

NORTH KOREAN HUMAN RIGHTS REAUTHORIZATION ACT OF 2008

MAY 13, 2008.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. BERMAN, from the Committee on Foreign Affairs,
submitted the following

R E P O R T

[To accompany H.R. 5834]

[Including cost estimate of the Congressional Budget Office]

The Committee on Foreign Affairs, to whom was referred the bill (H.R. 5834) to amend the North Korean Human Rights Act of 2004 to promote respect for the fundamental human rights of the people of North Korea, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

TABLE OF CONTENTS

	Page
The Amendment	2
Summary	4
Background and Purpose for the Legislation	5
Hearings	7
Committee Consideration	7
Votes of the Committee	7
Committee Oversight Findings	7
New Budget Authority and Tax Expenditures	7
Congressional Budget Office Cost Estimate	8
Performance Goals and Objectives	10
Constitutional Authority Statement	10
New Advisory Committees	10
Congressional Accountability Act	10
Earmark Identification	10
Section-by-Section Analysis and Discussion	11
Changes in Existing Law Made by the Bill, as Reported	12

THE AMENDMENT

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “North Korean Human Rights Reauthorization Act of 2008”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The North Korean Human Rights Act of 2004 (Public Law 108–333; 22 U.S.C. 7801 et seq.) (in this section referred to as “the Act”) was the product of broad, bipartisan consensus in Congress regarding the promotion of human rights, transparency in the delivery of humanitarian assistance, and refugee protection.

(2) In addition to the longstanding commitment of the United States to refugee and human rights advocacy, the United States is home to the largest Korean population outside of northeast Asia, and many in the two-million strong Korean-American community have family ties to North Korea.

(3) Human rights and humanitarian conditions inside North Korea are deplorable, North Korean refugees remain acutely vulnerable, and the findings in section 3 of the Act remain accurate today.

(4) The Government of China is conducting an increasingly aggressive campaign to locate and forcibly return border-crossers to North Korea, where they routinely face torture and imprisonment, and sometimes execution. According to recent reports, the Chinese Government is shutting down Christian churches and imprisoning people who help North Korean defectors, and has increased the bounty paid for turning in a North Korean refugee by a factor of sixteen, to an amount roughly equivalent to the average annual income in China.

(5) In an attempt to deter escape attempts, the Government of North Korea has reportedly stepped up its public execution of border-crossers and those who help others cross into China, including the February 20, 2008, shooting of 13 women and 2 men in Onsung County, and the March 30, 2008, execution of three residents in Hyesan. As is commonly the case, employees and residents of nearby institutions, enterprises, and neighborhoods were required to attend and observe those killings.

(6) In spite of the requirement of the Act that the Special Envoy on Human Rights in North Korea (the “Special Envoy”) report to the Congress no later than April 16, 2005, a Special Envoy was not appointed until August 19, 2005, more than four months after the reporting deadline.

(7) The Special Envoy appointed by the President has filled that position on a part-time basis only.

(8) On February 21, 2006, a bipartisan group of senior Members of the House and Senate wrote Secretary of State Condoleezza Rice “to express [their] deep concern for the lack of progress in funding and implementing the key provisions of the North Korean Human Rights Act”, particularly the lack of North Korean refugee admissions to the United States.

(9) Although the United States refugee resettlement program remains the largest in the world by far, the United States has resettled only 37 North Koreans in the period from 2004 through 2007.

(10) From the end of 2004 through 2007, the Republic of Korea resettled 5,961 North Koreans.

(11) Extensive delays in assessment and processing at overseas posts have led numerous North Korean refugees to abandon their quest for United States resettlement, and long waits (of more than a year in some cases) have been the source of considerable discouragement and frustration among refugees, many of whom are awaiting United States resettlement in circumstances that are unsafe and insecure.

