

Ruppersberger	Smith (MI)	Vitter
Rush	Sweeney	Wamp
Sandlin	Tauzin	Watson
Scott (GA)	Taylor (NC)	Watt
Shadegg	Terry	Weldon (PA)
Shaw	Toomey	Young (AK)
Shays	Towns	
Shimkus	Turner (OH)	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 5 minutes remain in this vote.

□ 1910

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent this evening from this chamber. I would like the RECORD to show that, had I been present, I would have voted "yea" on rollcall votes 487, 488, and 489.

PERSONAL EXPLANATION

Mr. BURTON of Indiana. Mr. Speaker, I was regrettably delayed in my return to Washington, DC and therefore unable to be on the House Floor for rollcall votes 487, 488, and 489. Had I been here I would have voted "aye" for rollcall vote 487, and "aye" for rollcall vote 488.

In addition, I would have somewhat reluctantly voted "aye" for rollcall vote 489.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations:

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,

Washington, DC, September 30, 2004.

Hon. J. DENNIS HASTERT,
Speaker of the House,
H232 Capitol, Washington, DC.

DEAR MR. SPEAKER: Enclosed are copies of resolutions adopted on September 29, 2004 by the Committee on Transportation and Infrastructure. Copies of the resolutions are being transmitted to the Department of the Army.

Sincerely,

DON YOUNG,
Chairman.

Enclosures.

RESOLUTION—DOCKET 2734, CUYAHOGA RIVER & TRIBUTARIES, SUMMIT COUNTY, OHIO

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army, is requested to review the report on the Cuyahoga River published in June 1975 entitled, "Second Interim Preliminary Feasibility Report on Cuyahoga River Flood Control Study," other pertinent

reports to determine whether modifications to the recommendations contained therein are advisable at the present time in the interest of water quality, environmental restoration and protection, recreation, flood damage reduction and other related purposes within the Cities of Hudson, Munroe Falls, and Cuyahoga Falls, as well as Silver Lake Villager in Summit County, Ohio.

RESOLUTION—DOCKET 2735, GUAYANES RIVER, YABUOCA, PUERTO RICO

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested pursuant to Section 204 of the Flood Control Act of 1970, P.L. 91-611, to survey the Guayanes River in the Yabucoa Valley, Puerto Rico, in the interest of providing improvements for urban flood damage reduction and other related purposes.

RESOLUTION—DOCKET 2736, GLEN JEAN, WEST VIRGINIA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Ohio River and Tributaries, Pennsylvania, Ohio and West Virginia published as House Document No. 306, Seventy-fourth Congress, 1st Session, and other pertinent reports to determine whether modifications to the recommendations contained therein are advisable at the present time in the interest of flood damage reduction and related purposes in the community of Glen Jean, West Virginia and its vicinity.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken tomorrow.

NORTH KOREAN HUMAN RIGHTS ACT OF 2004

Mr. LEACH. Madam Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 4011) to promote human rights and freedom in the Democratic Republic of Korea, and for other purposes.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

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.

Sec. 106. Establishment of regional framework.

Sec. 107. Special Envoy on Human Rights in North Korea.

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 [draconian, 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 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 that is small in comparison with the total number of North Korean escapees but far greater than the number legally admitted in 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 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.

SEC. 106. ESTABLISHMENT OF REGIONAL FRAMEWORK.

(a) **FINDINGS.**—The Congress finds that human rights initiatives can be undertaken on a multilateral basis, such as the Organization for Security and Cooperation in Europe (OSCE), which established a regional framework for discussing human rights, scientific and educational cooperation, and economic and trade issues.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that the United States should explore the possibility of a regional human rights dialogue with North Korea that is modeled on the Helsinki process, engaging all countries in the region in a common commitment to respect human rights and fundamental freedoms.

SEC. 107. SPECIAL ENVOY ON HUMAN RIGHTS IN NORTH KOREA.

(a) **SPECIAL ENVOY.**—The President shall appoint a special envoy for human rights in North Korea within the Department of State (hereafter in this section referred to as the “Special Envoy”). The Special Envoy should be a person of recognized distinction in the field of human rights.

