

our C-17 military aircraft. In order to protect our larger military aircraft, the Department of Defense has already spent close to \$1 billion developing and deploying systems that defeat this threat on numerous large body aircraft.

The Commercial Aviation MANPADS Defense Act of 2004 takes the next step in the process of ensuring that every commercial aircraft is equipped with these antimissile devices. The bill readies our airports for the implementation of these defense systems and goes even further in the defense against MANPADS attacks by establishing programs to reduce the number of MANPADS worldwide so that fewer of these missiles will be available for trade and sale.

Once again I would like to commend Representative MICA for introducing this legislation and urge my colleagues to vote in favor of the bill.

Mr. MICA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. OSE). The question is on the motion offered by the gentleman from Florida (Mr. MICA) that the House suspend the rules and pass the bill, H.R. 4056, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. MICA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### GENERAL LEAVE

Mr. MICA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4056.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

□ 1845

#### NORTH KOREAN HUMAN RIGHTS ACT OF 2004

Mr. LEACH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4011) to promote human rights and freedom in the Democratic People's Republic of Korea, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4011

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

##### SECTION 1. SHORT TITLE.

This Act may be cited as the "North Korean Human Rights Act of 2004".

##### SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 3. Findings.

Sec. 4. Purposes.

Sec. 5. Definitions.

##### TITLE I—PROMOTING THE HUMAN RIGHTS OF NORTH KOREANS

Sec. 101. Sense of Congress regarding negotiations with North Korea.

Sec. 102. Support for human rights and democracy programs.

Sec. 103. Radio broadcasting to North Korea.

Sec. 104. Actions to promote freedom of information.

Sec. 105. United Nations Commission on Human Rights.

##### TITLE II—ASSISTING NORTH KOREANS IN NEED

Sec. 201. Report on United States humanitarian assistance.

Sec. 202. Assistance provided inside North Korea.

Sec. 203. Assistance provided outside of North Korea.

##### TITLE III—PROTECTING NORTH KOREAN REFUGEES

Sec. 301. United States policy toward refugees and defectors.

Sec. 302. Eligibility for refugee or asylum consideration.

Sec. 303. Facilitating submission of applications for admission as a refugee.

Sec. 304. United Nations High Commissioner for Refugees.

Sec. 305. Annual reports.

##### SEC. 3. FINDINGS.

Congress makes the following findings:

(1) According to the Department of State, the Government of North Korea is "a dictatorship under the absolute rule of Kim Jong Il" that continues to commit numerous, serious human rights abuses.

(2) The Government of North Korea attempts to control all information, artistic expression, academic works, and media activity inside North Korea and strictly curtails freedom of speech and access to foreign broadcasts.

(3) The Government of North Korea subjects all its citizens to systematic, intensive political and ideological indoctrination in support of the cult of personality glorifying Kim Jong Il and the late Kim Il Sung that approaches the level of a state religion.

(4) The Government of North Korea divides its population into categories, based on perceived loyalty to the leadership, which determines access to food, employment, higher education, place of residence, medical facilities, and other resources.

(5) According to the Department of State, "[t]he [North Korean] Penal Code is [d]raconian, stipulating capital punishment and confiscation of assets for a wide variety of 'crimes against the revolution,' including defection, attempted defection, slander of the policies of the Party or State, listening to foreign broadcasts, writing 'reactionary' letters, and possessing reactionary printed matter".

(6) The Government of North Korea executes political prisoners, opponents of the regime, some repatriated defectors, some members of underground churches, and others, sometimes at public meetings attended by workers, students, and schoolchildren.

(7) The Government of North Korea holds an estimated 200,000 political prisoners in camps that its State Security Agency manages through the use of forced labor, beatings, torture, and executions, and in which many prisoners also die from disease, starvation, and exposure.

(8) According to eyewitness testimony provided to the United States Congress by North Korean camp survivors, camp inmates have been used as sources of slave labor for

the production of export goods, as targets for martial arts practice, and as experimental victims in the testing of chemical and biological poisons.

(9) According to credible reports, including eyewitness testimony provided to the United States Congress, North Korean Government officials prohibit live births in prison camps, and forced abortion and the killing of newborn babies are standard prison practices.

(10) According to the Department of State, "[g]enuine religious freedom does not exist in North Korea" and, according to the United States Commission on International Religious Freedom, "[t]he North Korean state severely represses public and private religious activities" with penalties that reportedly include arrest, imprisonment, torture, and sometimes execution.

(11) More than 2,000,000 North Koreans are estimated to have died of starvation since the early 1990s because of the failure of the centralized agricultural and public distribution systems operated by the Government of North Korea.

(12) According to a 2002 United Nations-European Union survey, nearly one out of every ten children in North Korea suffers from acute malnutrition and four out of every ten children in North Korea are chronically malnourished.

(13) Since 1995, the United States has provided more than 2,000,000 tons of humanitarian food assistance to the people of North Korea, primarily through the World Food Program.

(14) Although United States food assistance has undoubtedly saved many North Korean lives and there have been minor improvements in transparency relating to the distribution of such assistance in North Korea, the Government of North Korea continues to deny the World Food Program forms of access necessary to properly monitor the delivery of food aid, including the ability to conduct random site visits, the use of native Korean-speaking employees, and travel access throughout North Korea.

(15) The risk of starvation, the threat of persecution, and the lack of freedom and opportunity in North Korea have caused large numbers, perhaps even hundreds of thousands, of North Koreans to flee their homeland, primarily into China.

(16) North Korean women and girls, particularly those who have fled into China, are at risk of being kidnapped, trafficked, and sexually exploited inside China, where many are sold as brides or concubines, or forced to work as prostitutes.

(17) The Governments of China and North Korea have been conducting aggressive campaigns to locate North Koreans who are in China without permission and to forcibly return them to North Korea, where they routinely face torture and imprisonment, and sometimes execution.

(18) Despite China's obligations as a party to the 1951 United Nations Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees, China routinely classifies North Koreans seeking asylum in China as mere "economic migrants" and returns them to North Korea without regard to the serious threat of persecution they face upon their return.

(19) The Government of China does not provide North Koreans whose asylum requests are rejected a right to have the rejection reviewed prior to deportation despite its obligations under the 1951 United Nations Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees.

(20) North Koreans who seek asylum while in China are routinely imprisoned and tortured, and in some cases killed, after they are returned to North Korea.

(21) The Government of China has detained, convicted, and imprisoned foreign aid workers attempting to assist North Korean refugees, including the Reverend Choi Bong Il, in proceedings that did not comply with Chinese law or international standards.

(22) In January 2000, North Korean agents inside China allegedly abducted the Reverend Kim Dong-shik, a United States permanent resident and advocate for North Korean refugees, whose condition and whereabouts remain unknown.

(23) Between 1994 and 2003, South Korea has admitted approximately 3,800 North Korean refugees for domestic resettlement, a number small in comparison with the total number of North Korean escapees, but far greater than the number legally admitted by any other country.

(24) Although the principal responsibility for North Korean refugee resettlement naturally falls to the Government of South Korea, the United States should play a leadership role in focusing international attention on the plight of these refugees, and formulating international solutions to that profound humanitarian dilemma.