(12) From 2000 through 2006, the United States granted asylum to 15 North Koreans, as compared to 60 North Korean asylum grantees in the United Kingdom, and 135 in Germany during that same period.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the United States should make it a priority to seek broader permission and greater cooperation from foreign governments to allow the United States to process North Korean refugees overseas for resettlement in the United States, through persistent diplomacy by senior officials of the United States, including United States ambassadors to Asia-Pacific nations;

(2) at the same time that careful screening of intending refugees is important, the United States also should make every effort to ensure that its screening, processing, and resettlement of North Korean refugees are as efficient and expeditious as possible;

(3) the Special Envoy for North Korean Human Rights Issues should be a full-time position within the Department of State in order to properly promote and coordinate North Korean human rights, humanitarian, and refugee issues, as intended by the North Korean Human Rights Act of 2004 (Public Law 108–333; 22 U.S.C. 7801 et seq.);

(4) in an effort to more efficiently and actively participate in humanitarian burden-sharing, the United States should approach our ally, the Republic of Korea, to revisit and explore new opportunities for coordinating efforts to screen and resettle North Koreans who have expressed a wish to pursue resettlement in the United States and have not yet availed themselves of any right to citizenship they may enjoy under the Constitution of the Republic of Korea; and

(5) because there are genuine refugees among North Koreans fleeing into China who face severe punishments upon their forcible return, the United States should urge the Government of China to—

(A) immediately halt its forcible repatriation of North Koreans;

(B) fulfill its obligations pursuant to the 1951 United Nations Convention Relating to the Status of Refugees, the 1967 Protocol Relating to the Status of Refugees, and 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; and

(C) allow the United Nations High Commissioner for Refugees (UNHCR) unimpeded access to North Koreans inside China to determine whether they are refugees and whether they require assistance.

SEC. 4. DEFINITIONS.

Section 5(1)(A) of the North Korean Human Rights Act of 2004 (Public Law 108–333; 22 U.S.C. 7803(1)(A)) is amended by striking “International Relations” and inserting “Foreign Affairs”.

SEC. 5. SUPPORT FOR HUMAN RIGHTS AND DEMOCRACY PROGRAMS.

Section 102(b)(1) of the North Korean Human Rights Act of 2004 (22 U.S.C. 7812(b)(1)) is amended by inserting after “2008” the following: “and \$4,000,000 for each of fiscal years 2009 through 2012”.

SEC. 6. RADIO BROADCASTING TO NORTH KOREA.

Not later than 120 days after the date of the enactment of this Act, the Broadcasting Board of Governors (BBG) shall submit to the appropriate congressional committees, as defined in section 5(1) of the North Korean Human Rights Act of 2004 (22 U.S.C. 7803(1)), a report that describes the status and content of current United States broadcasting to North Korea and the extent to which the BBG has achieved the goal of 12-hour-per-day broadcasting to North Korea pursuant to section 103 of such Act (22 U.S.C. 7813).

SEC. 7. ACTIONS TO PROMOTE FREEDOM OF INFORMATION.

Section 104 of the North Korean Human Rights Act of 2004 (22 U.S.C. 7814) is amended—

(1) in subsection (b)(1), by striking “2008” and inserting “2012”; and

(2) in subsection (c), by striking “in each of the 3 years thereafter” and inserting “annually through 2012”.

SEC. 8. SPECIAL ENVOY ON NORTH KOREAN HUMAN RIGHTS ISSUES.

Section 107 of the North Korean Human Rights Act of 2004 (22 U.S.C. 7817) is amended—

(1) in the section heading, by striking “**HUMAN RIGHTS IN NORTH KOREA**” and inserting “**NORTH KOREAN HUMAN RIGHTS ISSUES**”;

(2) in subsection (a)—

(A) in the first sentence—

(i) by striking “human rights in North Korea” and inserting “North Korean human rights issues”; and

(ii) by inserting before the period at the end the following: “, by and with the advice and consent of the Senate”;

(B) in the second sentence, by inserting before the period at the end the following: “who shall have the rank of ambassador and shall hold the office at the pleasure of the President”;

(3) in subsection (b), by inserting before the period at the end the following: “, including the protection of those people who have fled as refugees”;

(4) in subsection (c)—

(A) by redesignating paragraphs (1) through (6) as paragraphs (2) through (7), respectively;

(B) by inserting before paragraph (2), as so redesignated, the following new paragraph:

“(1) coordinate the implementation of activities carried out pursuant to this Act;” and

(C) in paragraph (5), as so redesignated, by striking “section 102” and inserting “sections 102 and 104”; and

(5) in subsection (d), by striking “for the subsequent 5 year-period” and inserting “thereafter through 2012”.

SEC. 9. REPORT ON UNITED STATES HUMANITARIAN ASSISTANCE.