(b) **CENTRAL OBJECTIVE.**—The central objective of the Special Envoy is to coordinate and promote efforts to improve respect for the fundamental human rights of the people of North Korea.

(c) **DUTIES AND RESPONSIBILITIES.**—The Special Envoy shall—

(1) engage in discussions with North Korean officials regarding human rights;

(2) support international efforts to promote human rights and political freedoms in North Korea, including coordination and dialogue between the United States and the United Nations, the European Union, North Korea, and the other countries in Northeast Asia;

(3) consult with non-governmental organizations who have attempted to address human rights in North Korea;

(4) make recommendations regarding the funding of activities authorized in section 102;

(5) review strategies for improving protection of human rights in North Korea, including technical training and exchange programs; and

(6) develop an action plan for supporting implementation of the United Nations Commission on Human Rights Resolution 2004/13.

(d) **REPORT ON ACTIVITIES.**—Not later than 180 days after the date of the enactment of this Act, and annually for the subsequent 5 year-period, the Special Envoy shall submit to the appropriate congressional committees a report on the activities undertaken in the preceding 12 months under subsection (c).

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 NON-GOVERNMENTAL 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 as-

sistance 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) **UNITED STATES ASSISTANCE TO THE GOVERNMENT OF NORTH KOREA.**—It is the sense of Congress that—

(1) United States humanitarian assistance to any department, agency, or entity of the Government of North Korea shall—

(A) be delivered, distributed, and monitored according to internationally recognized humanitarian standards;

(B) be provided on a needs basis, and not used as a political reward or tool of coercion;

(C) reach the intended beneficiaries, who should be informed of the source of the assistance; and

(D) be made available to all vulnerable groups in North Korea, no matter where in the country they may be located; and

(2) United States nonhumanitarian assistance to North Korea shall be contingent on North Korea's substantial progress toward—

(A) respect for the basic human rights of the people of North Korea, including freedom of religion;

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

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

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

(E) reforming the North Korean prison and labor camp system, and subjecting such reforms to independent international monitoring; and

(F) decriminalizing political expression and activity.

(c) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Agency for International Development shall submit to the appropriate congressional committees a report describing compliance with this section.

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 re-

port 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. Pursuant to the rule, the gentleman from Iowa (Mr. LEACH) and the gentleman from Florida (Mr. WEXLER) each will control 20 minutes.

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

GENERAL LEAVE

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

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

There was no objection.

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

Madam Speaker, I rise in support of H.R. 4011, the North Korean Human Rights Act of 2004. As approved unanimously by the Senate last week, the bill contains three modest changes from the text passed by this body in July. First it expresses the sense of Congress that the United States should explore the possibility of a regional dialogue on human rights with North Korea. Second, it mandates the appointment of a special envoy on human rights in North Korea within the State Department. Finally, it enhances the discretion of the executive branch by recasting conditions on assistance to the North Korean government as a sense of Congress provision.

I deeply appreciate the efforts of the Senate to ensure that the 108th Congress speaks with a unanimous, bipartisan voice on these issues of shared concern. In this connection, I would like to express my particular gratitude to Senators BROWNBACK, BAYH, LUGAR, BIDEN and their capable staff members.

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 gravest 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 to allow the U.N. High Commissioner For Refugees to evaluate and identify genuine refugees among the North Korea migrant population. China forcibly returns North Koreans to North Korea, where they routinely face imprisonment, torture, and sometimes execution. Inside China, North Korean women and girls are particularly vulnerable to trafficking and 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, 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 outlines human rights and humanitarian principles that should govern future direct aid to the North Korean government.

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 United States 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 with the government of South Korea, the United States should play a leadership role in focusing international attention on the plight of these refugees in formulating shared international solutions to their profound humanitarian dilemma.

I wanted to remove any misapprehension that overseas audiences may have about the intent, content, or motives behind this bill. Unequivocally, I would state this legislation is a purely humanitarian endeavor. There are no hidden agendas related to geostrategic concerns and strategies. 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.