(25) In addition to infringing the rights of its own citizens, the Government of North Korea has been responsible in years past for the abduction of numerous citizens of South Korea and Japan, whose condition and whereabouts remain unknown.

#### SEC. 4. PURPOSES.

The purposes of this Act are—

(1) to promote respect for and protection of fundamental human rights in North Korea;

(2) to promote a more durable humanitarian solution to the plight of North Korean refugees;

(3) to promote increased monitoring, access, and transparency in the provision of humanitarian assistance inside North Korea;

(4) to promote the free flow of information into and out of North Korea; and

(5) to promote progress toward the peaceful reunification of the Korean peninsula under a democratic system of government.

#### SEC. 5. DEFINITIONS.

In this Act:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the Committee on International Relations of the House of Representatives; and

(B) the Committee on Foreign Relations of the Senate.

(2) **CHINA.**—The term “China” means the People’s Republic of China.

(3) **HUMANITARIAN ASSISTANCE.**—The term “humanitarian assistance” means assistance to meet humanitarian needs, including needs for food, medicine, medical supplies, clothing, and shelter.

(4) **NORTH KOREA.**—The term “North Korea” means the Democratic People’s Republic of Korea.

(5) **NORTH KOREANS.**—The term “North Koreans” means persons who are citizens or nationals of North Korea.

(6) **SOUTH KOREA.**—The term “South Korea” means the Republic of Korea.

### TITLE I—PROMOTING THE HUMAN RIGHTS OF NORTH KOREANS

#### SEC. 101. SENSE OF CONGRESS REGARDING NEGOTIATIONS WITH NORTH KOREA.

It is the sense of Congress that the human rights of North Koreans should remain a key element in future negotiations between the United States, North Korea, and other concerned parties in Northeast Asia.

#### SEC. 102. SUPPORT FOR HUMAN RIGHTS AND DEMOCRACY PROGRAMS.

(a) **SUPPORT.**—The President is authorized to provide grants to private, nonprofit organizations to support programs that promote human rights, democracy, rule of law, and

the development of a market economy in North Korea. Such programs may include appropriate educational and cultural exchange programs with North Korean participants, to the extent not otherwise prohibited by law.

#### (b) AUTHORIZATION OF APPROPRIATIONS.—

(1) **IN GENERAL.**—There are authorized to be appropriated to the President \$2,000,000 for each of the fiscal years 2005 through 2008 to carry out this section.

(2) **AVAILABILITY.**—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

#### SEC. 103. RADIO BROADCASTING TO NORTH KOREA.

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that the United States should facilitate the unhindered dissemination of information in North Korea by increasing its support for radio broadcasting to North Korea, and that the Broadcasting Board of Governors should increase broadcasts to North Korea from current levels, with a goal of providing 12-hour-per-day broadcasting to North Korea, including broadcasts by Radio Free Asia and Voice of America.

(b) **REPORT.**—Not later than 120 days after the date of the enactment of this Act, the Broadcasting Board of Governors shall submit to the appropriate congressional committees a report that—

(1) describes the status of current United States broadcasting to North Korea; and

(2) outlines a plan for increasing such broadcasts to 12 hours per day, including a detailed description of the technical and fiscal requirements necessary to implement the plan.

#### SEC. 104. ACTIONS TO PROMOTE FREEDOM OF INFORMATION.

(a) **ACTIONS.**—The President is authorized to take such actions as may be necessary to increase the availability of information inside North Korea by increasing the availability of sources of information not controlled by the Government of North Korea, including sources such as radios capable of receiving broadcasting from outside North Korea.

#### (b) AUTHORIZATION OF APPROPRIATIONS.—

(1) **IN GENERAL.**—There are authorized to be appropriated to the President \$2,000,000 for each of the fiscal years 2005 through 2008 to carry out subsection (a).

(2) **AVAILABILITY.**—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

(c) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, and in each of the 3 years thereafter, the Secretary of State, after consultation with the heads of other appropriate Federal departments and agencies, shall submit to the appropriate congressional committees a report, in classified form, on actions taken pursuant to this section.

#### SEC. 105. UNITED NATIONS COMMISSION ON HUMAN RIGHTS.

It is the sense of Congress that the United Nations has a significant role to play in promoting and improving human rights in North Korea, and that—

(1) the United Nations Commission on Human Rights (UNCHR) has taken positive steps by adopting Resolution 2003/10 and Resolution 2004/13 on the situation of human rights in North Korea, and particularly by requesting the appointment of a Special Rapporteur on the situation of human rights in North Korea; and

(2) the severe human rights violations within North Korea warrant country-specific attention and reporting by the United Nations Working Group on Arbitrary Detention, the Working Group on Enforced and In-

voluntary Disappearances, the Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions, the Special Rapporteur on the Right to Food, the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, the Special Rapporteur on Freedom of Religion or Belief, and the Special Rapporteur on Violence Against Women.

### TITLE II—ASSISTING NORTH KOREANS IN NEED

#### SEC. 201. REPORT ON UNITED STATES HUMANITARIAN ASSISTANCE.

(a) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, and in each of the 2 years thereafter, the Administrator of the United States Agency for International Development, in conjunction with the Secretary of State, shall submit to the appropriate congressional committees a report that describes—

(1) all activities to provide humanitarian assistance inside North Korea, and to North Koreans outside of North Korea, that receive United States funding;

(2) any improvements in humanitarian transparency, monitoring, and access inside North Korea during the previous 1-year period, including progress toward meeting the conditions identified in paragraphs (1) through (4) of section 202(b); and

(3) specific efforts to secure improved humanitarian transparency, monitoring, and access inside North Korea made by the United States and United States grantees, including the World Food Program, during the previous 1-year period.

(b) **FORM.**—The information required by subsection (a)(1) may be provided in classified form if necessary.

#### SEC. 202. ASSISTANCE PROVIDED INSIDE NORTH KOREA.

(a) **HUMANITARIAN ASSISTANCE THROUGH NONGOVERNMENTAL AND INTERNATIONAL ORGANIZATIONS.**—It is the sense of the Congress that—

(1) at the same time that Congress supports the provision of humanitarian assistance to the people of North Korea on humanitarian grounds, such assistance also should be provided and monitored so as to minimize the possibility that such assistance could be diverted to political or military use, and to maximize the likelihood that it will reach the most vulnerable North Koreans;

(2) significant increases above current levels of United States support for humanitarian assistance provided inside North Korea should be conditioned upon substantial improvements in transparency, monitoring, and access to vulnerable populations throughout North Korea; and

(3) the United States should encourage other countries that provide food and other humanitarian assistance to North Korea to do so through monitored, transparent channels, rather than through direct, bilateral transfers to the Government of North Korea.

(b) **HUMANITARIAN ASSISTANCE TO THE GOVERNMENT OF NORTH KOREA.**—No department, agency, or entity of the United States Government may provide humanitarian assistance to any department, agency, or entity of the Government of North Korea unless such United States Government department, agency, or entity certifies in writing to the appropriate congressional committees that the Government of North Korea has taken steps to ensure that—

(1) such assistance is delivered, distributed, and monitored according to internationally recognized humanitarian standards;

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

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

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

(c) NONHUMANITARIAN ASSISTANCE TO THE GOVERNMENT OF NORTH KOREA.—No department, agency, or entity of the United States Government may provide nonhumanitarian assistance to any department, agency, or entity of the Government of North Korea unless such United States Government department, agency, or entity certifies in writing to the appropriate congressional committees that the Government of North Korea has made substantial progress toward—

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

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

(3) fully disclosing all information regarding citizens of Japan and the Republic of Korea abducted by the Government of North Korea;

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

(5) significantly reforming its prison and labor camp system, and subjecting such reforms to independent international monitoring; and

(6) decriminalizing political expression and activity.

