under  
10 this subsection may not exceed 2 years in duration.

11 (c) REPORTING REQUIREMENTS.—Each nongovern-  
12 mental organization awarded a grant pursuant to this sub-  
13 section shall submit an annual report to the Director not  
14 later than March 1 of each year regarding the activities  
15 of, and use of funds awarded through such grant by, such  
16 organization during the previous year.

17 (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
18 authorized to be appropriated to the Director of the  
19 United States Agency for International Development  
20 \$500,000 for each of the fiscal years 2003 through 2006  
21 to carry out this section.

22 **TITLE IV—NEGOTIATIONS WITH**  
23 **NORTH KOREA**

24 **SEC. 401. SENSE OF CONGRESS REGARDING NEGOTIATIONS**  
25 **WITH NORTH KOREA.**

26 It is the sense of Congress that—



1           (1) it is necessary and proper for the United  
2       States to engage in negotiations with the Govern-  
3       ment of North Korea and other concerned parties in  
4       Northeast Asia to address issues of common concern  
5       both regionally and to the broader world community;

6           (2) every government in Northeast Asia, includ-  
7       ing China and Russia, should support the principle  
8       of peaceful reunification on the Korean peninsula;

9           (3) as close allies with shared democratic val-  
10      ues, the political leadership in South Korea and the  
11      United States should work together to develop a  
12      strategy for increasing public awareness in both  
13      countries that our common goal is to achieve a  
14      peaceful reunification of the Korean peninsula based  
15      on democratic principles;

16          (4) any negotiations between the United States,  
17      North Korea, and other concerned parties in North-  
18      east Asia should include discussions directed toward  
19      ensuring the complete, verifiable, and irreversible  
20      dismantlement of the North Korean nuclear arms  
21      program, the elimination of Pyongyang's other ille-  
22      gal weapons of mass destruction programs, ending  
23      its proliferation of missiles and missile-related tech-  
24      nologies, the adoption by North Korea of a less pro-  
25      vocative conventional force posture, addressing the

1 issues underlying its appearance on the State De-  
2 partment list of states sponsoring terrorism, and the  
3 establishment of a lasting peace on the Korean pe-  
4 ninsula;

5 (5) any diplomatic solution to the problems  
6 posed by the development of weapons of mass de-  
7 struction, the proliferation of ballistic missiles, and  
8 the potential destabilization of Northeast Asia by  
9 North Korea should be comprehensive and also seek  
10 to change North Korea's horrendous behavior on  
11 human rights; and

12 (6) any negotiations between the United States,  
13 North Korea, and other concerned parties in North-  
14 east Asia should include the human rights of North  
15 Korean citizens, including dialogue on religious and  
16 political freedoms and the North Korean prison sys-  
17 tem, as a key concern.

18 **SEC. 402. SENSE OF CONGRESS REGARDING TRADE SANC-**  
19 **TIONS AND ECONOMIC ASSISTANCE.**

20 It is the sense of Congress that—

21 (1) in the context of North Korean steps to re-  
22 spond affirmatively and take appropriate action to  
23 address the concerns of the United States, other  
24 parties in Northeast Asia, and the world community,  
25 the United States and North Korea should engage

1 in trade that will mutually benefit the people of both  
2 nations;

3 (2) the mere lifting of United States sanctions  
4 against North Korea, without fundamental changes  
5 in the North Korean economy, will not lead to mutu-  
6 ally beneficial economic relationships between the  
7 United States and North Korea;

8 (3) the United States should provide economic  
9 assistance to North Korea that will benefit the peo-  
10 ple of North Korea, and should avoid merely estab-  
11 lishing North Korea as a permanent recipient of for-  
12 eign assistance;

13 (4) the Government of North Korea should rec-  
14 ognize that the path to economic renewal and  
15 growth lies in international markets in goods, serv-  
16 ices, and capital, which offer opportunities for reduc-  
17 ing costs, improving productivity, and promoting dy-  
18 namism;

19 (5) the participation in the North Korean econ-  
20 omy of small- and medium-sized businesses from  
21 South Korea represents an opportunity for North  
22 Korea to integrate its economy with the world mar-  
23 ket, expand trade, and attract foreign investment  
24 and other economic benefits; and

1           (6) trade sanctions related to North Korea  
2           should not be lifted, and economic assistance should  
3           not be provided to North Korea, unless such lifting  
4           of sanctions or provision of economic assistance is  
5           also accompanied by significant and transparent  
6           market oriented economic reforms in that country,  
7           including the aggressive prosecution of any North  
8           Koreans engaged in international criminal activities  
9           such as drug trafficking and counterfeiting.

10 **SEC. 403. CONDITIONS ON DIRECT UNITED STATES AID AND**  
11 **OTHER ASSISTANCE TO THE GOVERNMENT**  
12 **OF NORTH KOREA.**

13           (a) HUMANITARIAN AID.—No department, agency, or  
14 entity of the United States Government may provide hu-  
15 manitarian aid to any department, agency, or entity of the  
16 Government of North Korea unless such United States  
17 Government department, agency, or entity can dem-  
18 onstrate that the Government of North Korea has taken  
19 steps to ensure that—

20           (1) such aid is delivered, distributed, and mon-  
21 itored according to internationally recognized hu-  
22 manitarian standards;

23           (2) such aid is provided on a needs basis, and  
24 is not used as a political reward or tool of coercion;

1           (3) such aid reaches the intended beneficiaries,  
2           who are informed of the source of the aid; and

3           (4) humanitarian access to all vulnerable  
4           groups in North Korea is allowed, no matter where  
5           in the country they may be located.