□ 1915

"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 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.

I would like to thank my colleagues for their strong bipartisan endorsement of this bill. I also would like to thank the many nongovernmental and civic organizations who have informed and supported this legislation. In this regard, the pivotal efforts of the North Korea Freedom Coalition, a group of more than 40 nonpartisan NGOs, deserves particular mention.

Finally, I would like to note the particular contributions of Senator SAM BROWNBACK, whose leadership in the other body has inspired House action on this issue. And in this body, the attention and insight of the gentleman from California (Mr. LANTOS), the gentleman from American Samoa (Mr. FALEOMAVAEGA), the gentleman from California (Mr. BERMAN), the gentleman from New York (Mr. ACKERMAN), and the gentleman from Florida (Mr. WEXLER) on the Democratic side, and the gentleman from California (Mr. COX), the gentleman from California (Mr. ROYCE), and the gentleman from New Jersey (Mr. SMITH) on this side of the aisle are deeply appreciated.

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

Madam Speaker, I reserve the balance of my time.

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

I strongly support this legislation, and I urge my colleagues to do so as well.

I would first like to commend my good friend, the gentleman from Iowa (Mr. LEACH), for his introduction of the North Korean Human Rights Act, and the gentleman from American Samoa (Ranking Member FALEOMAVAEGA) for his hard work on the bill as well.

Madam Speaker, United States policy towards North Korea has been a principal focus of American policymakers for over a decade. Both Republican and Democratic administrations have actively sought to encourage the

North Korean leadership to end its nuclear and missile programs and to end its destabilizing influence in the northeast Asian region.

But as the United States attempts to encourage North Korea to give up its weapons of mass destruction and to establish positive relationships with the United States, Japan, South Korea, and China, we have paid insufficient attention to the horrendous human rights situation in North Korea and the desperate humanitarian crisis caused by the North Korean misrule.

Madam Speaker, the legislation before the House will correct this imbalance. The North Korean Human Rights Act will press the administration to actively pursue a human rights and humanitarian agenda with North Korea, as we also attempt to resolve our security differences with the North.

According to the annual State Department Human Rights Report, North Korea is one of the world's worst human rights abusers. Over the past decade, millions of North Korean citizens starved to death because of their own government's gross incompetence, while the North Korean leadership lived a luxurious life in their tucked-away villas. The North Korean gulags, furthermore, overflow with North Korean prisoners with no hope of release.

North Korea does not hold free and fair elections, and there is no freedom of the press. North Korean citizens do not have the right to speak out against their government or to practice a religion.

In short, Madam Speaker, the North Korean people have no hope of changing their government unless the United States and other world democracies stand up for freedom in North Korea.

This important legislation will also help focus attention on the large number of North Korean refugees that have been created by the North's misrule, particularly those refugees in China. It is critically important that the U.N. High Commissioner For Refugees have access to this floating population and that the North Korean refugees be treated appropriately.

Madam Speaker, the legislation before the House tackles all of these important subjects. It will direct that human rights remain on the negotiation 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 with China, and it attempts to increase American broadcasting in North Korea.

This bill is an excellent piece of legislation, and I strongly support its passage.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LEACH. Madam Speaker, I yield 5 minutes to the distinguished gentleman from New Jersey (Mr. SMITH), who is the House's great leader on human rights issues.

Mr. SMITH of New Jersey. Madam Speaker, I thank the gentleman for yielding me this time.

I want to rise and really pay tribute to the leadership of the gentleman from Iowa (Mr. LEACH) in bringing this legislation not just to the floor today, but to what will be its ultimate enactment into law. I thank the gentleman for his leadership on human rights in North Korea, as well as human rights in the Asian Pacific region. The gentleman has been a stalwart and a real leader, and this is just another important product of that work; and I, and I know many others, are very grateful for his leadership.

This bill is the culmination of a concerted bipartisan effort to act against the unspeakable cruelties occurring under the Kim Jong Il regime. In this regard, I want to commend the efforts as well of the North Korean Freedom Coalition which sponsored, as many Members know, the historic North Korea Freedom Day rally in Washington on April 28, as well as the Korean-American Church Coalition, which built strong support for this bill out in the grass-roots.