(d) WAIVER.—The President may waive the prohibition contained in subsection (b) or (c) if the President determines that it is in the national security interest of the United States to do so. Prior to exercising the waiver authority contained in the preceding sentence, the President shall transmit to the appropriate congressional committees a report that contains the determination of the President pursuant to the preceding sentence and a description of the assistance to be provided.

#### SEC. 203. ASSISTANCE PROVIDED OUTSIDE OF NORTH KOREA.

(a) ASSISTANCE.—The President is authorized to provide assistance to support organizations or persons that provide humanitarian assistance to North Koreans who are outside of North Korea without the permission of the Government of North Korea.

(b) TYPES OF ASSISTANCE.—Assistance provided under subsection (a) should be used to provide—

(1) humanitarian assistance to North Korean refugees, defectors, migrants, and orphans outside of North Korea, which may include support for refugee camps or temporary settlements; and

(2) humanitarian assistance to North Korean women outside of North Korea who are victims of trafficking, as defined in section 103(14) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(14)), or are in danger of being trafficked.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In addition to funds otherwise available for such purposes, there are authorized to be appropriated to the President \$20,000,000 for each of the fiscal years 2005 through 2008 to carry out this section.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

#### TITLE III—PROTECTING NORTH KOREAN REFUGEES

#### SEC. 301. UNITED STATES POLICY TOWARD REFUGEES AND DEFECTORS.

(a) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of State, in consultation with the heads of other appropriate Federal departments and agencies, shall submit to the ap-

propriate congressional committees and the Committees on the Judiciary of the House of Representatives and the Senate a report that describes the situation of North Korean refugees and explains United States Government policy toward North Korean nationals outside of North Korea.

(b) CONTENTS.—The report shall include—

(1) an assessment of the circumstances facing North Korean refugees and migrants in hiding, particularly in China, and of the circumstances they face if forcibly returned to North Korea;

(2) an assessment of whether North Koreans in China have effective access to personnel of the United Nations High Commissioner for Refugees, and of whether the Government of China is fulfilling its obligations under the 1951 Convention Relating to the Status of Refugees, particularly Articles 31, 32, and 33 of such Convention;

(3) an assessment of whether North Koreans presently have unobstructed access to United States refugee and asylum processing, and of United States policy toward North Koreans who may present themselves at United States embassies or consulates and request protection as refugees or asylum seekers and resettlement in the United States;

(4) the total number of North Koreans who have been admitted into the United States as refugees or asylees in each of the past five years;

(5) an estimate of the number of North Koreans with family connections to United States citizens; and

(6) a description of the measures that the Secretary of State is taking to carry out section 303.

(c) FORM.—The information required by paragraphs (1) through (5) of subsection (b) shall be provided in unclassified form. All or part of the information required by subsection (b)(6) may be provided in classified form, if necessary.

#### SEC. 302. ELIGIBILITY FOR REFUGEE OR ASYLUM CONSIDERATION.

(a) PURPOSE.—The purpose of this section is to clarify that North Koreans are not barred from eligibility for refugee status or asylum in the United States on account of any legal right to citizenship they may enjoy under the Constitution of the Republic of Korea. It is not intended in any way to prejudice whatever rights to citizenship North Koreans may enjoy under the Constitution of the Republic of Korea, or to apply to former North Korean nationals who have availed themselves of those rights.

(b) TREATMENT OF NATIONALS OF NORTH KOREA.—For purposes of eligibility for refugee status under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), or for asylum under section 208 of such Act (8 U.S.C. 1158), a national of the Democratic People's Republic of Korea shall not be considered a national of the Republic of Korea.

#### SEC. 303. FACILITATING SUBMISSION OF APPLICATIONS FOR ADMISSION AS A REFUGEE.

The Secretary of State shall undertake to facilitate the submission of applications under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) by citizens of North Korea seeking protection as refugees (as defined in section 101(a)(42) of such Act (8 U.S.C. 1101(a)(42))).

#### SEC. 304. UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES.

(a) ACTIONS IN CHINA.—It is the sense of Congress that—

(1) the Government of China has obligated itself to provide the United Nations High Commissioner for Refugees (UNHCR) with unimpeded access to North Koreans inside its borders to enable the UNHCR to deter-

mine whether they are refugees and whether they require assistance, pursuant to the 1951 United Nations Convention Relating to the Status of Refugees, the 1967 Protocol Relating to the Status of Refugees, and Article III, paragraph 5 of the 1995 Agreement on the Upgrading of the UNHCR Mission in the People's Republic of China to UNHCR Branch Office in the People's Republic of China (referred to in this section as the "UNHCR Mission Agreement");

(2) the United States, other UNHCR donor governments, and UNHCR should persistently and at the highest levels continue to urge the Government of China to abide by its previous commitments to allow UNHCR unimpeded access to North Korean refugees inside China;

(3) the UNHCR, in order to effectively carry out its mandate to protect refugees, should liberally employ as professionals or Experts on Mission persons with significant experience in humanitarian assistance work among displaced North Koreans in China;

(4) the UNHCR, in order to effectively carry out its mandate to protect refugees, should liberally contract with appropriate nongovernmental organizations that have a proven record of providing humanitarian assistance to displaced North Koreans in China;

(5) the UNHCR should pursue a multilateral agreement to adopt an effective "first asylum" policy that guarantees safe haven and assistance to North Korean refugees; and

(6) should the Government of China begin actively fulfilling its obligations toward North Korean refugees, all countries, including the United States, and relevant international organizations should increase levels of humanitarian assistance provided inside China to help defray costs associated with the North Korean refugee presence.

(b) ARBITRATION PROCEEDINGS.—It is further the sense of Congress that—

(1) if the Government of China continues to refuse to provide the UNHCR with access to North Koreans within its borders, the UNHCR should initiate arbitration proceedings pursuant to Article XVI of the UNHCR Mission Agreement and appoint an arbitrator for the UNHCR; and

(2) because access to refugees is essential to the UNHCR mandate and to the purpose of a UNHCR branch office, a failure to assert those arbitration rights in present circumstances would constitute a significant abdication by the UNHCR of one of its core responsibilities.

#### SEC. 305. ANNUAL REPORTS.

(a) IMMIGRATION INFORMATION.—Not later than 1 year after the date of the enactment of this Act, and every 12 months thereafter for each of the following 5 years, the Secretary of State and the Secretary of Homeland Security shall submit a joint report to the appropriate congressional committees and the Committees on the Judiciary of the House of Representatives and the Senate on the operation of this title during the previous year, which shall include—

(1) the number of aliens who are nationals or citizens of North Korea who applied for political asylum and the number who were granted political asylum; and

(2) the number of aliens who are nationals or citizens of North Korea who applied for refugee status and the number who were granted refugee status.

