

THE PEACE CORPS SAFETY AND SECURITY ACT OF 2004; THE
NORTH KOREA HUMAN RIGHTS ACT OF 2004; ASSISTANCE
FOR ORPHANED AND VULNERABLE CHILDREN IN DEVEL-
OPING COUNTRIES ACT OF 2004; PARTICIPATION OF TAIWAN
IN THE WORLD HEALTH ORGANIZATION; THE U.S. INTER-
NATIONAL LEADERSHIP ACT OF 2003, AND OTHER PUR-
POSES; AND VARIOUS RESOLUTIONS AND CONCURRENT RESO-
LUTIONS

MARKUP

BEFORE THE

COMMITTEE ON
INTERNATIONAL RELATIONS
HOUSE OF REPRESENTATIVES

ONE HUNDRED EIGHTH CONGRESS

SECOND SESSION

ON

**H.R. 4060; H.R. 4011; H.R. 4061; H.R. 4019;
H.R. 4053; H. Res. 402; H. Res. 535;
H. Res. 563; H. Res. 576; H. Con. Res. 326;
H. Con. Res. 336; H. Con. Res. 352;
H. Con. Res. 378; and H. Con. Res. 398**

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**THE PEACE CORPS SAFETY AND SECURITY ACT OF 2004;
THE NORTH KOREA HUMAN RIGHTS ACT OF 2004; ASSIST-
ANCE FOR ORPHANED AND VULNERABLE CHILDREN IN
DEVELOPING COUNTRIES ACT OF 2004; PARTICIPATION OF
TAIWAN IN THE WORLD HEALTH ORGANIZATION; THE U.S.
INTERNATIONAL LEADERSHIP ACT OF 2003, AND OTHER
PURPOSES; AND VARIOUS RESOLUTIONS AND CONCUR-
RENT RESOLUTIONS**

WEDNESDAY, MARCH 31, 2004

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC.

The Committee met, pursuant to call, at 10:35 a.m. in Room 2172, Rayburn House Office Building, Hon. Henry Hyde (Chairman of the Committee) presiding.

Chairman HYDE. The Committee will come to order. We expect a vote about 11:00, so we are going to try to move along with dispatch as they say.

First of all, I would like to welcome our newest Member, Ben Chandler, who was sworn in as a Member of the House this morning. I recognize Mr. Lantos to introduce Mr. Chandler and to say a few appropriate words.

Mr. LANTOS. Thank you very much, Mr. Chairman. Let me first express my deep appreciation to our colleague, Chris Bell, who did such a superb job as a Member of this Committee.

Let me also express my delight and welcome to the newest Member of the House and the International Relations Committee, Congressman Ben Chandler of what he calls Versailles and I call Versailles, Kentucky. Ben was recently chosen by the voters of Kentucky in a special election to fill the seat of former Republican Congressman Ernie Fletcher.

While we deeply admire your powerful leadership of this Committee, Mr. Chairman, we hope that this trend continues and Republican seats will be filled by Democratic Members on the House International Relations Committee.

Prior to his election to Congress, Ben was elected to two terms as Kentucky's Attorney General. He previously served a 4-year term as Kentucky State Auditor, where he developed a reputation as a strong fighter against government waste and corruption, and we welcome his achievements.

We are pleased to have him as the newest Member of our Committee, and I hope all of my colleagues will join me in saying we are delighted to have you. [Applause.]

Thank you, Mr. Chairman.

Chairman HYDE. Thank you.

While we are in a celebratory mood, I would like to express the Committee's appreciation and recognize the fine work of Joe Painter, who is retiring today after 5 years with the Committee. [Applause.]

Pursuant to notice, I now call up H.R. 4060, the Peace Corps Safety and Security Act of 2004, for purposes of markup and move its favorable recommendation to the House.

Without objection, the bill will be considered read and open for amendment at any point, and the Chair yields himself 5 minutes for the purposes of a statement.

[H.R. 4060 follows:]

.....
(Original Signature of Member)

108TH CONGRESS
2D SESSION

H. R. 4060

To amend the Peace Corps Act to establish an Ombudsman and an Office of Safety and Security of the Peace Corps, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. HYDE (for himself, Mr. LANTOS, Mr. SMITH of New Jersey, and Mr. SMITH of Michigan) introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Peace Corps Act to establish an Ombudsman and an Office of Safety and Security of the Peace Corps, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Health, Safety, and
5 Security of Peace Corps Volunteers Act of 2004".

1 **SEC. 2. OMBUDSMAN OF THE PEACE CORPS.**

2 The Peace Corps Act (22 U.S.C. 2501 et seq.) is
3 amended by inserting after section 4 the following new
4 section:

5 **“SEC. 4A. OMBUDSMAN OF THE PEACE CORPS.**

6 “(a) ESTABLISHMENT.—There is established in the
7 Peace Corps the Office of the Ombudsman of the Peace
8 Corps (hereinafter in this section referred to as the ‘Of-
9 fice’). The Office shall be headed by the Ombudsman of
10 the Peace Corps (hereinafter in this section referred to
11 as the ‘Ombudsman’), who shall be appointed by and re-
12 port directly to the Director of the Peace Corps.

13 “(b) VOLUNTEER COMPLAINTS AND OTHER MAT-
14 TERS.—The Ombudsman shall receive and, as appro-
15 priate, inquire into complaints, questions, or concerns sub-
16 mitted by current or former volunteers regarding services
17 or support provided by the Peace Corps to its volunteers,
18 including matters pertaining to—

19 “(1) the safety and security of volunteers;

20 “(2) due process, including processes relating to separa-
21 tion from the Peace Corps;

22 “(3) benefits and assistance that may be due to cur-
23 rent or former volunteers;

24 “(4) medical or other health-related assistance; and

25 “(5) access to files and records of current or former
26 volunteers.

1 “(c) EMPLOYEE COMPLAINTS AND OTHER MAT-
2 TERS.—The Ombudsman shall receive and, as appro-
3 priate, inquire into complaints, questions, or concerns sub-
4 mitted by current or former employees of the Peace Corps
5 on any matters of grievance.

6 “(d) ADDITIONAL DUTIES.—The Ombudsman
7 shall—

8 “(1) recommend responses to individual matters
9 received under subsections (b) and (c);

10 “(2) make recommendations for administrative
11 or regulatory adjustments to address recurring prob-
12 lems or other difficulties of the Peace Corps;

13 “(3) identify systemic issues that relate to the
14 practices, policies, and administrative procedures of
15 the Peace Corps affecting volunteers and employees;
16 and

17 “(4) call attention to problems not yet ade-
18 quately considered by the Peace Corps.

19 “(e) STANDARDS OF OPERATION.—The Ombudsman
20 shall carry out the duties under this section in a manner
21 that is—

22 “(1) independent, impartial in the conduct of
23 inquiries, and confidential; and

24 “(2) consistent with the revised Standards for
25 the Establishment and Operation of Ombudsman

1 Offices (August 2003) as endorsed by the American
2 Bar Association.

3 “(f) INVOLVEMENT IN MATTERS SUBJECT TO ONGO-
4 ING ADJUDICATION, LITIGATION, OR INVESTIGATION.—
5 The Ombudsman shall refrain from any involvement in the
6 merits of individual matters that are the subject of ongo-
7 ing adjudication or litigation, or investigations related to
8 such adjudication or litigation.

9 “(g) REPORTS.—

10 “(1) IN GENERAL.—Not later than 180 days after
11 the date of the enactment of this section, and semiannu-
12 ally thereafter, the Ombudsman shall submit to the Direc-
13 tor of the Peace Corps, the Chair of the Peace Corps Na-
14 tional Advisory Council, and Congress a report containing
15 a summary of—

16 “(A) the complaints, questions, and concerns
17 considered by the Ombudsman;

18 “(B) the inquiries completed by the Ombuds-
19 man;

20 “(C) recommendations for action with respect
21 to such complaints, questions, concerns, or inquiries;
22 and

23 “(D) any other matters that the Ombudsman
24 considers relevant.

1 “(2) CONFIDENTIALITY.—Each report submitted
2 under paragraph (1) shall maintain confidentiality on any
3 matter that the Ombudsman considers appropriate in ac-
4 cordance with subsection (e).

5 “(h) DEFINITION.—In this section, the term ‘em-
6 ployee’ means an employee of the Peace Corps, an em-
7 ployee of the Office of Inspector General of the Peace
8 Corps, an individual appointed or assigned under the For-
9 eign Service Act of 1980 (22 U.S.C. 3901 et seq.) to carry
10 out functions under this Act, or an individual subject to
11 a personal services contract with the Peace Corps.”.

12 **SEC. 3. OFFICE OF SAFETY AND SECURITY OF THE PEACE**
13 **CORPS.**

14 The Peace Corps Act (22 U.S.C. 2501 et seq.), as
15 amended by section 2 of this Act, is further amended by
16 inserting after section 4A the following new section:

17 **“SEC. 4B. OFFICE OF SAFETY AND SECURITY OF THE**
18 **PEACE CORPS.**

19 “(a) ESTABLISHMENT.—There is established in the
20 Peace Corps the Office of Safety and Security of the Peace
21 Corps (hereinafter in this section referred to as the ‘Of-
22 fice’). The Office shall be headed by the Associate Director
23 of Safety and Security of the Peace Corps, who shall be
24 appointed by and report directly to the Director of the
25 Peace Corps.

1 “(b) RESPONSIBILITIES.—The Office established
2 under subsection (a) shall be responsible for all safety and
3 security activities of the Peace Corps, including back-
4 ground checks of volunteers and staff, safety and security
5 of volunteers and staff (including training), safety and se-
6 curity of facilities, security of information technology, and
7 other responsibilities as required by the Director.

8 “(c) SENSE OF CONGRESS.—It is the sense of Con-
9 gress that—

10 “(1) the Associate Director of Safety and Secu-
11 rity of the Peace Corps, as appointed pursuant to
12 subsection (a) of this section, should assign a Peace
13 Corps country security coordinator for each country
14 where the Peace Corps has a program of volunteer
15 service for the purposes of carrying out the field re-
16 sponsibilities of the Office established under sub-
17 section (a); and

18 “(2) each country security coordinator—

19 “(A) should be under the supervision of
20 the Peace Corps country director in each such
21 country;

22 “(B) should report directly to the Asso-
23 ciate Director of Safety and Security of the
24 Peace Corps, as appointed pursuant to sub-
25 section (a) of this section, on all matters of im-

1 portance as the country security coordinator
2 considers necessary;

3 “(C) should be responsible for coordinating
4 with the regional security officer of the Peace
5 Corps responsible for the country to which such
6 country security officer is assigned; and

7 “(D) should be a United States citizen who
8 has access to information, including classified
9 information, relating to the possible threats
10 against Peace Corps volunteers.”.

11 **SEC. 4. OFFICE OF MEDICAL SERVICES OF THE PEACE**
12 **CORPS.**

13 (a) REPORT ON MEDICAL SCREENING AND PLACE-
14 MENT COORDINATION.—Not later than 120 days after the
15 date of the enactment of this Act, the Director of the
16 Peace Corps shall submit to the appropriate congressional
17 committees a report that—

18 (1) describes the medical screening procedures
19 and guidelines used by the office responsible for
20 medical services of the Peace Corps to determine
21 whether an applicant for Peace Corps service has
22 worldwide clearance, limited clearance, a deferral pe-
23 riod, or is not medically, including psychologically,
24 qualified to serve in the Peace Corps as a volunteer;

1 (2) describes the procedures and guidelines
2 used by the Peace Corps to ensure that applicants
3 for Peace Corps service are matched with a host
4 country where the applicant, reasonable accommoda-
5 tions notwithstanding, can complete at least two
6 years of volunteer service without interruption due
7 to foreseeable medical conditions; and

8 (3) with respect to each of the fiscal years 2000
9 through 2003 and the first six months of fiscal year
10 2004, states the number of—

11 (A) medical screenings of applicants con-
12 ducted;

13 (B) applicants who have received world-
14 wide clearance, limited clearance, deferral peri-
15 ods, and medical disqualifications to serve;

16 (C) appeals to the Medical Screening Re-
17 view Board of the Peace Corps and the number
18 of times that an initial screening decision was
19 upheld;

20 (D) requests to the head of the office re-
21 sponsible for medical services of the Peace
22 Corps for reconsideration of a decision of the
23 Medical Screening Review Board and the num-
24 ber of times that the decision of the Medical

1 Screening Review Board was upheld by the
2 head of such office;

3 (E) Peace Corps volunteers who became
4 medically qualified to serve because of a deci-
5 sion of the Medical Screening Review Board
6 and who were later evacuated or terminated
7 their service early due to medical reasons;

8 (F) Peace Corps volunteers who became
9 medically qualified to serve because of a deci-
10 sion of the head of the office responsible for
11 medical services of the Peace Corps and who
12 were later evacuated or terminated their service
13 early due to medical reasons;

14 (G) Peace Corps volunteers who the agency
15 has had to separate from service due to the dis-
16 covery of undisclosed medical information; and

17 (H) Peace Corps volunteers who have ter-
18 minated their service early due to medical, in-
19 cluding psychological, reasons.

20 (b) DEFINITION.—In subsection (a), the term “ap-
21 propriate congressional committees” means the Com-
22 mittee on International Relations of the House of Rep-
23 resentatives and the Committee on Foreign Relations of
24 the Senate.

1 (c) FULL TIME DIRECTOR OF MEDICAL SERVICES.—
 2 Section 4(e) of the Peace Corps Act (22 U.S.C. 2503(e))
 3 is amended by adding at the end the following new para-
 4 graph:

5 “(5) The Director of the Peace Corps shall en-
 6 sure that the head of the office responsible for med-
 7 ical services of the Peace Corps does not occupy any
 8 other position in the Peace Corps.”.

9 **SEC. 5. REPORTS ON THE “FIVE YEAR RULE” AND ON WORK**
 10 **ASSIGNMENTS OF VOLUNTEERS OF THE**
 11 **PEACE CORPS.**

12 (a) REPORT BY THE COMPTROLLER GENERAL.—

13 (1) IN GENERAL.—Not later than one year
 14 after the date of enactment of this Act, the Comp-
 15 troller General shall submit to the appropriate con-
 16 gressional committees a report on the effects of the
 17 limitation on the duration of employment, appoint-
 18 ment, or assignment of officers and employees of the
 19 Peace Corps under section 7 of the Peace Corps Act
 20 (22 U.S.C. 2506) on the ability of the Peace Corps
 21 to effectively manage Peace Corps operations.

22 (2) CONTENTS.—The report described in para-
 23 graph (1) shall include—

24 (A) a description of such limitation;

1 (B) a description of the history of such
2 limitation and the purposes for which it was en-
3 acted and amended;

4 (C) an analysis of the impact of such limi-
5 tation on the ability of the Peace Corps to re-
6 cruit capable volunteers, establish productive
7 and worthwhile assignments for volunteers, pro-
8 vide for the health, safety, and security of vol-
9 unteers, and, as declared in section 2(a) of the
10 Peace Corps Act (22 U.S.C. 2501(a)), “pro-
11 mote a better understanding of the American
12 people on the part of the peoples served and a
13 better understanding of other peoples on the
14 part of the American people”;

15 (D) an assessment of whether the applica-
16 tion of such limitation has accomplished the ob-
17 jectives for which it was intended; and

18 (E) recommendations, if any, for legisla-
19 tion to amend provisions of the Peace Corps
20 Act relating to such limitation.

21 (b) REPORT ON WORK ASSIGNMENTS OF VOLUN-
22 TEERS.—

23 (1) IN GENERAL.—Not later than 180 days
24 after the date of the enactment of this Act, the Di-
25 rector of the Peace Corps shall submit to the appro-

1 appropriate congressional committees a report on the extent to which the work assignments of Peace Corps
2 volunteers fulfill the commitment of the Peace Corps
3 to ensuring that such assignments are well developed, with clear roles and expectations, and that volunteers are well-suited for their assignments.