Madam Speaker, since the mid-1990s, as many as 2 million North Koreans have died because of failed North Korean economic policies. Despite the loss of nearly 10 percent of the country's population to a man-made famine, Kim Jong Il's regime uses food as a weapon to control its population by rewarding loyalty and withholding food from enemies of the regime. In North Korean society the entire population is divided into three class labels assigned on the basis of loyalty to the regime: "core," "wavering," and "hostile." These labels continue to be used to prioritize access to jobs, region of residence, and entitlement to items distributed through the Public Distribution System.

Humanitarian relief organizations such as the U.N. World Food Program are prohibited by North Korea from distributing food and relief supplies directly to starving victims. Instead, the brutal dictatorship siphons off food aid and gives it to the Communist leadership and to the Army. H.R. 4011 authorizes increased funding for assistance for North Korean refugees, orphans, and trafficking victims outside of North Korea and conditions additional humanitarian assistance inside North Korea upon significant improvements in transparency and monitoring. It is the sense of Congress that future assistance to North Korea should be prohibited unless the government ensures that internationally recognized human rights standards are met and Pyongyang makes substantial progress towards respecting basic human rights such as decriminalizing political expression, providing for family reunification, and reform of its prison camp system.

Madam Speaker, North Korea's human rights abuses, as we now know, are a nightmare of epic proportions. Its regime restricts every basic freedom of its people. It attempts to control all information, brainwashes citizens into

following a cult of personality, and threatens international security through the reckless use of its nuclear weapons program. President Bush was clearly correct in labeling North Korea as a nation as part of the "axis of evil."

An estimated 150,000 to 200,000 political prisoners in North Korea are held in camps where they are subjected to torture, forced labor, starvation, and execution. Prisoners in these camps include thousands who attempted to flee the country to avoid starvation, but were returned to North Korea, regrettably, by the Chinese. Eye witnesses from these camps have testified before a hearing that the gentleman from Iowa (Chairman LEACH) held on the subcommittee and told us horrific stories of savage torture, forced abortions, and persecution of Christians. Mothers have seen their newborn children killed right in front of their very eyes by North Korean prison guards.

Madam Speaker, H.R. 4011 also provides additional support and protection for the courageous North Koreans who have been able to escape by clarifying that North Koreans are eligible to apply for U.S. refugee and asylum consideration, and designating North Koreans who have been persecuted or mistreated by the North Koreans as a priority 2 group of special humanitarian concern to the United States. H.R. 4011 also underscores China's obligation to provide UNHCR with access to North Koreans in China and urges the UNHCR to assert its right to arbitration with China in an effort to secure access to North Koreans in China.

This is a very, very important human rights bill. Again, I want to commend the chairman for his extraordinary leadership in bringing it to the body today.

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

In conclusion, let me just stress as strongly as I can that the regime in North Korea is one of the most difficult in the world. Economically, it is based upon the selling of weapons, the selling of drugs, and the selling of counterfeit money. We would like what is best for the North Korean people, that is, the possibility that this regime can come into this new century in a way that is acceptable in behavior to the international community and, therefore, in a manner that gives hope and prosperity to the North Korean people.

We would like a rogue state that, quite frankly, is partly a criminal state, to become a civilized community. But we have nothing in this bill that is aimed at doing anything except providing incentives for a regime to do better and for a society to be better off. With that emphasis on a humanitarian goal, not a geo-strategic one, a humanitarian one, we urge the greatest possible support from this body and for a new policy and a new kind of era for United States and North Korean relations.

Mr. ROYCE. Madam Speaker, I rise in support of H.R. 4011, the North Korea Human

Rights Act, of which I am an original cosponsor.

I would like to commend the gentleman from Iowa, Mr. LEACH, and thank the leadership for expeditiously bringing this bill to the floor.

Madam Speaker, the House passed this legislation unanimously in July. Last week, the other body passed this bill with minor changes. With its passage today, this important piece of legislation heads to the President's desk.