(b) COUNTRIES OF PARTICULAR CONCERN.—The President shall include in each annual report on proposed refugee admission pursuant to section 207(d) of the Immigration and Nationality Act (8 U.S.C. 1157(d)), information about specific measures taken to facilitate access to the United States refugee program for individuals who have fled countries

of particular concern for violations of religious freedom, identified pursuant to section 402(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6442(b)). The report shall include, for each country of particular concern, a description of access of the nationals or former habitual residents of that country to a refugee determination on the basis of—

(1) referrals by external agencies to a refugee adjudication;

(2) groups deemed to be of special humanitarian concern to the United States for purposes of refugee resettlement; and

(3) family links to the United States.

The SPEAKER pro tempore (Mr. OSE). Pursuant to the rule, the gentleman from Iowa (Mr. LEACH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa (Mr. LEACH).

#### GENERAL LEAVE

Mr. LEACH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4011, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. LEACH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, during the past 2½ years, the Subcommittee on Asia and the Pacific has received testimony from a number of North Koreans who have survived some of the greatest rigors of the human condition. Their accounts buttress the growing awareness that the people of North Korea have endured some of the most acute humanitarian traumas of our time.

Inside North Korea, they suffer at the hands of a totalitarian dynasty that permits no dissent and strictly curtails freedoms of speech, press, religion, and assembly. The regime maintains a brutal system of prison camps that house an estimated 200,000 political inmates who are subjected to slave labor, torture, and even lethal chemical experimentation. Since the collapse of the centralized agricultural system in the 1990s, more than 2 million North Koreans are estimated to have died of starvation.

North Koreans outside of North Korea are also uniquely vulnerable. Many thousands are hiding inside China, which currently refuses the U.N. High Commissioner for Refugees to evaluate and identify genuine refugees among the North Korean migrant population. China forcibly returns North Koreans to North Korea, where they routinely face imprisonment and torture and sometimes execution. Inside China, North Korean women and girls are particularly vulnerable to trafficking in sexual exploitation.

Provoked by these crises, this broadly bipartisan legislation aims to promote international cooperation on human rights and refugee protection, and increased transparency in the provision of humanitarian assistance to the people of North Korea.

On the human rights front, this bill underscores the importance of human rights issues in future negotiations with North Korea. It authorizes funds for programs to promote human rights, democracy, rule of law, a market economy, and freedom of information. It also urges additional North Korea-specific attention by appropriate U.N. human rights authorities.

On the humanitarian front, the bill authorizes increased funding for assistance to North Koreans outside of North Korea, including refugees, orphans, and trafficking victims. It endorses, but also seeks, greater transparency, for the delivery of U.S. humanitarian aid inside North Korea. Finally, it would condition direct assistance to the North Korean government on human rights and transparency benchmarks, but allows the President to waive those restrictions for national security purposes.

In terms of refugee protection, the bill requires a formal clarification of U.S. policy and affirms the eligibility of North Koreans to seek protection as refugees under U.S. law. It also urges the U.N. High Commissioner For Refugees to use all available means to gain access to North Koreans in China. Although the principal responsibility for North Korean refugee resettlement naturally falls to the government of South Korea, the United States should play a leadership role in focusing international attention on the plight of those refugees in formulating international solutions to their profound humanitarian dilemma.

I want to remove any danger that overseas audiences may misunderstand the intent or content of this bill. Allow me to state unequivocally, this legislation is a purely humanitarian endeavor. There are no hidden agendas. Indeed, the committee of jurisdiction is deeply indebted to the concerns expressed by thousands of American citizens of Korean descent who are convinced that for too long the international community has largely ignored the plight of their brethren in the North.

As explained in the report of the Committee on International Relations: "H.R. 4011 is motivated by a genuine desire for improvements in human rights, refugee protection, and humanitarian transparency. It is not a pretext for a hidden strategy to provoke regime collapse or to seek collateral advantage in ongoing strategic negotiations. While the legislation highlights numerous egregious abuses, the Congress remains willing to recognize progress in the future and hopes for such an opportunity."

Similarly, with regard to China, this bill is not solely critical; it is also aspirational. It makes clear that the United States and the international community stand ready to provide more assistance to help defray the costs associated with the North Korean migrant presence when China begins fulfilling its obligations as a party to

the 1951 U.N. Refugee Convention. We genuinely hope for that opportunity to arise.

I would like to thank my colleagues for their strong bipartisan endorsement of this bill. In particular, I would like to express my gratitude to the staff of the Committee on International Relations and Committee on the Judiciary, particularly Doug Anderson, for their expert consideration, and to the House leadership for promptly scheduling this important legislation.

Our distinguished ranking member, the gentleman from California (Mr. LANTOS); the distinguished ranking member of the subcommittee, the gentleman from American Samoa (Mr. FALEOMAVAEGA); the gentleman from New York (Mr. ACKERMAN); and the gentleman from California (Mr. BERMAN) of the minority are much appreciated, as is the leadership of the gentleman from New Jersey (Mr. SMITH), the gentleman from California (Mr. COX); and the gentleman from California (Mr. ROYCE) on the majority side.

Finally I would like to thank Senator BROWNBACK, whose leadership in the other body has both informed and helped inspire House action on these issues.

H.R. 4011 is a responsible, creative approach to an ongoing human tragedy and deserves our unanimous support.

Mr. Speaker, I include for the RECORD an exchange of letters between the gentleman from Illinois (Chairman HYDE) and the gentleman from Wisconsin (Chairman SENSENBRENNER) on the bill under discussion.

#### COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES,

Washington, DC, July 16, 2004.

Hon. F. JAMES SENSENBRENNER, Jr.,  
Chairman, Committee on the Judiciary, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN SENSENBRENNER: Thank you for your letter regarding H.R. 4011, the "North Korean Human Rights Act of 2004," which was primarily referred to the Committee on International Relations and additionally to the Committee on the Judiciary. This Committee ordered the bill reported favorably on March 31, 2004, and filed its report (H. Rept. No. 108-478, Part I) on May 4, 2004.

I concur that the Committee on the Judiciary has jurisdiction over the immigration provisions contained in Title III of the bill. I am grateful for the cooperation of the Committee on the Judiciary in crafting a mutually agreeable compromise text. Based on these discussions, the manager's amendment which the Committee will call up under suspension of the rules will be the text attached to your letter.

I appreciate your willingness to waive further consideration of the bill in the Committee on the Judiciary. I concur that in taking this action your Committee's jurisdiction over the bill is in no way diminished or altered. I will, as you request, include this exchange of letters in the Congressional Record during consideration of the legislation on the House floor.

I appreciate your cooperation in this matter.

Sincerely,

HENRY J. HYDE,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, July 15, 2004.

Hon. HENRY HYDE,  
Chairman, Committee on International Relations,  
House of Representatives, Washington, DC.

DEAR CHAIRMAN HYDE: I am writing regarding H.R. 4011, the "North Korean Human Rights Act of 2004" which was referred primarily to the Committee on International Relations and additionally to the Committee on the Judiciary. The Committee on International Relations reported the bill favorably on May 4, 2004. H. Rept. No. 108-478, Part I. The Committee on the Judiciary's secondary referral is currently scheduled to expire on July 16, 2004.