Section 201(a) of the North Korean Human Rights Act of 2004 (22 U.S.C. 7831(a)) is amended, in the matter preceding paragraph (1), by striking “in each of the 2 years thereafter” and inserting “annually thereafter through 2012”.

SEC. 10. ASSISTANCE PROVIDED OUTSIDE OF NORTH KOREA.

Section 203(c)(1) of the North Korean Human Rights Act of 2004 (22 U.S.C. 7833(c)(1)) is amended by striking “2008” and inserting “2012”.

SEC. 11. ANNUAL REPORTS.

Section 305(a) of the North Korean Human Rights Act of 2004 (22 U.S.C. 7845(a)) is amended—

(1) in the subsection heading, by inserting “AND REFUGEE” before “INFORMATION”;

(2) in the matter preceding paragraph (1)—

(A) by striking “for each of the following 5 years” and inserting “through 2012”; and

(B) by striking “which shall include—” and inserting “which shall include the following:”;

(3) in paragraph (1)—

(A) by striking “the number of aliens” and inserting “The number of aliens”; and

(B) by striking “; and” at the end and inserting a period;

(4) in paragraph (2), by striking “the number of aliens” and inserting “The number of aliens”; and

(5) by adding at the end the following new paragraphs:

“(3) The number of aliens who are nationals or citizens of North Korea who contacted United States personnel overseas and expressed an interest in pursuing resettlement in the United States, irrespective of whether such aliens pursued the resettlement process to its conclusion.

“(4) A detailed description of the measures undertaken by the Secretary of State to carry out section 303, including country-specific information with respect to United States efforts to secure the cooperation and permission of the governments of countries in East and Southeast Asia to facilitate United States processing of North Koreans seeking protection as refugees. The information required under this paragraph may be provided in a classified format, if necessary.”.

SUMMARY

H.R. 5834, the North Korean Human Rights Reauthorization Act of 2008 (the “Reauthorization Act”), is intended to reauthorize and improve the implementation of the North Korean Human Rights Act of 2004 (Public Law 108–333; hereinafter the “2004 Act”), strongly bipartisan legislation that was enacted to promote human rights, refugee protection, and increased transparency in the provision of humanitarian assistance for the people of North Korea.

In addition to extending key authorities and reporting requirements of the North Korean Human Rights Act through 2012, the bipartisan Reauthorization Act strengthens and clarifies the role of the Special Envoy on North Korean Human Rights Issues and presses the United States to more credibly implement the refugee-related provisions of the 2004 Act.

BACKGROUND AND PURPOSE FOR THE LEGISLATION

As noted in section 2 of the bill: “Human rights and humanitarian conditions inside North Korea are deplorable, North Korean refugees remain acutely vulnerable, and the findings in section 3 of the [2004] Act remain accurate today.” Just as the new bill incorporates by reference the extensive findings of the 2004 Act, the detailed discussion of the purpose, background, and need for that original Act in the 2004 Committee Report (House Report 108–478) remains an instructive description of the pressing needs motivating this reauthorizing legislation.

The human rights situation inside North Korea is abominable. As underscored most recently in “A Prison Without Bars,” the March 2008 report by the U.S. Commission on International Religious Freedom, “human rights conditions in North Korea remain among the worlds most oppressive, as the testimony of interviewees confirms.” That oppression is most apparent in North Korea’s vast gulag, which holds an estimated 200,000 prisoners in camps that the North Korean State Security Agency manages through the use of forced labor, beatings, and executions, and in which countless prisoners also die from disease, starvation, and exposure.

The humanitarian situation inside North Korea also remains dire. Recent reports by nongovernmental organizations provide alarming indications of a nascent food crisis that could potentially approach the severity of the North Korean famine of the mid-to-late 1990s, which is estimated to have killed between 1 million and 3 million people. At the same time that Congress supports the provision of humanitarian assistance to the people of North Korea on humanitarian grounds (per section 202(a) of the 2004 Act), the dramatic rise in global food prices and demand for international food aid have only increased the need for improved transparency and accountability in the delivery of any food assistance inside North Korea, given the acute, competing needs elsewhere in the world.