This legislation has been years in the making. In May 2002, the Asia Subcommittee held the first of our hearings that have focused on the humanitarian plight in North Korea. At this hearing and others, our committee heard testimony from North Korean defectors. As Chairman of the US-Republic of Korea Inter-parliamentary Exchange, I have led Congressional delegations to Seoul where we have met with defectors lucky enough to escape the regime of Kim Jong Il. Here we heard firsthand accounts of the brutal conditions that face the average North Korean—where the regime apports and withholds food based on perceived citizen loyalty to Kim Jong Il. These meetings and hearings have helped to lay the foundation for this legislation.

Madam Speaker, much has been made about the best way to approach North Korea, which poses a nuclear threat. I believe that there is a strong consensus to bring about change in North Korea. This legislation makes it clear that human rights conditions in North Korea should remain a key element in future negotiations between the United States, North Korea, and other concerned parties in Northeast Asia.

In order to ensure his survival, Kim Jong Il tries to keep an iron grip on all information in North Korea. U.S. backed Radio Free Asia is working to counter Kim Jong Il's propaganda, bringing objective news to the North Korean people. Surveys indicate that North Korean defectors are listening to RFA's broadcasts. A former North Korean military officer tells the story of one official shouting to another during a policy debate, "You . . . must listen to [the] radio coming from the outside world! Then you will know that we have been living like frogs in a well! [with blinders on]."

That is why this bill calls for an 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. This should maximize North Koreans access to foreign broadcasts like Radio Free Asia. The stakes couldn't be higher. We are talking about helping to free people and by doing so, improving our security.

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

The SPEAKER pro tempore (Mrs. BLACKBURN). The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and concur in the Senate amendment to H.R. 4011.

The question was taken; and (two-thirds having voted in favor thereof)

the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

URGING GOVERNMENT OF UKRAINE TO ENSURE DEMOCRATIC, TRANSPARENT, AND FAIR ELECTIONS PROCESS FOR PRESIDENTIAL ELECTION ON OCTOBER 31, 2004

Mrs. JO ANN DAVIS of Virginia. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 415) urging the Government of Ukraine to ensure a democratic, transparent, and fair election process for the presidential election on October 31, 2004, as amended.

The Clerk read as follows:

H. CON. RES. 415

Whereas the establishment of a democratic, transparent, and fair election process for the 2004 presidential election in Ukraine and of a genuinely democratic political system are prerequisites for that country's full integration into the Western community of nations as an equal member, including into organizations such as the North Atlantic Treaty Organization (NATO);

Whereas the Government of Ukraine has accepted numerous specific commitments governing the conduct of elections as a participating State of the Organization for Security and Cooperation in Europe (OSCE), including provisions of the Copenhagen Document;

Whereas the election on October 31, 2004, of Ukraine's next president will provide an unambiguous test of the extent of the Ukrainian authorities' commitment to implement these standards and build a democratic society based on free elections and the rule of law;

Whereas this election takes place against the backdrop of previous elections that did not fully meet international standards and of disturbing trends in the current pre-election environment;

Whereas it is the duty of government and public authorities at all levels to act in a manner consistent with all laws and regulations governing election procedures and to ensure free and fair elections throughout the entire country, including preventing activities aimed at undermining the free exercise of political rights;

Whereas a genuinely free and fair election requires a period of political campaigning conducted in an environment in which neither administrative action nor violence, intimidation, or detention hinder the parties, political associations, and the candidates from presenting their views and qualifications to the citizenry, including organizing supporters, conducting public meetings and events throughout the country, and enjoying unimpeded access to television, radio, print, and Internet media on a non-discriminatory basis;

Whereas a genuinely free and fair election requires that citizens be guaranteed the right and effective opportunity to exercise their civil and political rights, including the right to vote and the right to seek and acquire information upon which to make an informed vote, free from intimidation, undue influence, attempts at vote buying, threats of political retribution, or other forms of coercion by national or local authorities or others;

Whereas a genuinely free and fair election requires government and public authorities