4 (2) CONTENTS.—The report described in paragraph (1) shall include—

5 (A) an assessment of the extent to which
6 agreements between the Peace Corps and host
7 countries delineate clear roles for volunteers in
8 assisting host governments to advance their national development strategies;

9 (B) an assessment of the extent to which
10 the Peace Corps recruits volunteers who have
11 skills that correlate with the expectations cited
12 in the country agreements and assigns such volunteers to such posts;

13 (C) a description of procedures for determining volunteer work assignments and minimum standards for such assignments;

14 (D) a volunteer survey on health, safety, and security issues as well as satisfaction surveys which will have been conducted after the date of the enactment of this Act; and

1 (E) an assessment of the plan of the Peace
 2 Corps to increase the number of volunteers who
 3 are assigned to projects in sub-Saharan Africa,
 4 Asia, and the Western Hemisphere, particularly
 5 among communities of African descent within
 6 countries in the Western Hemisphere, which
 7 help combat HIV/AIDS and other global infec-
 8 tious diseases.

9 (c) DEFINITION.—In this section, the term “appro-
 10 priate congressional committees” means the Committee on
 11 International Relations of the House of Representatives
 12 and the Committee on Foreign Relations of the Senate.

13 **SEC. 6. INSPECTOR GENERAL OF THE PEACE CORPS.**

14 (a) ESTABLISHMENT OF INDEPENDENT INSPECTOR
 15 GENERAL.—

16 (1) IN GENERAL.—The Inspector General Act
 17 of 1978 (5 U.S.C. App.) is amended—

18 (A) in section 8G(a)(2), by striking “, the
 19 Peace Corps”;

20 (B) in section 9(a)(1), by adding at the
 21 end the following new subparagraph:

22 “~~(X)~~ of the Peace Corps, the office of that
 23 agency referred to as the ‘Office of Inspector
 24 General’; and”; and

25 (C) in section 11—

1 (i) in paragraph (1), by striking “or
2 the Office of Personnel Management” and
3 inserting “the Office of Personnel Manage-
4 ment, or the Peace Corps”; and

5 (ii) in paragraph (2), by inserting “,
6 the Peace Corps” after “the Office of Per-
7 sonnel Management”.

8 (2) TECHNICAL AMENDMENT.—Section
9 9(a)(1)(U) of the Inspector General Act of 1978 (5
10 U.S.C. App.) is amended by striking “and” at the
11 end.

12 (b) TEMPORARY APPOINTMENT.—The Director of
13 the Peace Corps may appoint an individual to assume the
14 powers and duties of the Inspector General of the Peace
15 Corps under the Inspector General Act of 1978 (5 U.S.C.
16 App.) on an interim basis until such time as a person is
17 appointed by the President, by and with the advice and
18 consent of the Senate, pursuant to the amendments made
19 in this section.

20 (c) EXEMPTION FROM EMPLOYMENT TERM LIMITS
21 UNDER THE PEACE CORPS ACT.—

22 (1) IN GENERAL.—Section 7 of the Peace
23 Corps Act (22 U.S.C. 2506) is amended—

24 (A) by redesignating subsection (c) as sub-
25 section (b); and

1 (B) by adding at the end the following new
2 subsection:

3 “(c) The provisions of this section that limit the dura-
4 tion of service, appointment, or assignment of individuals
5 shall not apply to—

6 “(1) the Inspector General of the Peace Corps;

7 “(2) officers of the Office of the Inspector Gen-
8 eral of the Peace Corps;

9 “(3) any individual whose official duties pri-
10 marily include the safety and security of Peace
11 Corps volunteers or employees;

12 “(4) the head of the office responsible for med-
13 ical services of the Peace Corps; or

14 “(5) any health care professional within the of-
15 fice responsible for medical services of the Peace
16 Corps.”.

17 (2) CONFORMING AMENDMENT.—The first pro-
18 viso of section 15(d)(4) of the Peace Corps Act (22
19 U.S.C. 2514(d)(4)) is amended by striking “7(c)”
20 and inserting “7(b)”.

21 (d) COMPENSATION.—Section 7 of the Peace Corps
22 Act (22 U.S.C. 2506), as amended by subsection (c) of
23 this section, is further amended by adding at the end the
24 following new subsection:

1 “(d) The Inspector General of the Peace Corps shall
2 be compensated at the rate provided for level IV of the
3 Executive Schedule under section 5315 of title 5, United
4 States Code.”.

Chairman HYDE. The Members of this Committee received testimony last week at an important oversight hearing on the Peace Corps and heard about some of the past problems and current challenges of the Peace Corps which it faces as it expands the number of volunteers around the world, while at the same time taking into account the changed circumstances for American citizens living abroad during the post September 11th period.

We are supporters of the Peace Corps and admirers of their sacrifice and of the important work they do. We want to ensure that the Peace Corps has the necessary procedures in place to protect our Nation's sons and daughters or parents or grandparents who dedicate 2 years of their lives to improving the circumstances of the people of the developing world.

Last week, we inquired into the adequacy of safety and security practices that will govern volunteers' assignments in the more dangerous places around the world. We found that, in Bolivia in 2001, the Peace Corps did not have in place the necessary management procedures to monitor to account for a missing volunteer named Walter Poirier. We found that the Poirier family of Lowell, Massachusetts had to notify the Peace Corps that their son was missing.

We understand, through the careful eye of the General Accounting Office, that the Peace Corps has taken important steps to remedy some of these problems, but still has room for improvement.

H.R. 4060 is intended to prepare the Peace Corps for expansion in a more dangerous world, and it makes a number of important changes to the Peace Corps Act. The legislation creates the position of Ombudsman to receive and inquire into complaints, questions, or concerns raised by current or former volunteers or employees regarding services or support provided by the Peace Corps.

The legislation statutorily creates an Office of Safety and Security within the Peace Corps, to be headed by an Associate Director of Safety and Security, who shall be responsible for all safety and security activities of the Peace Corps.

The bill requires a report on the medical screening procedures and guidelines used by the Peace Corps to determine whether an applicant is medically and psychologically qualified to serve in the Peace Corps as a volunteer.

The legislation also requires a report by the Comptroller General on the "5-year rule" which was cited by the GAO in previous reports as one of the reasons for an unacceptably high degree of staff turnover and loss of institutional memory, especially on safety and security matters.

The legislation also creates a more independent Inspector General of the Peace Corps, exempting that individual and the staff of the IG from the 5-year rule and creating more accountable oversight by this Committee through the increased access to information from the IG on all matters relating to the management of the Peace Corps.

This legislation responds to the concerns addressed by our witnesses last week, and also responds to the concerns raised by current and former volunteers who have contacted our Committee to discuss their experience with the Peace Corps.

I seek your support for this important legislation and now recognize my friend and colleague, the distinguished Ranking Member from California, Mr. Lantos.

[The prepared statement of Mr. Hyde follows:]

PREPARED STATEMENT OF THE HONORABLE HENRY J. HYDE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS, AND CHAIRMAN, COMMITTEE ON INTERNATIONAL RELATIONS

Now the Committee will consider H.R. 4060, the "Health, Safety, and Security of Peace Corps Volunteers Act of 2004." The members of this Committee received testimony last week at an important oversight hearing on the Peace Corps and heard about some of the past problems and current challenges the Peace Corps faces as it expands the number of volunteers around the world, while at the same time taking into account the changed circumstances for American citizens living abroad during the post-September 11th period.

We are supporters of the Peace Corps and admirers of their sacrifice and of the important work they do. We want to ensure that the Peace Corps has the necessary procedures in place to protect our Nation's sons and daughters . . . or parents, or grandparents . . . who dedicate two years of their lives to improving the circumstances of the peoples of the developing world.

Last week, we inquired into the adequacy of safety and security practices that will govern volunteers' assignments in the more dangerous places around the world. We found that, in Bolivia in 2001, the Peace Corps did not have in place the necessary management procedures to monitor or account for a missing volunteer named Walter Poirier. We found that the Poirier Family of Lowell, Massachusetts had to notify the Peace Corps that their son was missing. We understand, through the careful eye of the General Accounting Office, that the Peace Corps has taken important steps to remedy some of these problems, but still has room for improvement.

H.R. 4060 is intended to prepare the Peace Corps for expansion in a more dangerous world. The bill makes a number of important changes to the Peace Corps Act.

The legislation creates the position of Ombudsman to receive and inquire into complaints, questions, or concerns raised by current or former volunteers or employees regarding services or support provided by the Peace Corps.

The legislation statutorily creates an Office of Safety and Security within the Peace Corps, to be headed by an Associate Director for Safety and Security, who shall be responsible for all safety and security activities of the Peace Corps.

This bill requires a report on the medical screening procedures and guidelines used by the Peace Corps to determine whether an applicant is medically and psychologically qualified to serve in the Peace Corps as a volunteer.

The legislation also requires a report by the Comptroller General on the "five year rule," which was cited by the GAO in previous reports as one of the reasons for an unacceptably high degree of staff turnover and loss of institutional memory, especially on safety and security matters.

The legislation also creates a more independent Inspector General of the Peace Corps, exempting that individual and the staff of the I.G. from the five-year rule and creating more accountable oversight by this Committee through the increased access to information from the IG on all matters relating to the management of the Peace Corps.

This legislation responds to the concerns addressed by our witnesses last week, and also responds to the concerns raised by current and former volunteers who have contacted the Committee to discuss their experience with the Peace Corps.

I seek your support for this important legislation, and now recognize my friend and colleague, the distinguished ranking member from California, Tom Lantos.

Mr. LANTOS. Thank you very much, Mr. Chairman. I have an extensive prepared statement. I ask unanimous consent to submit that for the record.

Chairman HYDE. Without objection. So ordered.

[The prepared statement of Mr. Lantos follows:]

PREPARED STATEMENT OF THE HONORABLE TOM LANTOS, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF CALIFORNIA

H.R. 4060

Mr. Chairman, I first want to thank you for your strong interest in the Peace Corps, its nearly 8,000 volunteers, and the larger Peace Corps community. The thoughtful attention that this Committee had lent to the Peace Corps Expansion Act of 2003 continued last week during our Full Committee hearing on safety and security issues within the Peace Corps, and is evident in today's consideration of this bill.

As you know, Mr. Chairman, last year's Peace Corps Expansion Act authorized appropriations for the Peace Corps for five years and developed at least three fundamental elements for ensuring that the doubling of the Peace Corps is focused properly.

Mr. Chairman, while these accomplishments are significant—and a testament to the ability of this Committee to influence positively an agency's operations even without an enacted Peace Corps reauthorization—much more can be done to improve the health, safety, and security of Peace Corps volunteers, as our hearing last week demonstrated.

According to the representative from the General Accounting Office, the Peace Corps is still not capturing fully the extent of crime against volunteers due to under-reporting by the volunteers themselves for a host of reasons, including a belief that the agency lacks the capacity or willingness to help.

The GAO and the other witnesses also testified that the lack of well developed assignments discourage volunteers from adequately immersing themselves in their host communities and thereby benefiting from the protections afforded to members of these villages and towns.

Finally, the witnesses noted that administrative impediments, such as limitations on terms of employment within the Peace Corps and worrisome changes within the Office of Medical Services, constrain Peace Corps employees from providing the best support possible to volunteers.

Mr. Chairman, the bill that we are considering today addresses these issues by establishing an Ombudsman within the agency to listen and attend to volunteer and employee concerns, by increasing the independence of the Inspector General of the Peace Corps to strengthen his ability to act as watchdog on behalf of volunteers, by requiring the agency to study and report to us on how it can improve programming for volunteers, and lastly by lifting the term limits for key offices within the agency.

I strongly support all of these provisions.

Mr. Chairman, we must not lose sight of the fact that Peace Corps volunteers for over forty years have been doing an extraordinary job as our development ambassadors to the most remote corners of this earth. And they have been doing their jobs under difficult and, at times, risky conditions—although not riskier than working in many urban settings in this country, including Dayton, Ohio.

As we consider measures to improve the health, safety, and security of our volunteers, we must be careful not to forge impenetrable shields around our volunteers which will make it harder for them to reach the young English student in Kazakhstan or the women's cooperative in Peru, or they the volunteers.

Thank you, Mr. Chairman.

Mr. LANTOS. Mr. Chairman, we think your legislation is eminently sound, long overdue, and on our side we are delighted to support it.

Chairman HYDE. Thank you, Mr. Lantos.

Is there any further discussion?

[No response.]

Chairman HYDE. Are there any amendments?

[No response.]

Chairman HYDE. If not, the question occurs on the motion to report H.R. 4060 favorably. All in favor say aye.

[Chorus of ayes.]

Chairman HYDE. Opposed, no.

[No response.]

Chairman HYDE. The ayes have it. The motion to report favorably is adopted, and without objection the Chairman is authorized to move to go to conference pursuant to House Rule XXII. Without objection, staff is directed to make any technical and conforming changes.

It is the intention of the Chair to process the rest of the Committee's agenda with two separate unanimous consent requests. I will request unanimous consent to report favorably two bills en bloc upon which reports are necessary due to additional referrals by the Speaker or the importance of having legislative history. Amendments which the Members have before them on these bills will be deemed adopted.

I then intend to ask unanimous consent that the Committee authorize the Chair to seek consideration of the rest of the bills on the agenda under suspension of the rules with amendments which the Members have before them deemed adopted. Any Member who has a written statement on any of these matters will be authorized to put it in the record.

Without objection, the following bills are ordered favorably reported to the House, and the proposed amendments to any of these bills which the Members have before them will be deemed adopted: H.R. 4011, the North Korea Human Rights Act of 2004, as amended, and H.R. 4061, Assistance for Orphaned and Vulnerable Children in Developing Countries Act of 2004.

[H.R. 4011, amendment offered by Mr. Leach and H.R. 4061 follow:]

108TH CONGRESS
2D SESSION

H. R. 4011

To promote human rights and freedom in the Democratic People’s Republic of Korea, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 23, 2004

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

A BILL

To promote human rights and freedom in the Democratic People’s Republic of Korea, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “North Korean Human
5 Rights Act of 2004”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

- Sec. 3. Findings.
- Sec. 4. Purposes.
- Sec. 5. Definitions.

TITLE I—PROMOTING THE HUMAN RIGHTS OF NORTH KOREANS

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

TITLE II—ASSISTING NORTH KOREANS IN NEED

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

TITLE III—PROTECTING NORTH KOREAN REFUGEES

- Sec. 301. United States policy toward refugees and defectors.
- Sec. 302. Eligibility for refugee or asylum consideration.
- Sec. 303. Refugee status.
- Sec. 304. Pursuit of first asylum policy.
- Sec. 305. United Nations High Commissioner for Refugees.
- Sec. 306. Humanitarian parole.
- Sec. 307. North Korean status adjustment.
- Sec. 308. Temporary protected status.
- Sec. 309. Right to accept employment.
- Sec. 310. Annual reports.

1 **SEC. 3. FINDINGS.**

2 Congress makes the following findings:

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

7 (2) The Government of North Korea attempts
 8 to control all information, artistic expression, aca-
 9 demic works, and media activity inside North Korea
 10 and strictly curtails freedom of speech and access to
 11 foreign broadcasts.

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

6 (4) The Government of North Korea divides its
7 population into categories, based on perceived loyalty
8 to the leadership, which determines access to em-
9 ployment, higher education, place of residence, med-
10 ical facilities, and other resources.

11 (5) According to the Department of State,
12 “[t]he [North Korean] Penal Code is [d]raconian,
13 stipulating capital punishment and confiscation of
14 assets for a wide variety of ‘crimes against the revo-
15 lution,’ including defection, attempted defection,
16 slander of the policies of the Party or State, listen-
17 ing to foreign broadcasts, writing ‘reactionary’ let-
18 ters, and possessing reactionary printed matter”.

19 (6) The Government of North Korea executes
20 political prisoners, opponents of the regime, some re-
21 patriated defectors, some members of underground
22 churches, and others, sometimes at public meetings
23 attended by workers, students, and schoolchildren.

24 (7) The Government of North Korea holds an
25 estimated 200,000 political prisoners in camps that

1 its State Security Agency manages through the use
2 of forced labor, beatings, torture, and executions,
3 and in which many prisoners also die from disease,
4 starvation, and exposure.

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

12 (9) According to credible reports, including eye-
13 witness testimony provided to the United States
14 Congress, North Korean Government officials pro-
15 hibit live births in prison camps, and forced abortion
16 and the killing of newborn babies are standard pris-
17 on practices.

18 (10) According to the Department of State,
19 “[g]enuine religious freedom does not exist in North
20 Korea” and, according to the United States Com-
21 mission on International Religious Freedom, “[t]he
22 North Korean state severely represses public and
23 private religious activities” with penalties that re-
24 portedly include arrest, imprisonment, torture, and
25 sometimes execution.