The North Korean refugee situation also remains severe. North Koreans who have fled into China are extraordinarily vulnerable. Women and girls are frequently victims of trafficking and brutalization, and all border-crossers are subject to forced repatriation by China to North Korea, where they routinely face prison, torture, and sometimes execution. In a presumed attempt to “clean up” the North Korean refugee problem in advance of the Beijing Olympics, Chinese authorities have reportedly increased the bounties they pay for turning in North Korean border-crossers by 1,600 percent, to an amount roughly equivalent to the average annual income in China. For its part, North Korea has been seeking to deter escape attempts by stepping up its execution of border-crossers (and those who help people cross) at public gatherings where attendance by the surrounding populace, including children, is obligatory. At one such public spectacle on February 20, 2008 in Onsong County, North Korean officials reportedly shot 13 women dead in front of the assembled community.

Executive Branch implementation of the refugee provisions of the 2004 Act has been too slow and too weak. On February 21, 2006, a bipartisan group of 9 senior House Members and Senators—including the then-Chairman and Ranking Member of the Committee

on International Relations and the Chairman and Ranking Member of the Subcommittee on Asia and the Pacific—wrote the Secretary of State “to express our deep concern for the lack of progress in funding and implementing the key provisions of the North Korean Human Rights Act.” Foremost among their concerns, they noted that, “despite the fact that the Act calls for the Department of State to facilitate the submission of North Korean refugee applications, not one North Korean has been offered asylum or refugee status in the 16 months since the unanimous passage of the legislation.” The first North Korean refugees did not arrive in the United States until 3 months later, in May 2006.

North Koreans who have requested resettlement in the United States as refugees have also faced extended delays, in some cases longer than 2 years, while residing in circumstances that are frequently unsafe, unhealthy, and insecure. Delays sometimes continue even after the refugees have passed U.S. assessment and security screening, due to foot-dragging in the issuance of exit visas by the governments of the countries where they are located. These delays have been the source of considerable discouragement, frustration, and anxiety among North Korean refugees. Just last month a group of North Koreans awaiting U.S. resettlement in Thailand reportedly conducted a hunger strike in an attempt to obtain information about the status of their cases.

In the intervening 3½ years since the 2004 Act became law, the United States has resettled fewer than 50 North Korean refugees. This does not constitute the “credible number of North Korean refugees [to be accepted] for domestic resettlement” contemplated by House Report 108–478.

During that same time frame, the United States, which has the largest refugee resettlement program in the world by far, has resettled approximately 150,000 other refugees from around the world. The United States is also home to the largest ethnic Korean community outside of the Korean peninsular region, and many of the 2-million-strong Korean-American community have family ties to North Korea. During the same period, South Korea has resettled approximately 6,000 North Koreans.

Remedying this situation will require more persistent U.S. diplomacy at more senior levels. At present, the number of foreign governments who allow the United States to process North Koreans in their countries for resettlement is extremely limited. Having a greater number of countries in which the United States can screen and process North Korean refugees for domestic resettlement will reduce the burdens that such cooperation may pose to each individual country. The United States must make it clear that this is a humanitarian and foreign policy priority, and demonstrate a willingness to use the refugee assistance funds (authorized in section 203 of the 2004 Act and section 10 of the Reauthorization Act) to help mitigate the costs that such cooperation might impose on countries that agree to allow U.S. resettlement processing.

To further the purposes of the 2004 Act, it is also important to clarify and strengthen the role of the Special Envoy. Regrettably, the President did not appoint a Special Envoy for North Korean Human Rights Issues until August 19, 2005, more than 4 months after the Special Envoy was required to report to Congress under the 2004 Act. The Special Envoy appointed by the President has

filled that position on a part-time basis only, and has continued to live and pursue a career outside of Washington, D.C. Looking ahead to the possibility of a Special Envoy who may not enjoy the same preexisting rapport with and access to the President, it is important to ensure that any successor has adequate stature and presence within the Department of State. An active presence at Main State is necessary to ensure that the concerns at the heart of the Special Envoy's mandate are adequately represented in the decision-making processes of the State Department's regional and functional bureaus, especially the Bureau of East Asian and Pacific Affairs (EAP) and the Bureau of Population, Refugees, and Migration (PRM).

HEARINGS

In addition to other, general briefings and hearings on North Korea, the Committee's Subcommittee on Asia, the Pacific, and the Global Environment held a hearing entitled, "North Korean Human Rights: An Update," on Thursday, March 1, 2007, at which testimony was received from the Honorable Jay Lefkowitz, Special Envoy for Human Rights in North Korea.