I had significant concerns about the immigration provisions contained in Title III on the bill as introduced which fall within the Rule X jurisdiction of the Committee on the Judiciary. My staff has had discussions with yours, and they have reached a mutually agreeable compromise to resolve these concerns. A copy of the compromise language is attached. I understand that through staff discussions you have indicated your willingness to take the bill to the floor under suspension of the rules and use the attached compromise language as the manager's amendment when you do so.

Based on your agreement to follow this course, I agree to waive further consideration of the bill in the Committee on the Judiciary so that the bill may proceed to the floor. The Committee on the Judiciary takes this action with the understanding that the Committee's jurisdiction over the bill is in no way diminished or altered. I would appreciate your including this letter and your response in the Congressional Record during consideration of the legislation on the House floor.

I appreciate your cooperation in this matter.

Sincerely,  
F. JAMES SENSENBRENNER, JR.,  
Chairman.

H.R. 4011

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "North Korean Human Rights Act of 2004".

#### SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Findings.
- Sec. 4. Purposes.
- Sec. 5. Definitions.

#### TITLE I—PROMOTING THE HUMAN RIGHTS OF NORTH KOREANS

- Sec. 101. Sense of Congress regarding negotiations with North Korea.
- Sec. 102. Support for human rights and democracy programs.
- Sec. 103. Radio broadcasting to North Korea.
- Sec. 104. Actions to promote freedom of information.
- Sec. 105. United Nations Commission on Human Rights.

#### TITLE II—ASSISTING NORTH KOREANS IN NEED

- Sec. 201. Report on United States humanitarian assistance.
- Sec. 202. Assistance provided inside North Korea.
- Sec. 203. Assistance provided outside of North Korea.

#### TITLE III—PROTECTING NORTH KOREAN REFUGEES

- Sec. 301. United States policy toward refugees and defectors.

Sec. 302. Eligibility for refugee or asylum consideration.

Sec. 303. Facilitating submission of applications for admission as a refugee.

Sec. 304. United Nations High Commissioner for Refugees.

Sec. 305. Annual reports.

#### SEC. 3. FINDINGS.

Congress makes the following findings:

(1) According to the Department of State, the Government of North Korea is "a dictatorship under the absolute rule of Kim Jong Il" that continues to commit numerous, serious human rights abuses.

(2) The Government of North Korea attempts to control all information, artistic expression, academic works, and media activity inside North Korea and strictly curtails freedom of speech and access to foreign broadcasts.

(3) The Government of North Korea subjects all its citizens to systematic, intensive political and ideological indoctrination in support of the cult of personality glorifying Kim Jong Il and the late Kim Il Sung that approaches the level of a state religion.

(4) The Government of North Korea divides its population into categories, based on perceived loyalty to the leadership, which determines access to food, employment, higher education, place of residence, medical facilities, and other resources.

(5) According to the Department of State, "[t]he [North Korean] Penal Code is [d]raconian, stipulating capital punishment and confiscation of assets for a wide variety of 'crimes against the revolution,' including defection, attempted defection, slander of the policies of the Party or State, listening to foreign broadcasts, writing 'reactionary' letters, and possessing reactionary printed matter".

(6) The Government of North Korea executes political prisoners, opponents of the regime, some repatriated defectors, some members of underground churches, and others, sometimes at public meetings attended by workers, students, and schoolchildren.

(7) The Government of North Korea holds an estimated 200,000 political prisoners in camps that its State Security Agency manages through the use of forced labor, beatings, torture, and executions, and in which many prisoners also die from disease, starvation, and exposure.

(8) According to eyewitness testimony provided to the United States Congress by North Korean camp survivors, camp inmates have been used as sources of slave labor for the production of export goods, as targets for martial arts practice, and as experimental victims in the testing of chemical and biological poisons.

(9) According to credible reports, including eyewitness testimony provided to the United States Congress, North Korean Government officials prohibit live births in prison camps, and forced abortion and the killing of newborn babies are standard prison practices.

(10) According to the Department of State, "[g]enuine religious freedom does not exist in North Korea" and, according to the United States Commission on International Religious Freedom, "[t]he North Korean state severely represses public and private religious activities" with penalties that reportedly include arrest, imprisonment, torture, and sometimes execution.

(11) More than 2,000,000 North Koreans are estimated to have died of starvation since the early 1990s because of the failure of the centralized agricultural and public distribution systems operated by the Government of North Korea.

(12) According to a 2002 United Nations-European Union survey, nearly one out of every

ten children in North Korea suffers from acute malnutrition and four out of every ten children in North Korea are chronically malnourished.

(13) Since 1995, the United States has provided more than 2,000,000 tons of humanitarian food assistance to the people of North Korea, primarily through the World Food Program.

(14) Although United States food assistance has undoubtedly saved many North Korean lives and there have been minor improvements in transparency relating to the distribution of such assistance in North Korea, the Government of North Korea continues to deny the World Food Program forms of access necessary to properly monitor the delivery of food aid, including the ability to conduct random site visits, the use of native Korean-speaking employees, and travel access throughout North Korea.

(15) The risk of starvation, the threat of persecution, and the lack of freedom and opportunity in North Korea have caused large numbers, perhaps even hundreds of thousands, of North Koreans to flee their homeland, primarily into China.

(16) North Korean women and girls, particularly those who have fled into China, are at risk of being kidnapped, trafficked, and sexually exploited inside China, where many are sold as brides or concubines, or forced to work as prostitutes.

(17) The Governments of China and North Korea have been conducting aggressive campaigns to locate North Koreans who are in China without permission and to forcibly return them to North Korea, where they routinely face torture and imprisonment, and sometimes execution.

(18) Despite China's obligations as a party to the 1951 United Nations Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees, China routinely classifies North Koreans seeking asylum in China as mere "economic migrants" and returns them to North Korea without regard to the serious threat of persecution they face upon their return.

(19) The Government of China does not provide North Koreans whose asylum requests are rejected a right to have the rejection reviewed prior to deportation despite its obligations under the 1951 United Nations Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees.

(20) North Koreans who seek asylum while in China are routinely imprisoned and tortured, and in some cases killed, after they are returned to North Korea.

(21) The Government of China has detained, convicted, and imprisoned foreign aid workers attempting to assist North Korean refugees, including the Reverend Choi Bong Il, in proceedings that did not comply with Chinese law or international standards.

(22) In January 2000, North Korean agents inside China allegedly abducted the Reverend Kim Dong-shik, a United States permanent resident and advocate for North Korean refugees, whose condition and whereabouts remain unknown.

(23) Between 1994 and 2003, South Korea has admitted approximately 3,800 North Korean refugees for domestic resettlement, a number small in comparison with the total number of North Korean escapees, but far greater than the number legally admitted by any other country.

(24) Although the principal responsibility for North Korean refugee resettlement naturally falls to the Government of South Korea, the United States should play a leadership role in focusing international attention on the plight of these refugees, formulating international solutions to that profound humanitarian dilemma.

(25) In addition to infringing the rights of its own citizens, the Government of North Korea has been responsible in years past for the abduction of numerous citizens of South Korea and Japan, whose condition and whereabouts remain unknown.