1 (11) More than 2,000,000 North Koreans are
2 estimated to have died of starvation since the early
3 1990s because of the failure of the centralized agri-
4 cultural and public distribution systems operated by
5 the Government of North Korea.

6 (12) According to a 2002 United Nations-Euro-
7 pean Union survey, nearly one out of every ten chil-
8 dren in North Korea suffers from acute malnutrition
9 and four out of every ten children in North Korea
10 are chronically malnourished.

11 (13) Since 1995, the United States has pro-
12 vided more than 2,000,000 tons of humanitarian
13 food assistance to the people of North Korea, pri-
14 marily through the World Food Program.

15 (14) Although United States food assistance
16 has undoubtedly saved many North Korean lives and
17 there have been minor improvements in transparency
18 relating to the distribution of such assistance in
19 North Korea, the Government of North Korea con-
20 tinues to deny the World Food Program forms of ac-
21 cess necessary to properly monitor the delivery of
22 food aid, including the ability to conduct random site
23 visits, the use of native Korean-speaking employees,
24 and travel access throughout North Korea.

1 (15) The risk of starvation, the threat of perse-
2 cution, and the lack of freedom and opportunity in
3 North Korea have caused many thousands, perhaps
4 even hundreds of thousands, of North Koreans to
5 flee their homeland, primarily into China.

6 (16) North Korean women and girls, particu-
7 larly those who have fled into China, are at risk of
8 being kidnapped, trafficked, and sexually exploited
9 inside China, where many are sold as brides or con-
10 cubines, or forced to work as prostitutes.

11 (17) The Governments of China and North
12 Korea have been conducting aggressive campaigns to
13 locate North Koreans who are in China without per-
14 mission and to forcibly return them to North Korea,
15 where they routinely face torture and imprisonment,
16 and sometimes execution.

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

1 (19) The Government of China does not provide
2 North Koreans whose asylum requests are rejected
3 a right to have the rejection reviewed prior to depor-
4 tation despite the recommendations of the 1951
5 United Nations Convention Relating to the Status of
6 Refugees and the 1967 Protocol Relating to the Sta-
7 tus of Refugees that such a right be granted.

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

12 (21) The Government of China has detained,
13 convicted, and imprisoned foreign aid workers at-
14 tempting to assist North Korean refugees, including
15 the Reverend Choi Bong Il and Mr. Kim Hee Tae,
16 in proceedings that did not comply with Chinese law
17 or international standards.

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

23 (23) Between 1994 and 2003, South Korea has
24 admitted approximately 3,800 North Korean refu-
25 gees for domestic resettlement, a number small in

1 comparison with the total number of North Korean
2 escapees, but far greater than the number legally
3 admitted by any other country.

4 (24) Although the principal responsibility for
5 North Korean refugee resettlement naturally falls to
6 the Government of South Korea, the United States
7 should play a leadership role in focusing inter-
8 national attention on the plight of these refugees,
9 formulating international solutions to that profound
10 humanitarian dilemma, and making prudent ar-
11 rangements to accept a credible number of refugees
12 for domestic resettlement.

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

18 **SEC. 4. PURPOSES.**

19 The purposes of this Act are—

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

22 (2) to promote a more durable humanitarian so-
23 lution to the plight of North Korean refugees;

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

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

6 (4) to promote progress toward the peaceful re-
7 unification of the Korean peninsula under a demo-
8 cratic system of government.

9 **SEC. 5. DEFINITIONS.**

10 In this Act:

11 (1) APPROPRIATE CONGRESSIONAL COMMIT-
12 TEES.—The term “appropriate congressional com-
13 mittees” means—

14 (A) the Committee on International Rela-
15 tions of the House of Representatives; and

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

18 (2) CHINA.—The term “China” means the Peo-
19 ple’s Republic of China.

20 (3) HUMANITARIAN ASSISTANCE.—The term
21 “humanitarian assistance” means assistance to meet
22 humanitarian needs, including needs for food, medi-
23 cine, medical supplies, clothing, and shelter.

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

1 (5) NORTH KOREANS.—The term “North Kore-
2 ans” means persons who are citizens or nationals of
3 North Korea.

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

6 **TITLE I—PROMOTING THE**
7 **HUMAN RIGHTS OF NORTH**
8 **KOREANS**

9 **SEC. 101. SENSE OF CONGRESS REGARDING NEGOTIATIONS**
10 **WITH NORTH KOREA.**

11 It is the sense of Congress that the human rights of
12 North Koreans should remain a key concern in future ne-
13 gotiations between the United States, North Korea, and
14 other concerned parties in Northeast Asia.

15 **SEC. 102. SUPPORT FOR HUMAN RIGHTS AND DEMOCRACY**
16 **PROGRAMS.**

17 (a) SUPPORT.—The President is authorized to pro-
18 vide grants to private, nonprofit organizations to support
19 programs that promote human rights, democracy, rule of
20 law, and the development of a market economy in North
21 Korea.

22 (b) AUTHORIZATION OF APPROPRIATIONS.—

23 (1) IN GENERAL.—There are authorized to be
24 appropriated to the President \$2,000,000 for each of

1 the fiscal years 2005 through 2008 to carry out this
2 section.

3 (2) AVAILABILITY.—Amounts appropriated pur-
4 suant to the authorization of appropriations under
5 paragraph (1) are authorized to remain available
6 until expended.

7 **SEC. 103. RADIO BROADCASTING TO NORTH KOREA.**

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

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

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

23 (2) outlines a plan for increasing such broad-
24 casts to 12 hours per day, including a detailed de-

1 description of the technical and fiscal requirements
2 necessary to implement the plan.

3 **SEC. 104. ACTIONS TO PROMOTE FREEDOM OF INFORMA-**
4 **TION.**

5 (a) ACTIONS.—The President is authorized to take
6 such actions as may be necessary to increase the avail-
7 ability of information inside North Korea by increasing
8 the availability of sources of information not controlled by
9 the Government of North Korea, including sources such
10 as radios capable of receiving broadcasting from outside
11 North Korea.

12 (b) AUTHORIZATION OF APPROPRIATIONS.—

13 (1) IN GENERAL.—There are authorized to be
14 appropriated to the President \$2,000,000 for each of
15 the fiscal years 2005 through 2008 to carry out sub-
16 section (a).

17 (2) AVAILABILITY.—Amounts appropriated pur-
18 suant to the authorization of appropriations under
19 paragraph (1) are authorized to remain available
20 until expended.

21 (c) REPORT.—Not later than 1 year after the date
22 of the enactment of this Act, and in each of the 3 years
23 thereafter, the Secretary of State, after consultation with
24 the heads of other appropriate Federal departments and
25 agencies, shall submit to the appropriate congressional

1 committees a report, in classified form, on actions taken
2 pursuant to this section.

3 **SEC. 105. UNITED NATIONS COMMISSION ON HUMAN**
4 **RIGHTS.**

5 It is the sense of Congress that the United Nations
6 has a significant role to play in promoting and improving
7 human rights in North Korea, that the adoption by the
8 United Nations Commission on Human Rights of Resolu-
9 tion 2003/10 on the situation of human rights in North
10 Korea was a positive step, and that the severe human
11 rights violations within North Korea warrant—

12 (1) an additional country-specific resolution by
13 the United Nations Commission on Human Rights
14 that includes the language necessary to authorize
15 the appointment of a Special Rapporteur of the
16 United Nations Commission on Human Rights on
17 the situation of human rights in North Korea; and

18 (2) country-specific attention and reporting by
19 the United Nations Working Group on Arbitrary
20 Detention, the Working Group on Enforced and In-
21 voluntary Disappearances, the Special Rapporteur
22 on Extrajudicial, Summary, or Arbitrary Executions,
23 the Special Rapporteur on the Right to Food, the
24 Special Rapporteur on the Promotion and Protection
25 of the Right to Freedom of Opinion and Expression,

1 the Special Rapporteur on Freedom of Religion or
2 Belief, and the Special Rapporteur on Violence
3 Against Women.

4 **TITLE II—ASSISTING NORTH**
5 **KOREANS IN NEED**

6 **SEC. 201. REPORT ON UNITED STATES HUMANITARIAN AS-**
7 **SISTANCE.**

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

14 (1) all activities to provide humanitarian assist-
15 ance inside North Korea, and to North Koreans out-
16 side of North Korea, that receive United States
17 funding;

18 (2) any improvements in humanitarian trans-
19 parency, monitoring, and access inside North Korea
20 during the previous 1-year period, including progress
21 toward meeting the conditions identified in para-
22 graphs (1) through (4) of section 202(b); and

23 (3) specific efforts to secure improved humani-
24 tarian transparency, monitoring, and access inside
25 North Korea made by the United States and United

1 States grantees, including the World Food Program,
2 during the previous 1-year period.

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

5 **SEC. 202. ASSISTANCE PROVIDED INSIDE NORTH KOREA.**

6 (a) HUMANITARIAN ASSISTANCE THROUGH NON-
7 GOVERNMENTAL ORGANIZATIONS.—

8 (1) ASSISTANCE.—The President is authorized
9 to provide assistance, including in the form of
10 grants, to the World Food Program and to United
11 States nongovernmental organizations for the pur-
12 pose of providing humanitarian assistance to North
13 Koreans inside North Korea.

14 (2) SENSE OF CONGRESS.—It is the sense of
15 Congress that significant increases above current
16 levels of United States support for humanitarian as-
17 sistance provided inside North Korea should be con-
18 ditioned upon substantial improvements in trans-
19 parency, monitoring, and access to vulnerable popu-
20 lations throughout North Korea, and that significant
21 improvements in those areas therefore would be re-
22 quired to justify appropriation and obligation of the
23 full amounts authorized to be appropriated by this
24 subsection.

25 (3) AUTHORIZATION OF APPROPRIATIONS.—

1 (A) IN GENERAL.—There are authorized to
2 be appropriated to the President not less than
3 \$100,000,000 for each of the fiscal years 2005
4 through 2008 to carry out this subsection.

5 (B) AVAILABILITY.—Amounts appro-
6 priated pursuant to the authorization of appro-
7 priations under subparagraph (A) are author-
8 ized to remain available until expended.

9 (b) HUMANITARIAN ASSISTANCE TO THE GOVERN-
10 MENT OF NORTH KOREA.—No department, agency, or en-
11 tity of the United States Government may provide human-
12 itarian assistance to any department, agency, or entity of
13 the Government of North Korea unless such United States
14 Government department, agency, or entity certifies in
15 writing to the appropriate congressional committees that
16 the Government of North Korea has taken steps to ensure
17 that—

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

21 (2) such assistance is provided on a needs basis,
22 and is not used as a political reward or tool of coer-
23 cion;

1 (3) such assistance reaches the intended bene-
2 ficiaries, who are informed of the source of the as-
3 sistance; and

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

7 (c) NONHUMANITARIAN ASSISTANCE TO THE GOV-
8 ERNMENT OF NORTH KOREA.—No department, agency,
9 or entity of the United States Government may provide
10 nonhumanitarian assistance to any department, agency, or
11 entity of the Government of North Korea unless such
12 United States Government department, agency, or entity
13 certifies in writing to the appropriate congressional com-
14 mittees that the Government of North Korea has made
15 substantial progress toward—

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

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

22 (3) fully disclosing all information regarding
23 citizens of Japan and the Republic of Korea ab-
24 ducted by the Government of North Korea;

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

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

8 (6) decriminalizing political expression and ac-
9 tivity.

10 (d) WAIVER.—The President may waive the prohibi-
11 tion contained in subsection (b) or (c) if the President de-
12 termines that it is in the national security interest of the
13 United States to do so. Prior to exercising the waiver au-
14 thority contained in the preceding sentence, the President
15 shall transmit to the appropriate congressional committees
16 a report that contains the determination of the President
17 pursuant to the preceding sentence and a description of
18 the assistance to be provided.

19 **SEC. 203. ASSISTANCE PROVIDED OUTSIDE OF NORTH**
20 **KOREA.**

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

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

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

7 (2) legal assistance to North Koreans who are
8 seeking to apply for refugee status, asylum, parole,
9 or other similar forms of protection and resettle-
10 ment; and

11 (3) humanitarian assistance and legal assist-
12 ance to North Korean women outside of North
13 Korea who are victims of trafficking, as defined in
14 section 103(14) of the Trafficking Victims Protec-
15 tion Act of 2000 (22 U.S.C. 7102(14)), or are in
16 danger of being trafficked.

17 (c) AUTHORIZATION OF APPROPRIATIONS.—

18 (1) IN GENERAL.—In addition to funds other-
19 wise available for such purposes, there are author-
20 ized to be appropriated to the President
21 \$20,000,000 for each of the fiscal years 2005
22 through 2008 to carry out this section.

23 (2) AVAILABILITY.—Amounts appropriated pur-
24 suant to subsection (a) are authorized to remain
25 available until expended.

1 **TITLE III—PROTECTING NORTH**
2 **KOREAN REFUGEES**

3 **SEC. 301. UNITED STATES POLICY TOWARD REFUGEES AND**
4 **DEFECTORS.**

5 (a) REPORT.—Not later than 120 days after the date
6 of the enactment of this Act, the Secretary of State, in
7 cooperation with the Secretary of Homeland Security, the
8 Director of Central Intelligence, and the heads of other
9 appropriate Federal departments and agencies, shall sub-
10 mit to the appropriate congressional committees a report
11 in unclassified form that describes the situation of North
12 Korean refugees and explains United States Government
13 policy toward North Korean refugees and defectors.

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

15 (1) information on North Koreans currently
16 outside of North Korea without permission (includ-
17 ing refugees, defectors, and migrants), such as their
18 estimated numbers and the countries and regions in
19 which they are currently residing;

20 (2) an assessment of the circumstances facing
21 North Korean refugees and migrants in hiding, par-
22 ticularly in China, and of the circumstances they
23 face when forcibly returned to North Korea;

24 (3) an assessment of whether North Koreans in
25 China have effective access to personnel of the

1 United Nations High Commissioner for Refugees,
2 and of whether the Government of China is fulfilling
3 its obligations under the 1951 Convention Relating
4 to the Status of Refugees, particularly Articles 31,
5 32, and 33 of such Convention;

6 (4) an assessment of whether North Koreans
7 presently have effective access to United States ref-
8 ugee and asylum processing, and of United States
9 policy toward North Koreans who may present
10 themselves at United States embassies or consulates
11 and request protection as refugees or asylum seekers
12 and resettlement in the United States;

13 (5) the total number of North Koreans who
14 have been admitted into the United States as refu-
15 gees or asylees in each of the past five years; and

16 (6) an estimate of the number of North Kore-
17 ans with family connections to United States citi-
18 zens.

19 **SEC. 302. ELIGIBILITY FOR REFUGEE OR ASYLUM CONSID-**
20 **ERATION.**

21 (a) PURPOSE.—The purpose of this section is to en-
22 sure that North Koreans are not barred from eligibility
23 for refugee status or asylum in the United States on ac-
24 count of any legal right to citizenship they may enjoy
25 under the Constitution of the Republic of Korea. It is not

1 intended in any way to prejudice whatever rights to citi-
2 zenship North Koreans may enjoy under the Constitution
3 of the Republic of Korea.

4 (b) TREATMENT OF NATIONALS OF NORTH
5 KOREA.—For purposes of eligibility for refugee status
6 under section 207 of the Immigration and Nationality Act
7 (8 U.S.C. 1157), or for asylum under section 208 of such
8 Act (8 U.S.C. 1158), a national of the Democratic Peo-
9 ple’s Republic of Korea shall not be considered a national
10 of the Republic of Korea.

11 **SEC. 303. REFUGEE STATUS.**

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

1 **SEC. 304. PURSUIT OF FIRST ASYLUM POLICY.**

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

8 **SEC. 305. UNITED NATIONS HIGH COMMISSIONER FOR REF-**
9 **UGEES.**

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

12 (1) the Government of China has obligated
13 itself to provide the United Nations High Commis-
14 sioner for Refugees (UNHCR) with unimpeded ac-
15 cess to North Koreans inside its borders to enable
16 the UNHCR to determine whether they are refugees
17 and whether they require assistance, pursuant to the
18 1951 United Nations Convention Relating to the
19 Status of Refugees, the 1967 Protocol Relating to
20 the Status of Refugees, and Article III, paragraph
21 5 of the 1995 Agreement on the Upgrading of the
22 UNHCR Mission in the People’s Republic of China
23 to UNHCR Branch Office in the People’s Republic
24 of China (referred to in this section as the
25 “UNHCR Mission Agreement”);

1 (2) the UNHCR, in order to effectively carry
2 out its mandate to protect refugees, should liberally
3 employ as professionals or Experts on Mission per-
4 sons with significant experience in humanitarian as-
5 sistance work among displaced North Koreans in
6 China;

7 (3) the UNHCR, in order to effectively carry
8 out its mandate to protect refugees, should liberally
9 contract with appropriate nongovernmental organi-
10 zations that have a proven record of providing hu-
11 manitarian assistance to displaced North Koreans in
12 China; and

13 (4) should the Government of China begin ac-
14 tively fulfilling its obligations toward North Korean
15 refugees, all countries, including the United States,
16 and relevant international organizations should in-
17 crease levels of humanitarian assistance provided in-
18 side China to help defray costs associated with the
19 North Korean refugee presence.