COMMITTEE CONSIDERATION

On April 30, 2008, the Committee met in open session and ordered favorably reported the bill H.R. 5834 with an amendment by unanimous consent, a quorum being present.

VOTES OF THE COMMITTEE

There were no recorded votes during consideration of H.R. 5834.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

In compliance with Clause 3(c)(2) of House Rule XIII, the Committee adopts as its own the estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office, pursuant to section 402 of the Congressional Budget Act of 1974.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
 CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 12, 2008.

Hon. HOWARD L. BERMAN, *Chairman,*
Committee on Foreign Affairs,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 5834, the North Korean Human Rights Reauthorization Act of 2008.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Jennifer Reynolds, who can be reached at 226–2850.

Sincerely,

PETER R. ORSZAG.

Enclosure

cc: Honorable Ileana Ros-Lehtinen
 Ranking Member

H.R. 5834—North Korean Human Rights Reauthorization Act of 2008.

SUMMARY

H.R. 5834 would reauthorize the North Korean Human Rights Act of 2004 (Public Law 108–333) through 2012. The bill would authorize the appropriation of \$26 million a year over the 2009–2012 period for the purpose of providing assistance to North Koreans either directly or through grants to organizations providing such services.

CBO estimates that implementing H.R. 5834 would cost \$97 million over the 2009–2013 period, assuming appropriation of the authorized amounts. Enacting the bill would have no effect on direct spending or revenues.

H.R. 5834 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of H.R. 5834 is shown in the following table. The costs of this legislation fall within budget function 150 (international affairs).

By Fiscal Year, in Millions of Dollars

	2009	2010	2011	2012	2013	2009– 2013
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Human Rights and Democracy Programs						
Authorization Level	4	4	4	4	0	16
Estimated Outlays	*	1	2	3	3	9
Actions to Promote Freedom of Information						
Authorization Level	2	2	2	2	0	8
Estimated Outlays	2	2	2	2	*	8
Assistance Provided Outside of North Korea						
Authorization Level	20	20	20	20	0	80
Estimated Outlays	15	20	20	20	5	80
Total Changes						
Authorization Level	26	26	26	26	0	104
Estimated Outlays	17	23	24	25	8	97

Note: * = less than \$500,000.

BASIS OF ESTIMATE

H.R. 5834 would authorize the appropriation of \$26 million a year over the 2009–2012 period to support human rights and democracy programs, to promote freedom of information, and to provide humanitarian assistance to North Koreans who have left North Korea. The bill does not specify which federal programs would receive those funds. Based on information from the Office of Management and Budget, CBO estimates that the United States will provide about \$84 million in foreign assistance to the people of North Korea in 2008. That funding covers energy-related assistance, nonproliferation activities, broadcasting, and programs to promote human rights and democracy. (In addition, a classified amount was provided for migration and refugee assistance.)

For this estimate, CBO assumes that assistance for human rights and democracy would be provided through grants from the Democracy Fund, that assistance for information activities would primarily include radio broadcasting, and that humanitarian assistance to North Koreans outside of North Korea would be provided in the form of migration and refugee assistance. CBO also assumes that this legislation will be enacted before the end of fiscal year 2008, that the authorized amounts will be appropriated near the start of each fiscal year, and that outlays will follow historical spending patterns for existing and similar programs.

Human Rights and Democracy Programs

Section 5 would authorize the appropriation of \$4 million a year over the 2009–2012 period for humanitarian assistance to North Koreans living inside North Korea and to provide grants to private, nonprofit organizations to promote human rights, democracy, rule of law, and the development of a market economy in North Korea. CBO estimates that implementing this provision would cost \$9 million over the 2009–2013 period, assuming appropriation of the authorized amounts.

Actions to Promote Freedom of Information

Section 7 would authorize the appropriation of \$2 million a year over the 2009–2012 period to provide uncensored information within North Korea. Assuming appropriation of the specified amount for each year, implementing this provision would cost \$8 million over the 2009–2013 period.