#### SEC. 4. PURPOSES.

The purposes of this Act are—

(1) to promote respect for and protection of fundamental human rights in North Korea;

(2) to promote a more durable humanitarian solution to the plight of North Korean refugees;

(3) to promote increased monitoring, access, and transparency in the provision of humanitarian assistance inside North Korea;

(4) to promote the free flow of information into and out of North Korea; and

(5) to promote progress toward the peaceful reunification of the Korean peninsula under a democratic system of government.

#### SEC. 5. DEFINITIONS.

In this Act:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the Committee on International Relations of the House of Representatives; and

(B) the Committee on Foreign Relations of the Senate.

(2) **CHINA.**—The term “China” means the People’s Republic of China.

(3) **HUMANITARIAN ASSISTANCE.**—The term “humanitarian assistance” means assistance to meet humanitarian needs, including needs for food, medicine, medical supplies, clothing, and shelter.

(4) **NORTH KOREA.**—The term “North Korea” means the Democratic People’s Republic of Korea.

(5) **NORTH KOREANS.**—The term “North Koreans” means persons who are citizens or nationals of North Korea.

(6) **SOUTH KOREA.**—The term “South Korea” means the Republic of Korea.

### TITLE I—PROMOTING THE HUMAN RIGHTS OF NORTH KOREANS

#### SEC. 101. SENSE OF CONGRESS REGARDING NEGOTIATIONS WITH NORTH KOREA.

It is the sense of Congress that the human rights of North Koreans should remain a key element in future negotiations between the United States, North Korea, and other concerned parties in Northeast Asia.

#### SEC. 102. SUPPORT FOR HUMAN RIGHTS AND DEMOCRACY PROGRAMS.

(a) **SUPPORT.**—The President is authorized to provide grants to private, nonprofit organizations to support programs that promote human rights, democracy, rule of law, and the development of a market economy in North Korea. Such programs may include appropriate educational and cultural exchange programs with North Korean participants, to the extent not otherwise prohibited by law.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There are authorized to be appropriated to the President \$2,000,000 for each of the fiscal years 2005 through 2008 to carry out this section.

(2) **AVAILABILITY.**—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

#### SEC. 103. RADIO BROADCASTING TO NORTH KOREA.

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that the United States should facilitate the unhindered dissemination of information in North Korea by increasing its support for radio broadcasting to North Korea, and that the Broadcasting Board of Governors should increase broadcasts to North Korea from current levels, with a goal of providing 12-hour-per-day broadcasting to North Korea, including broadcasts by Radio Free Asia and Voice of America.

(b) **REPORT.**—Not later than 120 days after the date of the enactment of this Act, the Broadcasting Board of Governors shall submit to the appropriate congressional committees a report that—

(1) describes the status of current United States broadcasting to North Korea; and

(2) outlines a plan for increasing such broadcasts to 12 hours per day, including a detailed description of the technical and fiscal requirements necessary to implement the plan.

#### SEC. 104. ACTIONS TO PROMOTE FREEDOM OF INFORMATION.

(a) **ACTIONS.**—The President is authorized to take such actions as may be necessary to increase the availability of information inside North Korea by increasing the availability of sources of information not controlled by the Government of North Korea, including sources such as radios capable of receiving broadcasting from outside North Korea.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There are authorized to be appropriated to the President \$2,000,000 for each of the fiscal years 2005 through 2008 to carry out subsection (a).

(2) **AVAILABILITY.**—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

(c) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, and in each of the 3 years thereafter, the Secretary of State, after consultation with the heads of other appropriate Federal departments and agencies, shall submit to the appropriate congressional committees a report, in classified form, on actions taken pursuant to this section.

#### SEC. 105. UNITED NATIONS COMMISSION ON HUMAN RIGHTS.

It is the sense of Congress that the United Nations has a significant role to play in promoting and improving human rights in North Korea, and that—

(1) the United Nations Commission on Human Rights (UNCHR) has taken positive steps by adopting Resolution 2003/10 and Resolution 2004/13 on the situation of human rights in North Korea, and particularly by requesting the appointment of a Special Rapporteur on the situation of human rights in North Korea; and

(2) the severe human rights violations within North Korea warrant country-specific attention and reporting by the United Nations Working Group on Arbitrary Detention, the Working Group on Enforced and Involuntary Disappearances, the Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions, the Special Rapporteur on the Right to Food, the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, the Special Rapporteur on Freedom of Religion or Belief, and the Special Rapporteur on Violence Against Women.

### TITLE II—ASSISTING NORTH KOREANS IN NEED

#### SEC. 201. REPORT ON UNITED STATES HUMANITARIAN ASSISTANCE.

(a) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, and in each of the 2 years thereafter, the Administrator of the United States Agency for International Development, in conjunction with the Secretary of State, shall submit to the appropriate congressional committees a report that describes—

(1) all activities to provide humanitarian assistance inside North Korea, and to North Koreans outside of North Korea, that receive United States funding;

(2) any improvements in humanitarian transparency, monitoring, and access inside

North Korea during the previous 1-year period, including progress toward meeting the conditions identified in paragraphs (1) through (4) of section 202(b); and

(3) specific efforts to secure improved humanitarian transparency, monitoring, and access inside North Korea made by the United States and United States grantees, including the World Food Program, during the previous 1-year period.

(b) **FORM.**—The information required by subsection (a)(1) may be provided in classified form if necessary.

#### SEC. 202. ASSISTANCE PROVIDED INSIDE NORTH KOREA.

(a) **HUMANITARIAN ASSISTANCE THROUGH NONGOVERNMENTAL AND INTERNATIONAL ORGANIZATIONS.**—It is the sense of the Congress that—

(1) at the same time that Congress supports the provision of humanitarian assistance to the people of North Korea on humanitarian grounds, such assistance also should be provided and monitored so as to minimize the possibility that such assistance could be diverted to political or military use, and to maximize the likelihood that it will reach the most vulnerable North Koreans;

(2) significant increases above current levels of United States support for humanitarian assistance provided inside North Korea should be conditioned upon substantial improvements in transparency, monitoring, and access to vulnerable populations throughout North Korea; and

(3) the United States should encourage other countries that provide food and other humanitarian assistance to North Korea to do so through monitored, transparent channels, rather than through direct, bilateral transfers to the Government of North Korea.

(b) **HUMANITARIAN ASSISTANCE TO THE GOVERNMENT OF NORTH KOREA.**—No department, agency, or entity of the United States Government may provide humanitarian assistance to any department, agency, or entity of the Government of North Korea unless such United States Government department, agency, or entity certifies in writing to the appropriate congressional committees that the Government of North Korea has taken steps to ensure that—

(1) such assistance is delivered, distributed, and monitored according to internationally recognized humanitarian standards;

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

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

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

(c) **NONHUMANITARIAN ASSISTANCE TO THE GOVERNMENT OF NORTH KOREA.**—No department, agency, or entity of the United States Government may provide nonhumanitarian assistance to any department, agency, or entity of the Government of North Korea unless such United States Government department, agency, or entity certifies in writing to the appropriate congressional committees that the Government of North Korea has made substantial progress toward—

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

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

(3) fully disclosing all information regarding citizens of Japan and the Republic of Korea abducted by the Government of North Korea;

(4) allowing such abductees, along with their families, complete and genuine freedom



to leave North Korea and return to the abductees' original home countries;

(5) significantly reforming its prison and labor camp system, and subjecting such reforms to independent international monitoring; and

(6) decriminalizing political expression and activity.