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

22 (1) if the Government of China continues to
23 refuse to provide the UNHCR with access to North
24 Koreans within its borders, the UNHCR should ini-
25 tiate arbitration proceedings pursuant to Article

1 XVI of the UNHCR Mission Agreement and appoint
2 an arbitrator for the UNHCR; and

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

9 **SEC. 306. HUMANITARIAN PAROLE.**

10 (a) PREREQUISITES FOR ELIGIBILITY.—Because
11 North Korean refugees do not enjoy regular, unimpeded,
12 and effective access to the United States refugee
13 program—

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

21 (2) for purposes of section 212(d)(5)(B) of the
22 Immigration and Nationality Act (8 U.S.C.
23 1182(d)(5)(B)), the parole of any alien who is a ref-
24 ugee and a native or citizen of North Korea seeking
25 to enter the United States, and who is a victim of

1 North Korean Government malfeasance, shall be
2 considered to be for compelling reasons in the public
3 interest with respect to that particular alien.

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

14 (c) DISCRETION.—Nothing in this section shall be
15 construed to prohibit the Secretary of Homeland Security
16 from establishing conditions for parole under section
17 212(d)(5) of the Immigration and Nationality Act (8
18 U.S.C. 1182(d)(5)), or from denying parole to such aliens
19 who are otherwise ineligible for parole.

20 (d) LENGTH OF PAROLE.—

21 (1) IN GENERAL.—Notwithstanding section
22 212(d)(5) of the Immigration and Nationality Act (8
23 U.S.C. 1182(d)(5)), if parole is granted to an alien
24 who is a native or citizen of North Korea pursuant
25 to subsection (a), the parole shall be effective until

1 the final resolution of any application for adjustment
2 of status made pursuant to section 204 of this Act.

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

10 (3) EXTENSION OF PAROLE PERIOD.—If no ap-
11 plication for adjustment of status is made pursuant
12 to section 204 within 18 months after parole is
13 granted to an alien described in paragraph (1), the
14 Secretary of Homeland Security may, in the discre-
15 tion of the Secretary, extend the parole period tem-
16 porarily under conditions that the Secretary pre-
17 scribes.

18 (4) NO GRANT OF PAROLE.—If parole is not
19 granted to an alien described in paragraph (2), the
20 alien shall be treated pursuant to section 212(d)(5)
21 of the Immigration and Nationality Act (8 U.S.C.
22 1182(d)(5)) as if the purposes of the alien's parole
23 have been served.

24 (5) TERMINATION OF PAROLE.—Notwith-
25 standing any other provision of this section, the pa-

1 role period of an alien described in paragraph (1)
2 shall terminate when the Secretary of State deter-
3 mines that—

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

9 (B) North Korea is no longer on the list of
10 nations designated as State sponsors of ter-
11 rorism by the Secretary of State.

12 (e) SUBSEQUENT REMOVAL PROCEEDINGS.—Noth-
13 ing in this section shall be construed to prohibit the Sec-
14 retary of Homeland Security from instituting removal pro-
15 ceedings against an alien paroled into the United States
16 under this section for—

17 (1) conduct committed after the parole of the
18 alien into the United States; or

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

22 **SEC. 307. NORTH KOREAN STATUS ADJUSTMENT.**

23 (a) STATUS ADJUSTMENT.—Notwithstanding section
24 245(c) of the Immigration and Nationality Act (8 U.S.C.
25 1255(c)), the status of any alien who is a native or citizen

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

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

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

14 (3) the Secretary of Homeland Security deter-
15 mines that the alien has complied with the require-
16 ments of subsection (b).

17 (b) REQUIRED COOPERATION WITH THE UNITED
18 STATES GOVERNMENT.—The requirements of this sub-
19 section shall be satisfied if—

20 (1) the Secretary of Homeland Security deter-
21 mines that—

22 (A) the alien is in possession of critical re-
23 liable information concerning the activities of
24 the Government of North Korea or its agents,
25 representatives, or officials, and the alien has

1 cooperated or is currently cooperating, fully and
2 in good faith, with appropriate persons within
3 the United States Government regarding such
4 information; or

5 (B) the alien is not in possession of critical
6 reliable information concerning the activities of
7 the Government of North Korea or its agents,
8 representatives, or officials; and

9 (2) the Secretary of Homeland Security deter-
10 mines that the alien—

11 (A) did not enter the United States in a
12 then-current capacity as an agent, representa-
13 tive, or official of the Government of North
14 Korea, or for any purpose contrary to the pur-
15 poses of this Act or for any unlawful purpose;

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

24 (C) in the judgment of the Secretary of
25 Homeland Security, is not likely to become an

1 agent, representative, or official of the Govern-
2 ment of North Korea, or act for any purpose
3 contrary to the purposes of this Act or for any
4 unlawful purpose.

5 (c) EFFECT ON IMMIGRATION AND NATIONALITY
6 ACT.—

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

11 (2) APPLICABILITY.—Nothing in this section
12 shall be construed to repeal or restrict the powers,
13 duties, functions, or authority of the Secretary of
14 Homeland Security in the administration and en-
15 forcement of the Immigration and Nationality Act (8
16 U.S.C. 1101 et seq.) or any other Federal law relat-
17 ing to immigration, nationality, or naturalization.

18 (d) SUBSEQUENT REMOVAL PROCEEDINGS.—Noth-
19 ing in this section shall be construed to prohibit the Sec-
20 retary of Homeland Security from instituting removal pro-
21 ceedings against an alien whose status was adjusted under
22 subsection (a) for—

23 (1) conduct committed after such adjustment of
24 status; or

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

4 **SEC. 308. TEMPORARY PROTECTED STATUS.**

5 (a) EXTRAORDINARY AND TEMPORARY CONDITIONS
6 CONSIDERED TO EXIST.—

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

14 (2) TERMINATION OF PROTECTED STATUS.—
15 The extraordinary and temporary conditions referred
16 to in paragraph (1) shall be considered to exist until
17 the Secretary of Homeland Security determines
18 that—

19 (A) the human rights and trafficking
20 records of North Korea, according to the Coun-
21 try Report on Human Rights Practices issued
22 by the United States Department of State, Bu-
23 reau of Democracy, Human Rights, and Labor,
24 and the country report on trafficking issued by

1 the Trafficking in Persons Office of the Depart-
2 ment of State, are satisfactory; and

3 (B) North Korea is no longer on the list of
4 nations designated as state sponsors of ter-
5 rorism by the United States Department of
6 State.

7 (b) SENSE OF CONGRESS.—It is the sense of Con-
8 gress that the United States should use its diplomatic
9 means to promote the institution of measures similar to
10 humanitarian parole or the form of temporary protected
11 status granted under subsection (a), in countries that
12 neighbor North Korea.

13 **SEC. 309. RIGHT TO ACCEPT EMPLOYMENT.**

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

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

18 (2) by adding at the end the following: “In the
19 case of an applicant who is a citizen or native of
20 North Korea, the Secretary of Homeland Security
21 shall issue regulations under which such applicant
22 shall be entitled to employment authorization, and
23 such applicant shall not be subject to the 180-day
24 limitation described in the previous sentence.”.

1 **SEC. 310. ANNUAL REPORTS.**

2 (a) IMMIGRATION INFORMATION.—Not later than 1
3 year after the date of the enactment of this Act, and every
4 12 months thereafter for each of the following 5 years,
5 the Secretary of State and the Secretary of Homeland Se-
6 curity shall submit a joint report to the appropriate con-
7 gressional committees on the operation of this title during
8 the previous year, which shall include—

9 (1) the number of aliens who are natives or citi-
10 zens of North Korea and have been granted humani-
11 tarian parole under section 306, and the immigra-
12 tion status of such aliens before being granted hu-
13 manitarian parole;

14 (2) the number of aliens who are natives or citi-
15 zens of North Korea and have been granted an ad-
16 justment of status under section 307, and the immi-
17 gration status of such aliens before being granted
18 adjustment of status;

19 (3) the number of aliens who are natives or citi-
20 zens of North Korea who were granted political asy-
21 lum;

22 (4) the number of aliens who are natives or citi-
23 zens of North Korea who were granted temporary
24 protected status under section 308; and

1 (5) the number of aliens who are natives or citi-
2 zens of North Korea who applied for refugee status
3 and the number who were granted refugee status.

4 (b) COUNTRIES OF PARTICULAR CONCERN.—The
5 President shall include in each annual report on proposed
6 refugee admission pursuant to section 207(d) of the Immi-
7 gration and Nationality Act (8 U.S.C. 1157(d)), informa-
8 tion about specific measures taken to facilitate access to
9 the United States refugee program for individuals who
10 have fled countries of particular concern, as defined by
11 the Secretary of Homeland Security, for violations of reli-
12 gious freedom pursuant to section 402(b) of the Inter-
13 national Religious Freedom Act of 1998 (22 U.S.C.
14 6442(b)). The report shall include, for each country of
15 particular concern, a description of access of the nationals
16 or former habitual residents of that country to a refugee
17 determination on the basis of—

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

20 (2) groups deemed to be of special humani-
21 tarian concern to the United States for purposes of
22 refugee resettlement; and

23 (3) family links to the United States.

○

AMENDMENT TO H.R. 4011
OFFERED BY MR. LEACH

Page 3, line 8, after “access to” insert “food.”

Page 7, line 4, strike “the recommendations of” and insert “its obligations under”.

Page 7, line 7, strike “that such a right be granted”.

Page 10, line 12, strike “concern” and insert “element”.

Page 15, line 7, insert “and International” before “Organizations”.

Page 23, after line 25, insert the following new paragraph (and redesignate subsequent paragraphs accordingly):

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

.....
(Original Signature of Member)

108TH CONGRESS
2D SESSION

H. R. 4061

To amend the Foreign Assistance Act of 1961 to provide assistance for orphans and other vulnerable children in developing countries.

IN THE HOUSE OF REPRESENTATIVES

Ms. LEE (for herself, Mr. ROHRBACHER, Mr. LANTOS, Mr. HYDE, Ms. MCCOLLUM, and Mr. LEACH) introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Foreign Assistance Act of 1961 to provide assistance for orphans and other vulnerable children in developing countries.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Assistance for Orphans
5 and Other Vulnerable Children in Developing Countries
6 Act of 2004".

1 **SEC. 2. FINDINGS AND DECLARATIONS OF POLICY.**

2 Congress finds and declares the following:

3 (1)(A) According to estimates by the United
4 Nations Children's Fund (UNICEF), there are more
5 than 132,000,000 children in the world under the
6 age of three.

7 (B) Of these children, 4,000,000 will die in
8 their first month of life and another 7,000,000 will
9 die each year before reaching the age of five. Thus
10 an average of 30,000 children under the age of three
11 die each day.

12 (2) According to a report developed by the
13 United Nations Joint Programme on HIV/AIDS
14 (UNAIDS), UNICEF, and the United States Agen-
15 cy for International Development, in 2001 there
16 were more than 110,000,000 orphans living in sub-
17 Saharan Africa, Asia, Latin America, and the Carib-
18 bean.

19 (3) Assessments carried out by the Inter-
20 national Labor Organization (ILO) to investigate
21 the situation of children who are working found that
22 orphans are much more likely than non-orphans to
23 be working in commercial agriculture, the domestic
24 service industry, the commercial sex industry, as
25 street vendors, or in industries that violate inter-
26 nationally recognized rights of children.

1 (4) Infants who are poor and malnourished are
2 more likely to contract respiratory infections, diar-
3 rhea, measles, and other preventable diseases, and
4 are less likely to receive needed health care.

5 (5) According UNAIDS and UNICEF, by the
6 end of 2001 there were an estimated 14,000,000
7 children under the age of 15 who had lost one or
8 both parents to AIDS.

9 (6) As the number of HIV cases increases in
10 sub-Saharan Africa and the Caribbean, as well as in
11 Eastern Europe and Asia, the death rate from AIDS
12 among adults in those regions is expected to in-
13 crease. By 2010 the total number of children in
14 those regions who will lose one or both parents to
15 AIDS is expected to be approximately 30,000,000.

16 (7) One-third of children born from an HIV-in-
17 fected mother develop HIV/AIDS. Few of these chil-
18 dren have access to HIV/AIDS medications.

19 (8) Globally, more than 11,800,000 young peo-
20 ple ages 15 to 24 were living with HIV/AIDS in
21 2001, and each day another 6,000 young people be-
22 came infected with HIV. New estimates indicate that
23 more than 70 percent of new HIV cases among this
24 age group in sub-Saharan Africa are young women
25 and girls.

1 (9) As their parents fall progressively sick from
2 HIV/AIDS, children generally must take on an in-
3 creasing number of responsibilities. Girls take re-
4 sponsibility for more household chores, often drop
5 out of school, and care for their parents.

6 (10)(A) Without an adequate diet, individuals
7 infected with HIV often die at an earlier age. Indi-
8 viduals with HIV become increasingly weak and fa-
9 tired, do not respond to drug treatment, and are
10 prone to other illnesses such as malnutrition and tu-
11 berculosis (TB).

12 (B) Hunger can also cause previously HIV-neg-
13 ative people to engage in high-risk survival strate-
14 gies, such as work in the commercial sex industry,
15 that increase their chances of becoming infected with
16 HIV.

17 (11) Extreme poverty and hunger coupled with
18 the loss of one or both parents as a result of AIDS
19 can force children from their families to a life on the
20 streets, where the risk of HIV infection is extremely
21 high.

22 (12)(A) A considerable number of United
23 States and indigenous private voluntary organiza-
24 tions, including faith-based organizations, provide
25 relatively modest amounts of assistance to orphans

1 and other vulnerable children in developing coun-
2 tries, especially children affected by HIV/AIDS.

3 (B) Many of these organizations have submitted
4 applications for grants from the United States Agen-
5 cy for International Development in order to provide
6 increased levels of assistance for orphans and other
7 vulnerable children in developing countries but in
8 most cases the Agency has not approved the applica-
9 tions.

10 (13)(A) Section 403(b) of the United States
11 Leadership Against HIV/AIDS, Tuberculosis, and
12 Malaria Act of 2003 (Public Law 108–25) estab-
13 lishes the requirement that for fiscal years 2006
14 through 2008, not less than 10 percent of amounts
15 appropriated for HIV/AIDS assistance for each such
16 fiscal year shall be expended for assistance for or-
17 phans and other vulnerable children affected by
18 HIV/AIDS.

19 (B) Further, section 403(b) of Public Law
20 108–25 requires that at least 50 percent of such
21 amounts shall be provided through non-profit, non-
22 governmental organizations, including faith-based
23 organizations, that implement programs on the com-
24 munity level.

1 (14)(A) It is essential that the United States
2 Government adopt a comprehensive approach for the
3 provision of assistance to orphans and other vulner-
4 able children in developing countries.

5 (B) This comprehensive approach should ensure
6 that important services, such as basic care, treat-
7 ment for those children with HIV/AIDS, mental
8 health and related services for those children af-
9 fected by HIV/AIDS, school food programs, in-
10 creased educational opportunities and employment
11 training and related services, and the protection and
12 promotion of inheritance rights, are made more ac-
13 cessible.

14 (C) This comprehensive approach should also
15 ensure that government agencies and the private
16 sector coordinate efforts to prevent and eliminate
17 duplication of efforts and waste.

18 (15) As a result of the numerous United States
19 Government programs under which assistance is spe-
20 cifically authorized or otherwise available for or-
21 phans and vulnerable children in developing coun-
22 tries, the United States Agency for International
23 Development will be required to develop innovative
24 methods for the conduct and monitoring of these

1 programs, including through the collection, analysis,
2 and reporting of information on the programs.