Assistance Provided Outside of North Korea

Section 10 would authorize the appropriation of \$20 million a year over the 2009–2012 period for humanitarian assistance to North Koreans who have left North Korea. CBO estimates that implementing section 10 would cost \$80 million over the 2009–2013 period, assuming appropriation of the authorized amounts.

INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

H.R. 5834 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

ESTIMATE PREPARED BY:

Federal Costs: Jennifer Reynolds (226–2850)

Impact on State, Local, and Tribal Governments: Neil Hood (225–3220)

Impact on the Private Sector: Jacob Kuipers (226–2940)

ESTIMATE APPROVED BY:

Peter H. Fontaine

Assistant Director for Budget Analysis

PERFORMANCE GOALS AND OBJECTIVES

H.R. 5834 reauthorizes and improves the implementation of the North Korean Human Rights Act of 2004 (Public Law 108–333).

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in article I, section 8 of the Constitution.

NEW ADVISORY COMMITTEES

H.R. 5834 does not establish or authorize any new advisory committees.

CONGRESSIONAL ACCOUNTABILITY ACT

H.R. 5834 does not apply to the legislative branch.

EARMARK IDENTIFICATION

H.R. 5834 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

SECTION-BY-SECTION ANALYSIS AND DISCUSSION

Sec. 1. Short Title—States that the Act may be cited as the “North Korean Human Rights Reauthorization Act of 2008.”

Sec. 2. Findings—Contains findings describing human rights and refugee situations, the crackdown on refugees and border crossers in China and North Korea, and the lackluster U.S. implementation of the 2004 Act, particularly with regard to the resettlement of North Korean refugees.

Sec. 3. Sense of Congress—Expresses the sense of Congress regarding: the need for greater U.S. diplomacy to secure permission from more countries to allow us to process North Koreans for U.S. resettlement; the need for efficient and expeditious screening and processing of North Korean refugees for U.S. resettlement; the intent that the Special Envoy position be a full-time position in the Department of State; the importance of exploring with South Korea new opportunities for coordinating efforts to screen and resettle North Koreans; and the need for the United States to urge China to halt its forced repatriation of North Koreans, fulfill its obligations under the UN Refugee Convention, and allow the UN High Commissioner for Refugees unobstructed access to North Koreans inside China.

Sec. 5. Support for Human Rights and Democracy Programs—Extends and increases the authority under the 2004 Act to appropriate funds to provide grants to support programs that promote human rights, democracy, rule of law, and the development of a market economy in North Korea, to \$4 million in each of the Fiscal Years 2009 through 2012 (compared to \$2 million per year through Fiscal Year 2008 in the 2004 Act).

Sec. 6. Radio Broadcasting to North Korea—Requires the Broadcasting Board of Governors to report to Congress on the status and content of U.S. broadcasting to North Korea and progress toward the 12-hour-per-day broadcasting goal set out in section 103 of the 2004 Act.

Sec. 7. Actions to Promote Freedom of Information—Extends through Fiscal Year 2012 the authority to appropriate \$2 million per year for activities to increase the availability of information inside North Korea that is not controlled by the North Korean regime, and the requirement to provide a classified, annual report to Congress on those activities.

Sec. 8. Special Envoy on North Korean Human Rights Issues—Clarifies the role and stature of the Special Envoy position by: (1) modifying the latter portion of the Special Envoy’s title (from “Human Rights in North Korea” to “North Korean Human Rights Issues”) to reflect the fact that the Special Envoy’s role also pertains to the human rights of North Koreans who are outside of North Korea; (2) making it an ambassadorial rank position; (3) adding the protection of North Korean refugees to the Special Envoy’s listed objectives; (4) adding a general reference to the coordination of activities under the 2004 Act to the list of the Special Envoy’s responsibilities; and (5) extending the Special Envoy’s annual report to congress through Fiscal Year 2012.

Sec. 9. Report on United States Humanitarian Assistance—Extends through 2012 USAID’s annual report to Congress on U.S. Humanitarian assistance to North Koreans and efforts to improve

transparency and monitoring in the provision of such assistance inside North Korea.

Sec. 10. Assistance Provided Outside of North Korea—Extends through Fiscal Year 2012 the authority under the 2004 Act to appropriate \$20 million per year to provide humanitarian assistance to North Koreans outside of North Korea, including refugees, defectors, migrants, and trafficking victims.