(d) **WAIVER.**—The President may waive the prohibition contained in subsection (b) or (c) if the President determines that it is in the national security interest of the United States to do so. Prior to exercising the waiver authority contained in the preceding sentence, the President shall transmit to the appropriate congressional committees a report that contains the determination of the President pursuant to the preceding sentence and a description of the assistance to be provided.

#### **SEC. 203. ASSISTANCE PROVIDED OUTSIDE OF NORTH KOREA.**

(a) **ASSISTANCE.**—The President is authorized to provide assistance to support organizations or persons that provide humanitarian assistance to North Koreans who are outside of North Korea without the permission of the Government of North Korea.

(b) **TYPES OF ASSISTANCE.**—Assistance provided under subsection (a) should be used to provide—

(1) humanitarian assistance to North Korean refugees, defectors, migrants, and orphans outside of North Korea, which may include support for refugee camps or temporary settlements; and

(2) humanitarian assistance to North Korean women outside of North Korea who are victims of trafficking, as defined in section 103(14) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(14)), or are in danger of being trafficked.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—In addition to funds otherwise available for such purposes, there are authorized to be appropriated to the President \$20,000,000 for each of the fiscal years 2005 through 2008 to carry out this section.

(2) **AVAILABILITY.**—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

### **TITLE III—PROTECTING NORTH KOREAN REFUGEES**

#### **SEC. 301. UNITED STATES POLICY TOWARD REFUGEES AND DEFECTORS.**

(a) **REPORT.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of State, in consultation with the heads of other appropriate Federal departments and agencies, shall submit to the appropriate congressional committees and the Committees on the Judiciary of the House of Representatives and the Senate a report that describes the situation of North Korean refugees and explains United States Government policy toward North Korean nationals outside of North Korea.

(b) **CONTENTS.**—The report shall include—

(1) an assessment of the circumstances facing North Korean refugees and migrants in hiding, particularly in China, and of the circumstances they face if forcibly returned to North Korea;

(2) an assessment of whether North Koreans in China have effective access to personnel of the United Nations High Commissioner for Refugees, and of whether the Government of China is fulfilling its obligations under the 1951 Convention Relating to the Status of Refugees, particularly Articles 31, 32, and 33 of such Convention;

(3) an assessment of whether North Koreans presently have unobstructed access to United States refugee and asylum processing, and of United States policy toward North Koreans who may present themselves

at United States embassies or consulates and request protection as refugees or asylum seekers and resettlement in the United States;

(4) the total number of North Koreans who have been admitted into the United States as refugees or asylees in each of the past five years;

(5) an estimate of the number of North Koreans with family connections to United States citizens; and

(6) a description of the measures that the Secretary of State is taking to carry out section 303.

(c) **FORM.**—The information required by paragraphs (1) through (5) of subsection (b) shall be provided in unclassified form. All or part of the information required by subsection (b)(6) may be provided in classified form, if necessary.

#### **SEC. 302. ELIGIBILITY FOR REFUGEE OR ASYLUM CONSIDERATION.**

(a) **PURPOSE.**—The purpose of this section is to clarify that North Koreans are not barred from eligibility for refugee status or asylum in the United States on account of any legal right to citizenship they may enjoy under the Constitution of the Republic of Korea. It is not intended in any way to prejudice whatever rights to citizenship North Koreans may enjoy under the Constitution of the Republic of Korea, or to apply to former North Korean nationals who have availed themselves of those rights.

(b) **TREATMENT OF NATIONALS OF NORTH KOREA.**—For purposes of eligibility for refugee status under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), or for asylum under section 208 of such Act (8 U.S.C. 1158), a national of the Democratic People's Republic of Korea shall not be considered a national of the Republic of Korea.

#### **SEC. 303. FACILITATING SUBMISSION OF APPLICATIONS FOR ADMISSION AS A REFUGEE.**

The Secretary of State shall undertake to facilitate the submission of applications under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) by citizens of North Korea seeking protection as refugees (as defined in section 101(a)(42) of such Act (8 U.S.C. 1101(a)(42))).

#### **SEC. 304. UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES.**

(a) **ACTIONS IN CHINA.**—It is the sense of Congress that—

(1) the Government of China has obligated itself to provide the United Nations High Commissioner for Refugees (UNHCR) with unimpeded access to North Koreans inside its borders to enable the UNHCR to determine whether they are refugees and whether they require assistance, pursuant to the 1951 United Nations Convention Relating to the Status of Refugees, the 1967 Protocol Relating to the Status of Refugees, and Article III, paragraph 5 of the 1995 Agreement on the Upgrading of the UNHCR Mission in the People's Republic of China to UNHCR Branch Office in the People's Republic of China (referred to in this section as the "UNHCR Mission Agreement");

(2) the United States, other UNHCR donor governments, and UNHCR should persistently and at the highest levels continue to urge the Government of China to abide by its previous commitments to allow UNHCR unimpeded access to North Korean refugees inside China;

(3) the UNHCR, in order to effectively carry out its mandate to protect refugees, should liberally employ as professionals or Experts on Mission persons with significant experience in humanitarian assistance work among displaced North Koreans in China;

(4) the UNHCR, in order to effectively carry out its mandate to protect refugees,

should liberally contract with appropriate nongovernmental organizations that have a proven record of providing humanitarian assistance to displaced North Koreans in China;

(5) the UNHCR should pursue a multilateral agreement to adopt an effective "first asylum" policy that guarantees safe haven and assistance to North Korean refugees; and

(6) should the Government of China begin actively fulfilling its obligations toward North Korean refugees, all countries, including the United States, and relevant international organizations should increase levels of humanitarian assistance provided inside China to help defray costs associated with the North Korean refugee presence.

(b) **ARBITRATION PROCEEDINGS.**—It is further the sense of Congress that—

(1) if the Government of China continues to refuse to provide the UNHCR with access to North Koreans within its borders, the UNHCR should initiate arbitration proceedings pursuant to Article XVI of the UNHCR Mission Agreement and appoint an arbitrator for the UNHCR; and

(2) because access to refugees is essential to the UNHCR mandate and to the purpose of a UNHCR branch office, a failure to assert those arbitration rights in present circumstances would constitute a significant abdication by the UNHCR of one of its core responsibilities.

#### **SEC. 305. ANNUAL REPORTS.**

(a) **IMMIGRATION INFORMATION.**—Not later than 1 year after the date of the enactment of this Act, and every 12 months thereafter for each of the following 5 years, the Secretary of State and the Secretary of Homeland Security shall submit a joint report to the appropriate congressional committees and the Committees on the Judiciary of the House of Representatives and the Senate on the operation of this title during the previous year, which shall include—

(1) the number of aliens who are nationals or citizens of North Korea who applied for political asylum and the number who were granted political asylum; and

(2) the number of aliens who are nationals or citizens of North Korea who applied for refugee status and the number who were granted refugee status.