3 **SEC. 3. ASSISTANCE FOR ORPHANS AND OTHER VULNER-**
4 **ABLE CHILDREN IN DEVELOPING COUN-**
5 **TRIES.**

6 Title V of chapter 2 of part I of the Foreign Assist-
7 ance Act of 1961 (22 U.S.C. 2201) is amended to read
8 as follows:

9 **“TITLE V—ASSISTANCE FOR OR-**
10 **PHANS AND OTHER VULNER-**
11 **ABLE CHILDREN**

12 **“SEC. 241. FINDINGS; DECLARATION OF POLICY.**

13 “(a) FINDINGS.—Congress finds the following:

14 “(1) By 2010, HIV/AIDS will orphan more
15 than 25,000,000 children worldwide.

16 “(2) Ongoing conflicts and civil wars in devel-
17 oping countries are adversely affecting children in
18 these countries, the vast majority of whom currently
19 do not receive humanitarian assistance or other sup-
20 port from the United States Government.

21 “(3) Although the United States Government
22 currently administers assistance programs for or-
23 phans and other vulnerable children in developing
24 countries, for fiscal year 2002 the United States
25 Agency for International Development reported that

1 the United States Government provided assistance
2 to only 462,000 such orphans and other vulnerable
3 children, or less than one-half of one percent of the
4 estimated 108,000,000 total number of such or-
5 phans and other vulnerable children.

6 “(4) The United States Government should in-
7 crease its efforts to provide assistance for orphans
8 and other vulnerable children in developing coun-
9 tries, especially those children affected by HIV/AIDS
10 or conflict.

11 “(5) The United States Agency for Inter-
12 national Development should establish improved ca-
13 pacity to deliver assistance to orphans and other vul-
14 nerable children in developing countries through
15 partnerships with private voluntary organizations,
16 including faith-based organizations.

17 “(6) Further, the United States Agency for
18 International Development should be the primary
19 United States Government agency responsible for
20 identifying and assisting orphans and other vulner-
21 able children in developing countries.

22 “(b) DECLARATION OF POLICY.—Congress, recog-
23 nizing that prompt and appropriate action by the United
24 States to assist orphans and other vulnerable children in
25 developing countries is an important expression of the hu-

1 humanitarian concern and tradition of the people of the
2 United States, affirms the willingness of the United States
3 to assist such orphans and other vulnerable children—

4 “(1) by providing assistance for the purpose of
5 improving the health, nutritional, shelter, edu-
6 cational, economic, and psychological status of or-
7 phans and other vulnerable children in such coun-
8 tries; and

9 “(2) by providing humanitarian and protection
10 assistance to such orphans and other vulnerable chil-
11 dren affected by conflict or civil strife.

12 **“SEC. 242. ASSISTANCE TO PROVIDE BASIC CARE.**

13 “(a) FINDINGS.—Congress finds the following:

14 “(1) The need for individuals and local organi-
15 zations in developing countries to assist households
16 headed by children is necessary due to the increase
17 in the number of such households. Millions of chil-
18 dren in these types of households lack basic care,
19 such as access to food and shelter.

20 “(2) When communities are responsible for
21 raising orphans, these children are cared for in a
22 rich and nurturing environment and remain con-
23 nected to the traditions and rituals of families and
24 the community.

1 “(3) As the number of these children increases,
2 the ability of communities to provide basic care for
3 such children is limited. Assistance to support the
4 provision of such basic care is therefore necessary in
5 and of itself and also to facilitate the provision of
6 other types of assistance for such children under this
7 title.

8 “(b) ASSISTANCE.—

9 “(1) IN GENERAL.—The President is author-
10 ized to provide assistance for programs in developing
11 countries to provide basic care for orphans and other
12 vulnerable children.

13 “(2) ACTIVITIES SUPPORTED.—Assistance pro-
14 vided under paragraph (1) should be used—

15 “(A) to support individuals and local orga-
16 nizations, including teachers, social workers,
17 and representatives from religious institutions
18 and nongovernmental organizations, to mobilize
19 their own resources through the establishment
20 of ‘community care councils’ to provide basic
21 care for orphans and other vulnerable children,
22 including day care, food assistance, protection
23 assistance, and home visits;

24 “(B) to increase the capacity of community
25 care councils described in subparagraph (A) to

1 meet on a regular basis to identify orphans and
2 other vulnerable children and to facilitate the
3 provision of services; and

4 “(C) to establish and operate centers in
5 such communities to provide basic care de-
6 scribed in subparagraph (A).

7 “(3) DEFINITION.—In this subsection, the term
8 ‘protection assistance’ means all appropriate meas-
9 ures to promote the physical and psychological secu-
10 rity of an individual, provide equal access to basic
11 services for the individual, and safeguard the legal
12 and human rights and dignity of the individual.

13 **“SEC. 243. ASSISTANCE TO PROVIDE TREATMENT TO OR-**
14 **PHANS AND OTHER VULNERABLE CHILDREN**
15 **WITH HIV/AIDS.**

16 “(a) FINDINGS.—Congress finds the following:

17 “(1) Approximately 2,500,000 children under
18 the age of 15 worldwide have HIV/AIDS. Every day
19 another 2,000 children under the age of 15 are in-
20 fected with HIV.

21 “(2) In 2002, approximately 2,500,000 children
22 were at risk for infection with HIV through mother-
23 to-child transmission, which includes transmission at
24 any point during pregnancy, labor, delivery, or
25 breastfeeding.

1 “(3) To date, more than 4,000,000 children
2 worldwide are estimated to have died from AIDS,
3 primarily contracted through mother-to-child trans-
4 mission. Every year, approximately 700,000 babies
5 are infected with HIV, of which the majority are liv-
6 ing in Africa.

7 “(4) In southern Africa HIV/AIDS is now the
8 leading cause of death among young children, ac-
9 counting for almost half of such deaths.

10 “(5) Research has shown conclusively that initi-
11 ation in a timely manner of antiretroviral therapy
12 for infants or young children with HIV/AIDS can
13 preserve or restore their immune functions, promote
14 normal growth and development, and prolong life.

15 “(6) Few international development programs
16 specifically target the treatment of children with
17 HIV/AIDS in developing countries. Reasons for this
18 include the perceived low priority of pediatric treat-
19 ment, a lack of pediatric health care professionals,
20 lack of expertise and experience in pediatric drug
21 dosing and monitoring, the perceived complexity of
22 pediatric treatment, and mistaken beliefs regarding
23 the risks and benefits of pediatric treatment.

24 “(b) ASSISTANCE.—

1 “(1) IN GENERAL.—The President is author-
2 ized to provide assistance for the treatment of or-
3 phans and other vulnerable children with HIV/AIDS
4 in developing countries.

5 “(2) ACTIVITIES SUPPORTED.—Assistance pro-
6 vided under paragraph (1) should be used to carry
7 out the following activities:

8 “(A) The treatment of orphans and other
9 vulnerable children with HIV/AIDS through the
10 provision of pharmaceuticals, including high-
11 quality, low-cost antiretrovirals and other thera-
12 pies, including generically manufactured phar-
13 maceuticals where appropriate.

14 “(B)(i) The recruitment and training of in-
15 dividuals to provide the treatment described in
16 subparagraph (A), including the recruitment
17 and training of appropriate support personnel.

18 “(ii) Such training should include appro-
19 priate methodologies relating to initial diag-
20 nosis, appropriate dosages of pharmaceuticals,
21 monitoring, medication adherence techniques,
22 and treatment for any complications resulting
23 from such pharmaceuticals.

24 “(C) Activities of medical laboratories re-
25 lating to the treatment described in subpara-

1 graph (A), including assistance for the purchase
2 of necessary equipment.

3 **“SEC. 244. ASSISTANCE TO PROVIDE PSYCHOSOCIAL SUP-**
4 **PORT TO ORPHANS AND OTHER VULNER-**
5 **ABLE CHILDREN AFFECTED BY HIV/AIDS.**

6 “(a) FINDINGS.—Congress finds the following:

7 “(1) Many children who are orphaned as a re-
8 sult of AIDS blame themselves for the death of a
9 parent and many children are separated from sib-
10 lings, sometimes for life.

11 “(2) The trauma that results from the loss of
12 a parent as a result of AIDS can trigger behavior
13 problems of aggression or emotional withdrawal and
14 negatively affect a child’s performance in school and
15 the child’s social relations.

16 “(3) Children living in families affected by
17 HIV/AIDS are often stigmatized, teased, and ostra-
18 cized by peers. In Uganda, some children who are
19 orphaned as a result of AIDS are called ‘walking
20 corpses’ and discouraged from attending school.

21 “(4) Children living in families affected by
22 HIV/AIDS who are most vulnerable are those chil-
23 dren in households headed by children. In these
24 households, trained community volunteers can play a
25 major role through home visits.

1 “(5) In many African countries, religious lead-
2 ers are mobilizing individuals and local organizations
3 within the community to identify and respond to the
4 psychosocial needs of those children affected by
5 AIDS.

6 “(b) ASSISTANCE.—The President is authorized to
7 provide assistance for programs in developing countries to
8 provide mental health treatment and related services to
9 orphans and other vulnerable children affected by HIV/
10 AIDS.

11 **“SEC. 245. ASSISTANCE FOR SCHOOL FOOD PROGRAMS.**

12 “(a) FINDINGS.—Congress finds the following:

13 “(1) In 2004, it is estimated that 125,000,000
14 children worldwide do not attend school, in part be-
15 cause of hunger and malnutrition, and the vast ma-
16 jority of these children are young girls.

17 “(2) School food programs, including take-home
18 rations, in developing countries provide strong incen-
19 tives for parents to send their children to school and
20 ensure that they continue with their education.
21 School food programs may reduce short-term hun-
22 ger, improve cognitive functions, and enhance learn-
23 ing, behavior, and achievement.

24 “(3) In 2004, more than 8,000,000 children in
25 sub-Saharan Africa are underweight compared to

1 1994. Malnutrition enhances the risk that orphans
2 and other vulnerable children will be at risk for ill-
3 ness and infections, especially if these children are
4 also infected with HIV.

5 “(4) Healthy members of families affected by
6 HIV/AIDS in developing countries often leave the
7 workforce to care for those family members with
8 HIV/AIDS, which compounds the problem of access
9 to food for the family. Food consumption has been
10 shown to drop by as much as 40 percent in these
11 families.

12 “(5)(A) Although a number of organizations
13 seek to meet the needs of children who are orphaned
14 or vulnerable as a result of HIV/AIDS, local commu-
15 nities continue to be the primary providers of sup-
16 port for these children.

17 “(B) According to a survey by the United
18 States Agency for International Development, or-
19 phans and other vulnerable children relied on rel-
20 atives for food support 74 percent of the time and
21 on friends for food support 19 percent of the time.

22 “(b) ASSISTANCE.—

23 “(1) IN GENERAL.—The President is author-
24 ized to provide assistance for school food programs
25 in developing countries.

1 120,000,000 children and adolescents ages 5 to 14
2 in developing countries are working full-time.

3 “(4) In many regions of Africa and other devel-
4 oping countries, non-formal education plays an im-
5 portant role to provide children who are unable to
6 attend school with the employment and related life
7 skills training such children need to survive.

8 “(5) Many organizations in Africa, including
9 faith-based organizations, provide employment and
10 related life skills training for older children to better
11 prepare them to serve as caregivers for younger sib-
12 lings.

13 “(6) Organizations that provide non-formal
14 education can assist the thousands of children in de-
15 veloping countries who are not currently being as-
16 sisted by families or communities and are struggling
17 to survive.

18 “(b) ASSISTANCE.—

19 “(1) EDUCATION ASSISTANCE.—The President
20 is authorized to provide assistance for programs in
21 developing countries to increase enrollment in public
22 primary schools by eliminating school fees and other
23 costs of education, especially in developing countries
24 heavily affected by HIV/AIDS. Amounts made avail-
25 able to carry out this paragraph are authorized to

1 be made available to the President to make vol-
2 untary contributions to the United Nations Chil-
3 dren's Fund to achieve the purposes of this para-
4 graph.

5 “(2) EMPLOYMENT TRAINING ASSISTANCE.—
6 The President is authorized to provide assistance for
7 programs in developing countries to provide employ-
8 ment training and related services for orphans and
9 other vulnerable children, especially in developing
10 countries heavily affected by HIV/AIDS.

11 **“SEC. 247. ASSISTANCE TO PROTECT AND PROMOTE INHER-**
12 **ITANCE RIGHTS.**

13 “(a) FINDING.—Congress finds that orphans and
14 other vulnerable children in developing countries, particu-
15 larly children who are orphaned as a result of AIDS, are
16 routinely denied their inheritance or encounter difficulties
17 in claiming the land and other property which they have
18 inherited.

19 “(b) ASSISTANCE.—The President is authorized to
20 provide assistance in support of programs in developing
21 countries to protect and promote the inheritance rights of
22 orphans and other vulnerable children, particularly young
23 girls and children who are orphaned as a result of AIDS.

1 **“SEC. 248. ADMINISTRATION OF ASSISTANCE.**

2 “(a) OFFICE FOR ORPHANS AND OTHER VULNER-
3 ABLE CHILDREN.—

4 “(1) ESTABLISHMENT.—There is established
5 within the United States Agency for International
6 Development an Office for Orphans and Other Vul-
7 nerable Children (hereafter in this title referred to
8 as the ‘Office’), which shall be headed by a Director
9 who shall be appointed by the Administrator of the
10 Agency.

11 “(2) DUTIES.—The Office shall be responsible
12 for carrying out this title.

13 “(b) APPROVAL OF APPLICATIONS.—The Director of
14 the Office shall be responsible for reviewing or approving
15 all applications submitted to the United States Agency for
16 International Development for assistance under this title,
17 including applications submitted to field missions of the
18 Agency.

19 “(c) PRIORITY.—In providing assistance under this
20 title, priority should be given to assistance for developing
21 countries in which the rate of HIV infection, as reported
22 in the most recent epidemiological data for that country
23 compiled by the United Nations Joint Programme on
24 HIV/AIDS (UNAIDS), is at least 5 percent among women
25 attending prenatal clinics or more than 15 percent among
26 individuals in groups with high-risk behavior.

1 “(d) FORM OF ASSISTANCE.—Assistance under this
2 title shall be provided in the form of—

3 “(1) grants, cooperative agreements, or con-
4 tracts;

5 “(2) contributions to international organiza-
6 tions; or

7 “(3) assistance to the governments of devel-
8 oping countries.

9 “(e) COORDINATION.—The provision of assistance
10 under this title for children who are orphaned as a result
11 of HIV/AIDS, or are children with HIV/AIDS, shall be
12 undertaken in a manner that is consistent with assistance
13 authorized under section 104A of this Act and assistance
14 relating to HIV/AIDS authorized under the United States
15 Leadership Against HIV/AIDS, Tuberculosis, and Malaria
16 Act of 2003 (Public Law 108–25).

17 “(f) OTHER ASSISTANCE.—

18 “(1) REVIEW AND APPROVAL OF OTHER
19 USAID ASSISTANCE.—The Director of the Office
20 shall be responsible for reviewing or approving—

21 “(A) each component of the annual plan of
22 a mission, bureau, or other office of the United
23 States Agency for International Development as
24 the component relates to assistance for orphans

1 and other vulnerable children in developing
2 countries; and

3 “(B) each program, project, or activity re-
4 lating to such assistance.

5 “(2) COORDINATION OF ALL US GOVERNMENT
6 ASSISTANCE.—The Director of the Office shall be re-
7 sponsible for ensuring coordination of all United
8 States Government programs to provide assistance
9 for orphans and other vulnerable children in devel-
10 oping countries.

11 **“SEC. 249. MONITORING SYSTEM.**

12 “(a) ESTABLISHMENT.—In order to maximize the
13 sustainable development impact of assistance authorized
14 under this title, the President shall establish a monitoring
15 system that meets the requirements of subsection (b).

16 “(b) REQUIREMENTS.—The requirements referred to
17 in subsection (a) are the following:

18 “(1) The monitoring system establishes per-
19 formance goals for the assistance and expresses such
20 goals in an objective and quantifiable form, to the
21 extent feasible.

22 “(2) The monitoring system establishes per-
23 formance indicators to be used in measuring or as-
24 ssuming the achievement of the performance goals de-
25 scribed in paragraph (1).

1 “(3) The monitoring system provides a basis for
2 recommendations for adjustments to the assistance
3 to enhance the impact of the assistance.