6           (b) NONHUMANITARIAN AID.—No department, agen-  
7           cy, or entity of the United States Government may provide  
8           nonhumanitarian aid to any department, agency, or entity  
9           of the Government of North Korea unless such United  
10          States Government department, agency, or entity can  
11          demonstrate that the Government of North Korea has  
12          made substantial progress toward—

13               (1) respecting and protecting basic human  
14               rights, including freedom of religion, of the people of  
15               North Korea;

16               (2) providing for significant family reunification  
17               between North Koreans and their descendants and  
18               relatives in the United States;

19               (3) fully disclosing all information regarding  
20               citizens of Japan and the Republic of Korea kid-  
21               napped by the Government of North Korea;

22               (4) allowing such abductees, along with their  
23               families, complete and genuine freedom to leave  
24               North Korea and return to the abductees original  
25               home countries;

1           (5) significantly reforming its prison and labor  
2       camp system, and subjecting such reforms to inde-  
3       pendent international monitoring; and

4           (6) decriminalizing political expression and ac-  
5       tivity.

6       (c) OTHER ASSISTANCE.—It is the sense of Congress  
7       that significant North Korean progress on the areas of  
8       concern described in subsections (a) and (b) may, in the  
9       context of more comprehensive negotiations, serve as a  
10      basis for the United States to—

11           (1) support the opening of an embassy in  
12      Pyongyang, North Korea; and

13           (2) support the membership of North Korea in  
14      multilateral development institutions.

15           **TITLE V—MISCELLANEOUS**  
16           **PROVISIONS**

17      **SEC. 501. ANNUAL REPORT.**

18           (a) ANNUAL REPORT.—Not later than 1 year after  
19      the date of the enactment of this Act, and annually there-  
20      after, the Secretary of State and the Secretary of Home-  
21      land Security shall submit a joint report to the appropriate  
22      congressional committees on the operation of this Act dur-  
23      ing the previous year.

24           (b) CONTENTS.—The report submitted in accordance  
25      with subsection (a) shall include—

1           (1) the number of aliens who are natives or citi-  
2           zens of North Korea and have been granted humani-  
3           tarian parole under section 203, and the immigra-  
4           tion status of such aliens before being granted hu-  
5           manitarian parole;

6           (2) the number of aliens who are natives or citi-  
7           zens of North Korea and have been granted an ad-  
8           justment of status under section 204, and the immi-  
9           gration status of such aliens before being granted  
10          adjustment of status;

11          (3) the number of aliens who are natives or citi-  
12          zens of North Korea who were granted political asy-  
13          lum;

14          (4) the number of aliens who are natives or citi-  
15          zens of North Korea who were granted temporary  
16          protected status under section 205;

17          (5) the number of aliens who are natives or citi-  
18          zens of North Korea who applied for refugee status  
19          and the number who were granted refugee status;

20          (6) the number of orphans who are natives or  
21          citizens of North Korea who have been identified for  
22          adoption by, or are in the process of being adopted  
23          by, United States citizens;

1           (7) a description of the activities of the Weap-  
2       ons of Mass Destruction Informant Center estab-  
3       lished under section 207 of this Act; and

4           (8) the activities of the United Nations High  
5       Commission for Refugees with respect to section  
6       210.

7       **SEC. 502. TASK FORCE ON NORTH KOREAN CRIMINAL**  
8                               **ACTIVITIES.**

9           (a) ESTABLISHMENT.—The President should estab-  
10      lish an Interagency Task Force to Monitor and Combat  
11      North Korean Criminal Activities (referred to in this sec-  
12      tion as the “Task Force”).

13          (b) MEMBERSHIP.—The Task Force shall be com-  
14      posed of—

15           (1) 2 senior staff members of the Department  
16      of Homeland Security appointed by the Secretary;

17           (2) 2 senior staff members of the Department  
18      of State appointed by the Secretary of State;

19           (3) 2 senior staff members of the Department  
20      of Justice appointed by the Attorney General;

21           (4) 2 senior staff members of the Department  
22      of Defense appointed by the Secretary of Defense;

23           (5) 2 senior staff members of the Department  
24      of Treasury appointed by the Secretary of the Treas-  
25      ury; and



1           (6) 2 senior staff members of the Central Intel-  
2           ligence Agency appointed by the Director of Central  
3           Intelligence.

4           (c) DUTIES.—The Task Force shall coordinate the  
5           monitoring and prosecution of criminal activities in North  
6           Korea, including trafficking in narcotics, weapons, and  
7           persons. The Task Force shall—

8           (1) not later than 180 days after the date of  
9           the enactment of this Act, deliver to the appropriate  
10          congressional committees a plan for denying to the  
11          North Korean regime and North Korean Govern-  
12          ment officials financial benefits from the activities of  
13          Division 39 and any similar or successor entities;

14          (2) coordinate United States agency activities  
15          regarding crimes committed by North Koreans, in-  
16          cluding by officials and entities of the Government  
17          of North Korea; and

18          (3) coordinate United States agency cooperation  
19          with law enforcement, intelligence, and military serv-  
20          ices of foreign countries with respect to crimes com-  
21          mitted by North Koreans.

22          (d) REPORT.—The Task Force shall issue an annual  
23          report to the appropriate congressional committees de-  
24          scribing criminal activities conducted by North Koreans

- 1 in the previous year and the response by United States
- 2 Government agencies.