(b) **COUNTRIES OF PARTICULAR CONCERN.**—The President shall include in each annual report on proposed refugee admission pursuant to section 207(d) of the Immigration and Nationality Act (8 U.S.C. 1157(d)), information about specific measures taken to facilitate access to the United States refugee program for individuals who have fled countries of particular concern for violations of religious freedom, identified pursuant to section 402(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6442(b)). The report shall include, for each country of particular concern, a description of access of the nationals or former habitual residents of that country to a refugee determination on the basis of—

(1) referrals by external agencies to a refugee adjudication;

(2) groups deemed to be of special humanitarian concern to the United States for purposes of refugee resettlement; and

(3) family links to the United States.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I strongly support this legislation. I urge all of my colleagues to do so as well.

I would first like to commend my dear friend and distinguished colleague, the gentleman from Iowa (Mr.

LEACH), for his introduction of the North Korean Human Rights Act; and I want to thank my good friend, the gentleman from American Samoa (Mr. FALEOMAVAEGA), for his hard work on this bill as well.

Mr. Speaker, United States policy towards North Korea has been an important item on the foreign policy agenda for over a decade, stretching through both the Clinton and the Bush administrations. Given the threat to the United States and to our key allies posed by North Korea's pursuit of weapons of mass destruction, the focus of our diplomatic resources has correctly been on ending the destabilizing nuclear and missile programs of North Korea.

While it is inevitable that security matters will remain at the heart of our dialogue regarding North Korea, I am very much concerned that the United States has paid insufficient attention to the human rights situation in the North and the humanitarian consequences of the horrendous misrule by North Korea's leadership.

Mr. Speaker, the legislation before the House is designed to correct this imbalance. The North Korean Human Rights Act will ensure that the United States does not fail to tackle North Korea's appalling human rights record as we attempt to resolve our differences with the North.

As we know all too well, the human rights situation in North Korea is one of the world's worst. Over a decade, a vast number of North Korean citizens starved to death because of their government's gross incompetence, while the North Korean leadership dined on sushi flown in fresh from Japan. Hundreds of thousands of citizens languish in brutal North Korean gulags with no hope of release.

The political system itself is Stalinist to the core. No elections. No freedom of the press. No freedom of assembly. No words of dissent. No criticism of the government or of North Korean leader Kim Jong Il.

In short, Mr. Speaker, the North Korean people have no hope of changing their government unless the international community stands up for human rights and democracy in the North and continues to push the North aggressively for change.

The misrule in the North has also created a significant refugee situation in Northeastern China. Hundreds of thousands of North Koreans have fled to China in hopes of gaining their freedom. The Chinese Government has refused to treat these North Koreans as refugees, and many have been pushed back over the border to a most uncertain fate.

It is critically important that the U.N. High Commissioner for Refugees have access to this floating population, and that North Korean refugees be treated appropriately.

Mr. Speaker, the legislation before us tackles all of these important subjects. It will direct that human rights remain

on the negotiating table with the North. It demands better accountability for international food aid to North Korea. It encourages a solution on the North Korean refugee issue in China. And it attempts to increase American broadcasting into North Korea.

This bill is exceptionally well researched and well-crafted, and I strongly support its passage.

Mr. Speaker, I yield back the balance of my time.

Mr. LEACH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, briefly, in conclusion, let me just stress that the circumstances in North Korea have provoked one of the great humanitarian tragedies of our time. It is understandable that there are so many refugees, understandable that so many people have voted with their feet to seek greater opportunity in neighboring countries like China, like Mongolia.

But this Congress is simply trying, in a humanitarian way, to deal with that circumstance. We are not trying to express any geopolitical strategy, other than to help people that need our assistance.

Beyond that, I would say that there is strong bipartisan support, I think I can say that, for the administration trying to work as carefully as possible on the geostrategic issues in the six-party context, but this bill is about humanitarian issues and nothing else.

Mr. Speaker, I urge this Congress to take a unanimous vote on this subject.

Mr. ROYCE. Mr. Speaker, I rise in support of H.R. 4011, the North Korea Human Rights Act, of which I am an original cosponsor.

The human rights conditions in North Korea are abysmal. As we know, the North Korean regime apports and withholds resources based on perceived citizen loyalty to the regime. From 1994 to 1998 at least two million North Koreans perished from starvation and related diseases, while nearly 50 percent of all North Korean children are malnourished to the point that it threatens their physical and mental health.

This dire situation has forced many North Koreans to risk life and limb to flee into China. As many as 300,000 North Korean refugees are hiding in the Chinese countryside. Chinese authorities continue an aggressive crackdown—actively hunting down North Korean refugees and forcibly repatriating them to North Korea. Once returned to North Korea, they face torture, imprisonment, and even execution.

The International Relations Subcommittee on Asia has held hearings on North Korea's human rights abuses, where we have heard testimony from North Korean defectors. Ms. Lee, a former North Korean party official, described life in a North Korean gulag. She said, "A prisoner has no right to talk, laugh, sing or look in a mirror. Prisoners must kneel down on the ground and keep their heads down deeply whenever called by a guard. They can say nothing except to answer questions when asked. Prisoners have to work as slaves for up to 18 hours a day. Repeated failure to meet the work quotas means a week's time in a punishment cell. A prisoner must give up

their human worth." She also told us, with the help of simple—yet shocking—illustrations, about chemical weapons tests and other atrocities that she witnessed which were performed on prisoners.

Unfortunately, this grim reality has been glossed over. This bill is an important statement as to how the United States Congress views the situation in North Korea. It is also the moral policy given the horrendous human rights condition north of the border.

In order to ensure his survival, Kim Jong Il tries to keep an iron grip on all information in North Korea. Control of information is absolutely crucial—because the system is based on lies. The propaganda is so great, that defectors actually report that they believed that their impoverished country was wealthier than South Korea. U.S. backed Radio Free Asia is countering this propaganda, bringing objective news to the North Korean people. Surveys indicate that North Korean defectors are listening to RFA's broadcasts.

That is why this bill calls for the increase of radio broadcasts into North Korea to twelve hours per day. And because of the problem of access to suitable radios in North Korea, the legislation requests a report detailing the steps the U.S. government is taking to increase the availability of information inside North Korea—including the provision of radios—to maximize North Koreans access to foreign broadcasts like Radio Free Asia.

Whatever one's views on how to handle the North Korea challenge, I believe that there is a strong consensus to bring about change in North Korea. Mr. Speaker, as you know, the concept here is to do as we did with Eastern Europe—flooding repressed people with broadcasts from Radio Free Europe. When we talk with Lech Walesa and Vaclav Havel, they tell us that the biggest factor in changing attitudes behind the Iron Curtain was the ability to listen to Radio Free Europe's broadcasts.

This legislation is a responsible initiative to promote human rights, refugee protection, and increased transparency in the delivery of humanitarian aid to the North Korean people. It deserves our support.

Mr. LEACH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and pass the bill, H.R. 4011, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### URGING GOVERNMENT OF BELARUS TO ENSURE DEMOCRATIC, TRANSPARENT, AND FAIR ELECTION PROCESS

Mr. LEACH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 652) urging the Government of the Republic of Belarus to ensure a democratic, transparent, and fair election process for its parliamentary elections in the fall of 2004.

The Clerk read as follows:

H. RES. 652

Whereas the establishment of a democratic, transparent, and fair election process