4 **“SEC. 250. REPORT.**

5 “(a) REPORT.—Not later than December 31, 2005,
6 and each December 31 thereafter, the President shall
7 transmit to Congress a report that contains a detailed de-
8 scription of the implementation of this title for the pre-
9 vious fiscal year.

10 “(b) CONTENTS.—The report shall contain the fol-
11 lowing information:

12 “(1) For each grant, cooperative agreement,
13 contract, contribution, or other form of assistance
14 awarded or entered into under this title—

15 “(A) the amount of the grant, cooperative
16 agreement, contract, contribution, or other form
17 of assistance, the name of each recipient and
18 each developing country with respect to which
19 projects or activities under the grant, coopera-
20 tive agreement, contract, contribution, or other
21 form of assistance were carried out, and the ap-
22 proximate number of orphans and other vulner-
23 able children who received assistance under the
24 projects or activities; and

1 “(B) the results of the monitoring system
2 with respect to the grant, cooperative agree-
3 ment, contract, contribution, or other form of
4 assistance.

5 “(2) For each grant, cooperative agreement,
6 contract, contribution, or other form of assistance
7 awarded or entered into under any provision of law
8 other than this title for assistance for orphans and
9 other vulnerable children in developing countries, the
10 information described in paragraph (1)(A).

11 “(3) Any other appropriate information relating
12 to the needs of orphans and other vulnerable chil-
13 dren in developing countries that could be addressed
14 through the provision of assistance under this title
15 or under any other provision of law.

16 **“SEC. 251. AUTHORIZATION OF APPROPRIATIONS; ADDI-**
17 **TIONAL PROVISIONS.**

18 “(a) AUTHORIZATION OF APPROPRIATION.—

19 “(1) IN GENERAL.—Of the amounts made
20 available to carry out the provisions of law described
21 in paragraph (2), there are authorized to be appro-
22 priated to the President to carry out this title such
23 sums as may be necessary for each of the fiscal
24 years 2005 and 2006.

1 “(2) PROVISIONS OF LAW.—The provisions of
2 law referred to in paragraph (1) are the following:

3 “(A) The United States Leadership
4 Against HIV/AIDS, Tuberculosis, and Malaria
5 Act of 2003 (Public Law 108–25) and the
6 amendments made by that Act.

7 “(B) Any other provision of law under
8 which assistance is authorized for orphans and
9 other vulnerable children in developing coun-
10 tries.

11 “(b) ADDITIONAL PROVISIONS.—

12 “(1) AVAILABILITY.—Amounts appropriated
13 pursuant to the authorization of appropriations
14 under subsection (a) are authorized to remain avail-
15 able until expended and are in addition to amounts
16 otherwise available for such purposes.

17 “(2) MINIMUM FUNDING REQUIREMENT.—Not
18 less than 60 percent of amounts appropriated pursu-
19 ant to the authorization of appropriations under
20 subsection (a) for a fiscal year (other than amounts
21 made available for assistance to eliminate school fees
22 and other costs of education pursuant to section
23 246) shall be provided through United States or in-
24 digenous private voluntary organizations that imple-
25 ment programs on the community level. Amounts

1 provided by for-profit entities to not-for-profit enti-
2 ties from assistance under this title shall not be con-
3 sidered for purposes of satisfying the requirement of
4 this paragraph.

5 “(3) ASSISTANCE UNDER OTHER PROVISIONS
6 OF LAW.—

7 “(A) IN GENERAL.—Notwithstanding any
8 other provision of law, amounts made available
9 for assistance for orphans or other vulnerable
10 children in developing countries under any pro-
11 vision of law other than this title may be pro-
12 vided to further the purposes of this title.

13 “(B) REPORT.—To the extent assistance
14 described in subparagraph (A) is provided in
15 accordance with such subparagraph, the Presi-
16 dent shall include, as part of the report re-
17 quired under section 250, a detailed description
18 of such assistance and, to the extent applicable,
19 the information required by subsection
20 (b)(1)(A) of such section with respect to such
21 assistance.

22 **“SEC. 252. DEFINITIONS.**

23 “In this title:

24 “(1) AIDS.—The term ‘AIDS’ has the meaning
25 given the term in section 104A(g)(1) of this Act.

1 “(2) CHILDREN.—The term ‘children’ means
2 persons who have not attained the age of 18.

3 “(3) HIV.—The term ‘HIV’ has the meaning
4 given the term in section 104A(g)(2) of this Act.

5 “(4) HIV/AIDS.—The term ‘HIV/AIDS’ has
6 the meaning given the term in section 104A(g)(3) of
7 this Act.

8 “(5) ORPHAN.—The term ‘orphan’ means a
9 child deprived by death of one or both parents.

10 “(6) VULNERABLE CHILDREN.—The term ‘vul-
11 nerable children’ includes children who are ne-
12 glected, destitute, abandoned, homeless, disabled,
13 suffering from malnutrition, are sexually exploited or
14 abused, or are displaced or otherwise adversely af-
15 fected by armed conflict.”.

Ms. LEE. Mr. Chairman?

Chairman HYDE. Ms. Lee?

Ms. LEE. May I reserve the right to object?

Chairman HYDE. The gentlelady reserves the right to object.

Ms. LEE. Thank you.

Mr. MEEKS. Mr. Chairman?

Chairman HYDE. Yes?

Ms. LEE. Mr. Chairman, let me first thank you very much for the opportunity to work with you once again on this bill that we are moving forward, H.R. 4061. I want to indicate that we are calling this the Orphaned and Vulnerable Children in Developing Countries Act of 2004.

This bill is a bipartisan compromise agreement that has been hammered out with your staff, Mr. Chairman, Mr. Lantos, Mr. Rohrabacher, Ms. McCollum, Mr. Leach and Mr. Chris Smith. I want to take this opportunity to thank all the staff who were involved in this process, especially Peter on your staff and Cristof on my staff, and also for all of our outside organizations who are working so diligently on the ground to address the HIV/AIDS crisis throughout the world.

This legislation seeks to better coordinate and address the ever growing problems of orphans and vulnerable children in the developing world. As of 2001, an estimated 110 million children were living as orphans throughout sub-Saharan Africa, Asia, Latin America and the Caribbean. The rapid growth of the HIV/AIDS virus in Africa and throughout the world has dramatically impacted the number of children who are newly becoming orphans.

By 2010, there will be approximately 25 million orphans as a result of HIV and AIDS. Today, every 14 seconds another children is orphaned by AIDS. With parents dying at an alarming rate, children are left without food, shelter, education or protection. The global orphan crisis is a profound humanitarian disaster that will be felt for decades to come.

This bill seeks to address the growing global problem of orphans and vulnerable children by providing assistance to support the following: Basic care, treatment for HIV infected children, psycho-social support, school food programs, expanding educational opportunities through elimination of school fees, protecting inheritance rights for orphans and vulnerable children. The bill seeks to do all of this under the new structure of a separate office focused on orphans and vulnerable children.

Now, I understand that USAID has some concerns about how this bill is structured, but I believe that this bill represents a step in the right direction, and I look forward to working with USAID and with you, Mr. Chairman, with our outside organizations to really come up with an effort where USAID will support this bill because I think that this crisis has got to be addressed.

I think this bill is an excellent first start, and I would like to move this bill and ensure that we can get it to the President for his signature.

For those reasons, Mr. Chairman, I want to just thank you again very much for your commitment, your diligence. I want to thank Mr. Lantos for helping us to craft a bipartisan bill which I think we all can be proud of.

Chairman HYDE. If the gentlelady will maintain her reservation of rights, we will get some other people who want to speak, and then we will get back to you.

Mr. MEEKS, did you want to be heard?

Mr. MEEKS. Thank you, Mr. Chairman. These are my objections for the purposes of elaborating on some beneficial changes that have been made to the Peace Corps bill, H.R. 4060.

I would first like to commend the Peace Corps for its work in selecting some of America's brightest and best to assist in strengthening positive relationships between ours and other countries. As anti-American sentiments continue to increase, it is imperative that we support the Peace Corps and other programs that facilitate the intercultural understanding such as the Fulbright program.

I would also like to thank the Ranking Member for working so closely with me to include language to this bill that would only increase the positive impact of the Peace Corps. There is a great need to increase the number of Peace Corps volunteers trained through the global infectious diseases initiative in the Caribbean and Latin America.

The Caribbean is indeed our third border and has the second largest population of persons affected with HIV and AIDS outside of sub-Saharan Africa. Consequently, if more is not done to stop the spread of the disease in the entire region, the epidemic in the Caribbean has the potential to become similar to that of Africa. Placing Peace Corps volunteers that are health professionals in the Caribbean is just one means of helping to stem this tide.

There is also a need for the Peace Corps to target populations that are greatly in need, but for a variety of reasons have lacked help. This includes the 80 million to 150 million persons of African descent that live in Latin America and the Caribbean and countries like Brazil, Colombia and the Honduras.

Unfortunately, these populations constitute the majority of the poor, have shorter life expectancies, higher rates of infant mortality, higher incidences of HIV/AIDS and higher rates of illiteracy. Unlike indigenous populations, few international efforts have been directed toward helping these communities.

If we are interested in helping to uplift the poorest of the poor, directing Peace Corps activities to these communities is a great beginning. Again, I would like to thank you, Mr. Chairman, for agreeing to the report language that does just that.

Lastly, I would like to commend the Peace Corps on its diversity ethics through its Office of Minority Recruitment. I have learned of pilot programs such as the Texas Southern University internship program which allows students from historically black colleges and universities to live with a Peace Corps volunteer and hope that programs such as these will be expanded and continued.

Now I withdraw my objection, Mr. Chairman.

Chairman HYDE. I thank the gentleman.

Does anyone else wish to be heard under Ms. Lee's reservation of record?

Mr. LANTOS. Mr. Chairman?

Chairman HYDE. Mr. Lantos? By all means.

Mr. LANTOS. Mr. Chairman, we have no objection. We strongly support your proposal and ask for a unanimous vote.

Chairman HYDE. Very well. So ordered. Without objection, the staff is directed to make any technical and conforming changes, and without objection the Chairman is authorized to seek consideration of the following bills under suspension of the rules, and the proposed amendments to any of the bills which Members have before them will be deemed adopted:

H.R. 4019, Concerning participation of Taiwan in the World Health Organization; H.R. 4053, the United States International Leadership Act; H. Res. 402, Regarding the need for democratic reform, human rights and religious liberty in the Lao People's Democratic Republic; H. Res. 535, Expressing concern and support for local elected officials under the threat of assassination, kidnapping, forcible displacement and coercion by terrorist organizations in the Republic of Colombia, as amended; H. Res. 563, Regarding the one-year anniversary of the human rights crackdown in Cuba, as amended; H. Res. 576, Urging the Government of the People's Republic China—

Ms. WATSON. Mr. Chairman?

Chairman HYDE. Who seeks recognition?

Ms. WATSON. Congresswoman Watson.

Chairman HYDE. Ms. Watson?

Ms. WATSON. Yes.

Chairman HYDE. The gentlelady is recognized.

Ms. WATSON. I reserve the right to object.

Chairman HYDE. The gentlelady reserves the right to object.

Ms. WATSON. Yes.

Chairman HYDE. We have more bills on the list. Let me finish the list, and then your objection will be reserved.

Ms. WATSON. Thank you.

Chairman HYDE. H. Res. 576, Urging the Government of the People's Republic of China to improve its protection of intellectual property rights, as amended; H. Con. Res. 326, Regarding the arbitrary detention of Dr. Wang Bingzhang by the Government of the People's Republic of China; H. Con. Res. 336, Regarding the continued participation of the Russian Federation in the Group of 8 nations; H. Con. Res. 352, Recognizing the contributions of the people of India origin to the United States and the benefits of working together with India; H. Con. Res. 378, Calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Father Thaddeus Nguyen Van Ly; and H. Con. Res. 398, Regarding Iran's development of the means to produce nuclear weapons.

[The information referred to follows:]

108TH CONGRESS
2D SESSION

H. R. 4019

To address the participation of Taiwan in the World Health Organization.

IN THE HOUSE OF REPRESENTATIVES

MARCH 24, 2004

Mr. CHABOT (for himself, Mr. BROWN of Ohio, Mr. WEXLER, and Mr. ROHR-
ABACHER) introduced the following bill; which was referred to the Com-
mittee on International Relations

A BILL

To address the participation of Taiwan in the World Health
Organization.

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

3 **SECTION 1. CONCERNING THE PARTICIPATION OF TAIWAN**
4 **IN THE WORLD HEALTH ORGANIZATION.**

5 (a) FINDINGS.—Congress makes the following find-
6 ings:

7 (1) Good health is important to every citizen of
8 the world and access to the highest standards of
9 health information and services is necessary to im-
10 prove the public health.

1 (2) Direct and unobstructed participation in
2 international health cooperation forums and pro-
3 grams is beneficial for all parts of the world, espe-
4 cially today with the great potential for the cross-
5 border spread of various infectious diseases such as
6 the human immunodeficiency virus (HIV), tuber-
7 culosis, and malaria.

8 (3) Taiwan's population of 23,500,000 people is
9 greater than that of $\frac{3}{4}$ of the member states already
10 in the World Health Organization (WHO).

11 (4) Taiwan's achievements in the field of health
12 are substantial, including—

13 (A) attaining—

14 (i) 1 of the highest life expectancy lev-
15 els in Asia; and

16 (ii) maternal and infant mortality
17 rates comparable to those of western coun-
18 tries;

19 (B) eradicating such infectious diseases as
20 cholera, smallpox, the plague, and polio; and

21 (C) providing children with hepatitis B
22 vaccinations.

23 (5) The United States Centers for Disease Con-
24 trol and Prevention and its counterpart agencies in

1 Taiwan have enjoyed close collaboration on a wide
2 range of public health issues.

3 (6) In recent years Taiwan has expressed a will-
4 ingness to assist financially and technically in inter-
5 national aid and health activities supported by the
6 WHO.

7 (7) On January 14, 2001, an earthquake, reg-
8 istering between 7.6 and 7.9 on the Richter scale,
9 struck El Salvador. In response, the Taiwanese Gov-
10 ernment sent 2 rescue teams, consisting of 90 indi-
11 viduals specializing in firefighting, medicine, and
12 civil engineering. The Taiwanese Ministry of Foreign
13 Affairs also donated \$200,000 in relief aid to the
14 Salvadoran Government.

15 (8) The World Health Assembly has allowed ob-
16 servers to participate in the activities of the organi-
17 zation, including the Palestine Liberation Organiza-
18 tion in 1974, the Order of Malta, and the Holy See
19 in the early 1950's.

20 (9) The United States, in the 1994 Taiwan Pol-
21 icy Review, declared its intention to support Tai-
22 wan's participation in appropriate international or-
23 ganizations.

24 (10) Public Law 106-137 required the Sec-
25 retary of State to submit a report to Congress on ef-

1 forts by the executive branch to support Taiwan’s
2 participation in international organizations, in par-
3 ticular the WHO.

4 (11) In light of all benefits that Taiwan’s partici-
5 pation in the WHO can bring to the state of
6 health not only in Taiwan, but also regionally and
7 globally, Taiwan and its 23,500,000 people should
8 have appropriate and meaningful participation in the
9 WHO.

10 (12) On May 11, 2001, President Bush stated
11 in a letter to Senator Murkowski that the United
12 States “should find opportunities for Taiwan’s voice
13 to be heard in international organizations in order to
14 make a contribution, even if membership is not pos-
15 sible”, further stating that the administration “has
16 focused on finding concrete ways for Taiwan to ben-
17 efit and contribute to the WHO”.

18 (13) In his speech made in the World Medical
19 Association on May 14, 2002, Secretary of Health
20 and Human Services Tommy Thompson announced
21 “America’s work for a healthy world cuts across po-
22 litical lines. That is why my government supports
23 Taiwan’s efforts to gain observership status at the
24 World Health Assembly. We know this is a con-
25 troversial issue, but we do not shrink from taking a

1 public stance on it. The people of Taiwan deserve
2 the same level of public health as citizens of every
3 nation on earth, and we support them in their ef-
4 forts to achieve it”.

5 (14) The Government of the Republic of China
6 on Taiwan, in response to an appeal from the
7 United Nations and the United States for resources
8 to control the spread of HIV/AIDS, donated
9 \$1,000,000 to the Global Fund to Fight AIDS, Tu-
10 berculosis, and Malaria in December 2002.