Sec. 11. Annual Reports—Extends through 2012 the annual report on North Korean applications for U.S. refugee status or asylum required by section 305(a) of the 2004 Act, and adds two new requirements:

The first addition requires the report to include the total number of North Koreans who have contacted U.S. personnel overseas to express an interest in pursuing resettlement in the United States, irrespective of whether they follow the resettlement process to its conclusion. Since passage of the 2004 Act, extended delays in U.S. processing and resettlement have reportedly led a number of intending North Korean refugees to abandon their U.S. resettlement requests. Inclusion of this information will give the Congress a fuller understanding of the level of interest in U.S. resettlement among North Korean migrants and a better basis upon which to judge the magnitude and causes of attrition in the U.S. resettlement process. Because the accuracy of this information will depend on recording and reporting by those personnel who have initial contact with North Koreans, the State Department will need to provide guidance directing its personnel overseas to begin keeping such records.

The second addition requires the report to include (in classified format, if necessary) a detailed description of the measures taken by the State Department to facilitate the submission of refugee applications by North Koreans (as required by section 303 of the 2004 Act). This description must include detailed, country-specific information on United States efforts to secure the cooperation and permission of each government in East and Southeast Asia to facilitate U.S. processing of North Korean refugees for resettlement. Taken together with the Congressional call for “persistent diplomacy by senior officials of the United States” in section 3, this requirement embodies a strong Congressional directive to seek permission to process intending North Korean refugees in a greater number of Asian countries, in a far more serious and sustained way than has occurred to date.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

NORTH KOREAN HUMAN RIGHTS ACT OF 2004

* * * * *

SEC. 5. DEFINITIONS.

In this Act:

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

(A) the Committee on [International Relations] *Foreign Affairs* of the House of Representatives; and

* * * * *

TITLE I—PROMOTING THE HUMAN RIGHTS OF NORTH KOREANS

* * * * *

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

(a) * * *

(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 and *\$4,000,000 for each of fiscal years 2009 through 2012* to carry out this section.

* * * * *

SEC. 104. ACTIONS TO PROMOTE FREEDOM OF INFORMATION.

(a) * * *

(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] 2012 to carry out subsection (a).

* * * * *

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, and [in each of the 3 years thereafter] *annually through 2012*, 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. 107. SPECIAL ENVOY ON [HUMAN RIGHTS IN NORTH KOREA] NORTH KOREAN HUMAN RIGHTS ISSUES.

(a) SPECIAL ENVOY.—The President shall appoint a special envoy for [human rights in North Korea] *North Korean human rights issues* within the Department of State (hereafter in this section referred to as the “Special Envoy”), *by and with the advice and consent of the Senate*. The Special Envoy should be a person of recognized distinction in the field of human rights *who shall have the rank of ambassador and shall hold the office at the pleasure of the President*.

(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, *including the protection of those people who have fled as refugees*.

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

(1) *coordinate the implementation of activities carried out pursuant to this Act;*

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

[(2)] (3) 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)] (4) consult with non-governmental organizations who have attempted to address human rights in North Korea;

[(4)] (5) make recommendations regarding the funding of activities authorized in [section 102] *sections 102 and 104*;

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

[(6)] (7) 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] *thereafter through 2012*, 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] *annually thereafter through 2012*, 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) * * *

* * * * *

SEC. 203. ASSISTANCE PROVIDED OUTSIDE OF NORTH KOREA.

(a) * * *

* * * * *

(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] *2012* to carry out this section.

* * * * *

TITLE III—PROTECTING NORTH KOREAN REFUGEES

* * * * *

SEC. 305. ANNUAL REPORTS.

(a) IMMIGRATION AND REFUGEE 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] *through 2012*, 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—] *which shall include the following:*

(1) [the number of aliens] *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] *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.*

(3) *The number of aliens who are nationals or citizens of North Korea who contacted United States personnel overseas and expressed an interest in pursuing resettlement in the United States, irrespective of whether such aliens pursued the resettlement process to its conclusion.*

(4) *A detailed description of the measures undertaken by the Secretary of State to carry out section 303, including country-specific information with respect to United States efforts to secure the cooperation and permission of the governments of countries in East and Southeast Asia to facilitate United States processing of North Koreans seeking protection as refugees. The information required under this paragraph may be provided in a classified format, if necessary.*

* * * * *