11 (15) In 2003, the outbreak of Severe Acute
12 Respiratory Syndrome (SARS) caused 73 deaths in
13 Taiwan.

14 (16) Avian influenza, commonly known as bird
15 flu, has reemerged in Asia, with strains of the influ-
16 enza reported by the People’s Republic of China,
17 Cambodia, Indonesia, Japan, Pakistan, South
18 Korea, Taiwan, Thailand, Vietnam, and Laos.

19 (17) The SARS and avian influenza outbreaks
20 illustrate that disease knows no boundaries and em-
21 phasize the importance of allowing all people access
22 to the WHO.

23 (18) As the pace of globalization quickens and
24 the spread of infectious disease accelerates, it is cru-
25 cial that all people, including the people of Taiwan,

1 be given the opportunity to participate in inter-
2 national health organizations such as the WHO.

3 (19) The Secretary of Health and Human Serv-
4 ices acknowledged during the 2003 World Health
5 Assembly meeting that “[t]he need for effective pub-
6 lic health exists among all peoples”.

7 (b) PLAN.—The Secretary of State is authorized to—

8 (1) initiate a United States plan to endorse and
9 obtain observer status for Taiwan at the annual
10 week-long summit of the World Health Assembly in
11 May 2004 in Geneva, Switzerland;

12 (2) instruct the United States delegation to the
13 World Health Assembly in Geneva to implement that
14 plan; and

15 (3) introduce a resolution in support of observer
16 status for Taiwan at the summit of the World
17 Health Assembly.

18 (c) REPORT CONCERNING OBSERVER STATUS FOR
19 TAIWAN AT THE SUMMIT OF THE WORLD HEALTH AS-
20 SEMBLY.—Not later than 30 days after the date of the
21 enactment of this Act, and not later than April 1 of each
22 year thereafter, the Secretary of State shall submit a re-
23 port to the Congress, in unclassified form, describing the
24 United States plan to endorse and obtain observer status
25 for Taiwan at the annual week-long summit of the World

1 Health Assembly (WHA) held by the World Health Orga-
2 nization (WHO) in May of each year in Geneva, Switzer-
3 land. Each report shall include the following:

4 (1) An account of the efforts the Secretary of
5 State has made, following the last meeting of the
6 World Health Assembly, to encourage WHO member
7 states to promote Taiwan's bid to obtain observer
8 status.

9 (2) The steps the Secretary of State will take
10 to endorse and obtain observer status at the next
11 annual meeting of the World Health Assembly in
12 Geneva, Switzerland.

○

.....
(Original Signature of Member)

108TH CONGRESS
2D SESSION

H. R. 4053

To improve the workings of international organizations and multilateral institutions, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. LANTOS (for himself and Mr. DREIER) introduced the following bill; which was referred to the Committee on _____

A BILL

To improve the workings of international organizations and multilateral institutions, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "United States Inter-
5 national Leadership Act of 2004".

1 **TITLE I—UNITED STATES**
2 **INTERNATIONAL LEADERSHIP**

3 **SEC. 101. FINDINGS.**

4 The Congress makes the following findings:

5 (1) Decisions at many international organiza-
6 tions and other multilateral institutions, including
7 membership and key positions, remain subject to de-
8 terminations made by regional groups where demo-
9 cratic states are often in the minority and where
10 there is intensive cooperation among repressive re-
11 gimes. As a result, the United States has often been
12 blocked in its attempts to take action in these insti-
13 tutions to advance its goals and objectives, including
14 at the United Nations Human Rights Commission
15 (where a representative of Libya was elected as
16 chairman and the United States temporarily lost a
17 seat).

18 (2) In order to address these shortcomings, the
19 United States must actively work to improve the
20 workings of international organizations and multilat-
21 eral institutions, particularly by creating a caucus of
22 democratic countries that will advance United States
23 interests. In the second Ministerial Conference of
24 the Community of Democracies in Seoul, Korea, on
25 November 10–20, 2002, numerous countries rec-

1 ommended working together as a democracy caucus
2 in international organizations such as the United
3 Nations and ensuring that international and regional
4 institutions develop and apply democratic standards
5 for member states.

6 **SEC. 102. ESTABLISHMENT OF A DEMOCRACY CAUCUS.**

7 (a) IN GENERAL.—The President of the United
8 States, acting through the Secretary of State and the rel-
9 evant United States chiefs of mission, shall seek to estab-
10 lish a democracy caucus at the United Nations, the United
11 Nations Human Rights Commission, the United Nations
12 Conference on Disarmament, and at other broad-based
13 international organizations.

14 (b) PURPOSES OF THE CAUCUS.—a democracy cau-
15 cus at an international organization should—

16 (1) forge common positions, including, as ap-
17 propriate, at the ministerial level, on matters of con-
18 cern before the organization and work within and
19 across regional lines to promote agreed positions;

20 (2) work to revise an increasingly outmoded
21 system of regional voting and decision making; and

22 (3) set up a rotational leadership scheme to
23 provide member states an opportunity, for a set pe-
24 riod of time, to serve as the designated president of

1 the caucus, responsible for serving as its voice in
2 each organization.

3 **SEC. 103. ANNUAL DIPLOMATIC MISSIONS ON MULTILAT-**
4 **ERAL ISSUES.**

5 The Secretary of State, acting through the principal
6 officers responsible for advising the Secretary on inter-
7 national organizations, shall ensure that a high-level dele-
8 gation from the United States Government, on an annual
9 basis, is sent to consult with key foreign governments in
10 every region in order to promote the United States agenda
11 at key international fora, such as the United Nations Gen-
12 eral Assembly, United Nations Human Rights Commis-
13 sion, the United Nations Education, Science, and Cultural
14 Organization, and the International Whaling Commission.

15 **SEC. 104. LEADERSHIP AND MEMBERSHIP OF INTER-**
16 **NATIONAL ORGANIZATIONS.**

17 (a) UNITED STATES POLICY.—The President, acting
18 through the Secretary of State and the relevant United
19 States chiefs of mission, shall use the voice, vote, and in-
20 fluence of the United States to—

21 (1) where appropriate, reform the criteria for
22 leadership and, in appropriate cases for membership,
23 at all United Nations bodies and at other inter-
24 national organizations and multilateral institutions
25 to which the United States is a member so as to ex-

1 include nations that violate the principles of the spe-
2 cific organization;

3 (2) make it a policy of the United Nations and
4 other international organizations and multilateral in-
5 stitutions, of which the United States is a member,
6 that a member state may not stand in nomination
7 or be in rotation for a leadership position in such
8 bodies if the member state is subject to sanctions
9 imposed by the United Nations Security Council;
10 and

11 (3) work to ensure that no member state stand
12 in nomination or be in rotation for a leadership posi-
13 tion in such organizations, or for membership of the
14 United Nations Security Council, if the member
15 state is subject to a determination under section
16 620A of the Foreign Assistance Act of 1961, section
17 40 of the Arms Export Control Act, or section 6(j)
18 of the Export Administration Act.

19 (b) REPORT TO CONGRESS.—Not later than 15 days
20 after a country subject to a determination under section
21 620A of the Foreign Assistance Act of 1961, section 40
22 of the Arms Export Control Act, or section 6(j) of the
23 Export Administration Act of 1979 is selected for a lead-
24 ership post in an international organization of which the
25 United States is a member or a membership of the United

1 Nations Security Council, the Secretary of State shall sub-
2 mit to the appropriate congressional committees a report
3 on any steps taken pursuant to subsection (a)(3).

4 **SEC. 105. INCREASED TRAINING IN MULTILATERAL DIPLO-**
5 **MACY.**

6 (a) TRAINING PROGRAMS.—Section 708 of the For-
7 eign Service Act of 1980 (22 U.S.C. 4028) is amended
8 by adding after subsection (b) the following new sub-
9 section:

10 “(c) TRAINING IN MULTILATERAL DIPLOMACY.—

11 “(1) IN GENERAL.—The Secretary shall estab-
12 lish a series of training courses for officers of the
13 Service, including appropriate chiefs of mission, on
14 the conduct of diplomacy at international organiza-
15 tions and other multilateral institutions and at
16 broad-based multilateral negotiations of inter-
17 national instruments.

18 “(2) PARTICULAR PROGRAMS.—The Secretary
19 shall ensure that the training described in paragraph
20 (1) is provided at various stages of the career of
21 members of the service. in particular, the Secretary
22 shall ensure that after January 1, 2006—

23 “(A) officers of the Service receive training
24 on the conduct of diplomacy at international or-
25 ganizations and other multilateral institutions

1 and at broad-based multilateral negotiations of
2 international instruments as part of their train-
3 ing upon entry of the Service; and

4 “(B) officers of the Service, including
5 chiefs of mission, who are assigned to United
6 States missions representing the United States
7 to international organizations and other multi-
8 lateral institutions or who are assigned in
9 Washington, D.C., to positions that have as
10 their primary responsibility formulation of pol-
11 icy towards such organizations and institutions
12 or towards participation in broad-based multi-
13 lateral negotiations of international instruments
14 receive specialized training in the areas de-
15 scribed in paragraph (1) prior to beginning of
16 service for such assignment or, if receiving such
17 training at that time is not practical, within the
18 first year of beginning such assignment.”.

19 (b) TRAINING FOR CIVIL SERVICE EMPLOYEES.—
20 The Secretary shall ensure that employees of the Depart-
21 ment of State that are members of the civil service and
22 that are assigned to positions described in section 708(c)
23 of the Foreign Service Act of 1980 (as amended by this
24 subtitle) have training described in such section.

1 (c) CONFORMING AMENDMENTS.—Section 708 of
2 such Act is further amended—

3 (1) In subsection (a) by striking “(a) The” and
4 inserting “(A) TRAINING ON HUMAN RIGHTS.—
5 The”; and

6 (2) In subsection (b) by striking “(b) The” and
7 inserting “(B) TRAINING ON REFUGEE LAW AND
8 RELIGIOUS PERSECUTION.—The”.

9 **SEC. 106. PROMOTING ASSIGNMENTS TO INTERNATIONAL**
10 **ORGANIZATIONS.**

11 (a) PROMOTIONS.—

12 (1) IN GENERAL.—Section 603(b) of the For-
13 eign Service Act of 1980 (22 U.S.C. 4003) is
14 amended by striking the period at the end and in-
15 serting: “, and shall consider whether the member of
16 the Service has served in a position whose primary
17 responsibility is to formulate policy towards or rep-
18 resent the United States at an international organi-
19 zation, a multilateral institution, or a broad-based
20 multilateral negotiation of an international instru-
21 ment.”.

22 (2) EFFECTIVE DATE.—The amendment made
23 by paragraph (1) shall take effect January 1, 2011.

24 (b) ESTABLISHMENT OF A MULTILATERAL DIPLO-
25 MACY CONE IN THE FOREIGN SERVICE.—

1 (1) FINDINGS.—Congress finds the following:

2 (A) The Department of State maintains a
3 number of United States missions both within
4 the United States and abroad that are dedi-
5 cated to representing the United States to
6 international organizations and multilateral in-
7 stitutions, including missions in New York,
8 Brussels, Geneva, Rome, Montreal, Nairobi, Vi-
9 enna, and Paris, and which are responsible for
10 United States representation to the United Na-
11 tions Economics, Scientific and Cultural Orga-
12 nization (UNESCO) and the Organization on
13 Economic Cooperation and Development
14 (OECD).

15 (B) In offices at the Harry S. Truman
16 Building, the Department maintains a signifi-
17 cant number of positions in bureaus that are ei-
18 ther dedicated, or whose primary responsibility
19 is, to represent the United States to such orga-
20 nizations and institutions or at multilateral ne-
21 gotiations.

22 (C) Given the large number of positions in
23 the United States and abroad that are dedi-
24 cated to multilateral diplomacy, the Department
25 of State may be well served in developing per-

1 sons with specialized skills necessary to become
2 experts in this unique form of diplomacy.

3 (2) REPORT.—Not later than 180 days after
4 the date of the enactment of this Act, the Secretary
5 shall submit to the appropriate congressional com-
6 mittees a report—

7 (A) evaluating whether a new cone should
8 be established for the Foreign Service that con-
9 centrates on members of the Service that serve
10 at international organizations and multilateral
11 institutions or are primarily responsible for par-
12 ticipation in broad-based multilateral negotia-
13 tions of international instruments; and

14 (B) provides alternative mechanisms for
15 achieving the objective of developing a core
16 group of United States diplomats and other
17 government employees who have expertise and
18 broad experience in conducting multilateral di-
19 plomacy.

20 **SEC. 107. IMPLEMENTATION AND ESTABLISHMENT OF OF-**
21 **FICE ON MULTILATERAL NEGOTIATIONS.**

22 (a) ESTABLISHMENT OF OFFICE.—The Secretary of
23 State is authorized to establish, within the Bureau of
24 International Organizational Affairs, an Office on Multi-
25 lateral Negotiations to be headed by a Special Representa-

1 tive for Multilateral Negotiations (in this section referred
2 to as the “special representative”).

3 (b) APPOINTMENT.—The special representative shall
4 be appointed by the President with the advice and consent
5 of the Senate and shall have the rank of Ambassador-at-
6 Large. At the discretion of the President another official
7 at the Department may serve as the special representative.
8 The President may direct that the special representative
9 report to the Assistant Secretary for International Organi-
10 zations.

11 (c) STAFFING.—The special representative shall have
12 a staff of foreign service and civil service officers skilled
13 in multilateral diplomacy.

14 (d) DUTIES.—The special representative shall have
15 the following responsibilities:

16 (1) IN GENERAL.—The primary responsibility
17 of the special representative shall be to assist in the
18 organization of, and preparation for, United States
19 participation in multilateral negotiations, including
20 the advocacy efforts undertaken by the Department
21 of State and other United States agencies.

22 (2) ADVISORY ROLE.—The special representa-
23 tive shall advise the President and the Secretary of
24 State, as appropriate, regarding advocacy at inter-
25 national organizations and multilateral institutions

1 and negotiations and, in coordination with the as-
2 sistant Secretary of State for international organiza-
3 tional affairs, shall make recommendations
4 regarding—

5 (A) effective strategies (and tactics) to
6 achieve United States policy objectives at multi-
7 lateral negotiations;

8 (B) the need for and timing of high level
9 intervention by the President, the Secretary of
10 State, the Deputy Secretary of State, and other
11 United States officials to secure support from
12 key foreign government officials for the United
13 States position at such organizations, institu-
14 tions, and negotiations;

15 (C) the composition of United States dele-
16 gations to multilateral negotiations; and

17 (D) liaison with Congress, international or-
18 ganizations, nongovernmental organizations,
19 and the private sector on matters affecting mul-
20 tilateral negotiations.

21 (3) DEMOCRACY CAUCUS.—The special rep-
22 resentative, in coordination with the Assistant Sec-
23 retary for International Organizational Affairs, shall
24 ensure the establishment of a democracy caucus.

1 (4) ANNUAL DIPLOMATIC MISSIONS OF MULTI-
2 LATERAL ISSUES.—The special representative, in co-
3 ordination with the Assistant Secretary for Inter-
4 national Organizational Affairs, shall organize an-
5 nual diplomatic missions to appropriate foreign
6 countries to conduct consultations between principal
7 officers responsible for advising the Secretary of
8 State on international organizations and high-level
9 representatives of the governments of such foreign
10 countries to promote the United States agenda at
11 the United Nations General Assembly and other key
12 international fora (such as the United Nations
13 Human Rights Commission).

14 (5) LEADERSHIP AND MEMBERSHIP OF INTER-
15 NATIONAL ORGANIZATIONS.—The special representa-
16 tive, in coordination with the Assistant Secretary of
17 International Organizational Affairs, shall direct the
18 efforts of the United States Government to reform
19 the criteria for leadership and membership of inter-
20 national organizations as described in section 104.

21 (6) PARTICIPATION IN MULTILATERAL NEGO-
22 TIATIONS.—The special representative, or members
23 of the special representative's staff, may, as required
24 by the President or the Secretary of State, serve on

1 a United States delegation to any multilateral nego-
2 tiation.

3 (e) REPORT.—Not later than 180 days after the date
4 of the enactment of this Act, the Secretary of State shall
5 submit a plan to establish a democracy caucus to the ap-
6 propriate congressional committees. The report required
7 by section 106(b)(2) may be submitted together with the
8 report under this subsection.

9 **SEC. 108. DEFINITION.**

10 In this title, the term “appropriate congressional
11 committees” means the Committee on International Rela-
12 tions of the House of Representatives and the Committee
13 on Foreign Relations of the Senate.

14 **TITLE II—MISCELLANEOUS**
15 **PROVISIONS**

16 **SEC. 201. REPORTS RELATING TO MAGEN DAVID ADOM SO-**
17 **CIETY.**

18 (a) FINDINGS.—Section 690(a) of the Foreign Rela-
19 tions Authorization Act, Fiscal Year 2003 (Public Law
20 107–228) is amended by adding at the end the following:

21 “(5) Since the founding of the Magen David
22 Adom in 1930, the American Red Cross has re-
23 garded it as a sister national society forging close
24 working ties between the two societies and has con-
25 sistenty advocated recognition and membership of

1 the Magen David Adom in the International Red
2 Cross and Red Crescent Movement.

3 “(6) The American Red Cross and Magen
4 David Adom signed an important memorandum of
5 understanding in November 2002, outlining areas
6 for strategic collaboration, and the American Red
7 Cross will encourage other societies to establish simi-
8 lar agreements with Magen David Adom.”.

9 (b) SENSE OF CONGRESS.—Section 690(b) of such
10 Act is amended—

11 (1) in paragraph (3) after the semicolon by
12 striking “and”;

13 (2) by redesignating paragraph (4) as para-
14 graph (5); and

15 (3) by inserting after paragraph (3) the fol-
16 lowing new paragraph:

17 “(4) the High Contracting Parties to the Gene-
18 va Conventions of August 12, 1949, should adopt
19 the October 12, 2000, draft additional protocol
20 which would accord international recognition to an
21 additional distinctive emblem; and”.

22 (c) REPORT.—Section 690 of such Act is further
23 amended by adding at the end the following:

24 “(c) REPORT.—Not later than 60 days after the date
25 of the enactment of the United States International Lead-

1 ership Act of 2004, and annually thereafter, the Secretary
2 of State shall submit a report, on a classified basis if nec-
3 essary, to the appropriate congressional committees
4 describing—

5 “(1) efforts by the United States to obtain full
6 membership for the Magen David Adom in the
7 International Red Cross Movement;

8 “(2) efforts by the International Committee of
9 the Red Cross to obtain full membership for the
10 Magen David Adom in the International Red Cross
11 Movement;

12 “(3) efforts of the High Contracting Parties to
13 the Geneva Convention of 1949 to adopt the October
14 12, 2000, draft additional protocol; and

15 “(4) the extent to which the Magen David
16 Adom of Israel is participating in the activities of
17 the International Red Cross and Red Crescent Move-
18 ment.”.

19 **SEC. 202. VOLUNTARY CONTRIBUTION TO ORGANIZATION**
20 **OF AMERICAN STATES.**

21 There are authorized to be appropriated \$2,000,000
22 for a United States voluntary contribution to the Organi-
23 zation of American States for the Inter-American Com-
24 mittee Against Terrorism (CICTE) to identify and develop
25 a port in the Latin American and Caribbean region into

1 a model of best security practices and appropriate tech-
2 nologies for improving port security in the Western Hemi-
3 sphere. Amounts authorized to be appropriated under this
4 section are authorized to remain available until expended
5 and are in addition to amounts otherwise available to
6 carry out section 301 of the Foreign Assistance Act of
7 1961 (22 U.S.C. 2221).

8 **SEC. 203. COMBATING THE PIRACY OF UNITED STATES**
9 **COPYRIGHTED MATERIALS.**

10 (a) AUTHORIZATION OF APPROPRIATIONS.—In addi-
11 tion to such amounts as may otherwise be authorized to
12 be appropriated for such purpose, there are authorized to
13 be appropriated for the Department of State, \$10,000,000
14 to carry out the following activities in countries that are
15 not members of the Organization for Economic Coopera-
16 tion and Development (OECD):

17 (1) Provision of equipment and training for for-
18 eign law enforcement, including in the interpretation
19 of intellectual property laws.

20 (2) Training for judges and prosecutors, includ-
21 ing in the interpretation of intellectual property
22 laws.

23 (3) Assistance in complying with obligations
24 under appropriate international copyright and intel-
25 lectual property treaties and agreements.

1 (b) CONSULTATION WITH WORLD INTELLECTUAL
2 PROPERTY ORGANIZATION.—In carrying out subsection
3 (a), the Department of State should make every effort to
4 consult with, and provide appropriate assistance to, the
5 World Intellectual Property Organization to promote the
6 integration of non-OECD countries into the global intel-
7 lectual property system.

108TH CONGRESS
1ST SESSION

H. RES. 402

Expressing the sense of the House of Representatives regarding the urgent need for freedom, democratic reform, and international monitoring of elections, human rights, and religious liberty in the Lao People's Democratic Republic.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 16, 2003

Mr. BURTON of Indiana (for himself, Mr. GREEN of Wisconsin, Mr. NUNES, Mr. CHABOT, Mr. SHAYS, Mr. HALL, Mr. PETRI, Mr. KIND, Mr. HERGER, Ms. SCHAKOWSKY, and Mr. ROHRABACHER) submitted the following resolution; which was referred to the Committee on International Relations

RESOLUTION

Expressing the sense of the House of Representatives regarding the urgent need for freedom, democratic reform, and international monitoring of elections, human rights, and religious liberty in the Lao People's Democratic Republic.

Whereas, in 1975, the Kingdom of Laos, a constitutional monarchy and important ally of the United States during the Vietnam War, was overthrown by the Marxist Lao People's Revolutionary Party with the assistance of the People's Army of North Vietnam;

Whereas the Lao People's Democratic Republic was established as a one-party regime in 1975 following the communist takeover;

Whereas tens of thousands of Laotian and Hmong people, a prominent highland minority group, were killed or died at the hands of communist forces while attempting to flee the Lao communist regime, and many others perished in reeducation and labor camps;

Whereas tens of thousands of Laotian and Hmong became refugees, eventually resettling in the United States where they now reside as American citizens and lead constructive lives as members of their communities;

Whereas the only political party allowed by law in Laos is the communist Lao People's Revolutionary Party;

Whereas, in 1989, Laos held its first elections since the establishment of the Lao People's Democratic Republic, but only candidates who were approved by the communist Lao People's Revolutionary Party were allowed to seek public office;

Whereas, in 1991, Laos adopted its first constitution which purports to guarantee the people of Laos a wide range of freedoms, including the freedoms of speech, assembly, and religion;

Whereas the Lao People's Revolutionary Party Congress meets every five years and controls or influences the organs of the state in Laos, including the armed forces, the security services, and the National Assembly;

Whereas the Lao People's Revolutionary Party promulgates the five-year state plans that control the economy and do not need to receive the approval of the National Assembly;

Whereas, in 1999, peaceful pro-democracy demonstrations held by Laotian students in the capital of Vientiane calling for political and economic reforms were suppressed by

force by the Lao government, which arrested many of the students;

Whereas Amnesty International reports that many Laotian student leaders from the 1999 pro-democracy demonstrations continue to be held by the Lao government and languish in the Lao prison system or remain unaccounted for;

Whereas, in 2001, Olivier Dupuis, a Member of the European Parliament, was arrested and jailed in Laos along with a group of pro-democracy activists after peacefully protesting for the release of the Lao students and for democratic and human rights reforms in Laos;

Whereas international election monitors are currently not permitted to enter Laos to monitor elections;

Whereas Laos remains a one-party communist state that continues to prohibit the organizing of opposition political parties to the Lao People's Revolutionary Party;

Whereas, in 2002, elections for the Lao People's Democratic National Assembly were held nearly a year earlier than scheduled and excluded all candidates from political parties other than the Lao People's Revolutionary Party, as well as all overseas Laotians;

Whereas Amnesty International and other independent human rights organizations are not permitted to enter Laos to monitor or investigate the human rights situation or reports of alleged human rights violations;

Whereas, in 2003, the United States Commission on International Religious Freedom issued a country report on religious persecution in Laos, recommending that the President designate Laos as a "country of particular concern";

Whereas the Department of State reported in its most recent Country Report on Human Rights Practices in Laos that Laos restricts its citizens from enjoying the freedoms of speech, assembly, and religion, and from undertaking activities to change their government;

Whereas, in 2003, the United Nations Committee on Elimination of Racial Discrimination stated that the Lao government had failed to honor its obligations, and the Committee expressed its grave concerns at the information it had received of serious and repeated human rights violations in Laos;

Whereas, in October 2003, Amnesty International issued a statement detailing its concern about the use of starvation by the Lao government as a weapon of war against civilians in Laos and the deteriorating situation facing thousands of family members of ethnic minority groups, predominantly the Hmong;

Whereas, in 2003, Amnesty International's International Secretariat, in a statement further detailing its concerns about Laos, condemned in the strongest terms the use of starvation as a weapon of war against civilians and cited it as a clear and serious violation of the Geneva Conventions that Laos has ratified;

Whereas because many Laotians and Hmong, including those in the overseas communities, are not members of the Lao People's Revolutionary Party, they do not meet with its approval as political candidates, but they are nevertheless successful businessmen, technocrats, and community and religious leaders with democratic aspirations and concern for the people of Laos; and

Whereas the United States has a vital interest in the world-wide promotion of democratic principles and respect for human rights, and supports democratic reforms in Laos: Now, therefore, be it

1 *Resolved*, That the House of Representatives strongly
2 supports the following points and urges the Government
3 of the Lao People's Democratic Republic, the United Na-
4 tions, the European Union, and the Association of South
5 East Asian Nations—

6 (1) to work to provide unrestricted access to
7 Laos by international election monitors for upcoming
8 presidential and National Assembly elections;

9 (2) to work to provide unrestricted access to
10 Laos, including special closed military zones and
11 closed provinces, by international human rights or-
12 ganizations, the United Nations, the United States
13 Commission on International Religious Freedom,
14 and humanitarian aid organizations;

15 (3) to work to ensure that opposition political
16 parties and their candidates are allowed to run for
17 public office in multi-party elections without regard
18 to gender, race, ethnicity, religion, economic stand-
19 ing, or political affiliation, and that all adult citizens
20 of Laos, including overseas Laotian citizens, are per-
21 mitted to vote and run for public office;

1 (4) to allow the citizens of Laos to assemble
2 and peacefully protest against the Government of
3 Laos, the Lao People's Revolutionary Party, and in-
4 dividual public officials, and to freely organize oppo-
5 sition groups and independent political parties;

6 (5) to heed the call by the United Nations Com-
7 mittee on Elimination of Racial Discrimination for
8 the Lao People's Revolutionary Party to halt imme-
9 diately all acts of violence against the Hmong popu-
10 lation and provide them with humanitarian assist-
11 ance;

12 (6) to work to gain the immediate release of
13 those students and their family members arrested
14 and jailed in connection with the 1999 pro-democ-
15 racy demonstrations, as well as all other political
16 prisoners, prisoners of conscience, and those jailed
17 for their religious beliefs or ethnicity; and

18 (7) to work to implement the recommendations
19 of the United States Commission on International
20 Religious Freedom with respect to promoting reli-
21 gious freedom in Laos.

○

108TH CONGRESS
2D SESSION

H. RES. 535

Expressing the concern and support of the House of Representatives for local elected officials under threat of assassination, kidnapping, forcible displacement, and coercion by terrorist organizations in the Republic of Colombia.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 25, 2004

Mr. WELLER (for himself, Mr. BALLENGER, Ms. HARRIS, and Mr. SOUDER) submitted the following resolution; which was referred to the Committee on International Relations

RESOLUTION

Expressing the concern and support of the House of Representatives for local elected officials under threat of assassination, kidnapping, forcible displacement, and coercion by terrorist organizations in the Republic of Colombia.

Whereas attacks on the Government of the Republic of Colombia and civilian population of Colombia by terrorist organizations, including the Revolutionary Armed Forces of Colombia (FARC), the United Self-Defense Forces of Colombia (AUC), and the National Liberation Army (ELN), pose a constant threat to the oldest democracy in South America and undermine the fundamental human rights of the people of Colombia;

Whereas threats by terrorist organizations against democratically-elected local and regional representatives, such as mayors, council members, governors, and judges, hinders and, in many cases prevents, these representatives from carrying out their required duties;

Whereas the National Federation of Council Members of Colombia, a civil society organization representing elected municipal council officials in Colombia, reports that 252 municipal council members were assassinated by the FARC, ELN, AUC, and other terrorist organizations between July 1996 and September 2003;

Whereas the National Federation of Council Members of Colombia has established a Department of Human Rights and International Humanitarian Law in order to help protect council members from assassinations and attacks by terrorist organizations;

Whereas there has recently been an alarming increase in the number of such assassinations and attacks, increasing from an average of 21.5 during the years 1996–2001 to 64 in 2002, and 59 during the first nine months of 2003;

Whereas in addition to the 59 council members killed through September 2003, 1180 council members were forcibly displaced by terrorist organizations;

Whereas during the process leading to local elections in October 2003, 15 aspiring council members were killed and at least 135 aspiring council members were forced to end their campaigns because of the threats of assassination, principally from the FARC; and

Whereas as the direct representatives of local constituencies, elected municipal councils are a vital institution of democracy in Colombia: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) condemns all terrorist organizations in the
3 Republic of Colombia for their efforts to undermine
4 and remove local government officials such as may-
5 ors, judges, and municipal council members, through
6 assassination, kidnapping, coercion, or forcible dis-
7 placement from their communities;

8 (2) expresses its strong support for democrat-
9 ically-elected municipal council members in Colombia
10 in their efforts to continue governing in the face of
11 continuing and increasing threats by terrorist orga-
12 nizations;

13 (3) calls upon the Government of Colombia to
14 continue its campaign to restore legitimate govern-
15 ance throughout the entire country; and

16 (4) commends the efforts by the National Fed-
17 eration of Council Members of Colombia to provide
18 support for local elected officials in their struggle
19 against lawlessness and terror.

○

AMENDMENT TO THE AMENDMENT TO H. RES. 535
OFFERED BY MR. PAYNE

Page 1, line 5, insert after “judges” the following: “(including those who represent the most vulnerable communities, such as Afro-Colombian and indigenous leaders)”.

Page 1, line 6, insert before “coercion” the following: “threatening their family members,”.

Page 1, line 19, insert before the semicolon the following: “and, in doing so, to work closely with the Black Mayor’s Association of Colombia and the Colombian Congressional Black Caucus to ensure support for communities that have been disproportionately affected by the conflict”.

AMENDMENT TO H. RES. 535
OFFERED BY MR. WELLER

Page 3, strike paragraphs (1) through (4) and insert the following:

1 (1) condemns all terrorist organizations in the
2 Republic of Colombia for their efforts to undermine
3 and remove local government officials and regional
4 representatives, such as mayors, council members,
5 governors, and judges, through assassination, kid-
6 napping, coercion, or forcible displacement from
7 their communities, which constitute violations of
8 international humanitarian law;

9 (2) expresses its strong support for democrat-
10 ically elected municipal council members in Colombia
11 in their efforts to continue governing in the face of
12 continuing and increasing threats by terrorist orga-
13 nizations;

14 (3) commends the Government of Colombia for
15 its ongoing efforts to restore legitimate government
16 throughout the entire country;

17 (4) urges the Government of Colombia to ex-
18 pand its efforts to restore basic services to affected
19 municipalities and communities;

1 (5) calls upon the Government of Colombia to
2 investigate and prosecute to the fullest extent of the
3 law those persons responsible for the attacks and
4 threats against local government officials, regional
5 representatives, and civil society leaders; and

6 (6) commends the efforts by the National Fed-
7 eration of Municipal Councils of Colombia to provide
8 support for local government officials, regional rep-
9 resentatives, and civil society leaders in their strug-
10 gle against lawlessness and terror.

AMENDMENT TO H. RES 535**OFFERED BY MR. WELLER**

Strike the preamble and insert the following:

Whereas attacks on the Government of the Republic of Colombia and civilian population of Colombia by the Revolutionary Armed Forces of Colombia (FARC), the United Self-Defense Forces of Colombia (AUC), and the National Liberation Army (ELN), which have been designated as foreign terrorist organizations by the Government of the United States, pose a constant threat to the oldest democracy in South America and undermine the fundamental human rights of the people of Colombia;

Whereas threats by these terrorist organizations against democratically elected local and regional representatives, such as mayors, council members, governors, and judges, hinders and, in many cases, prevents these representatives from carrying out their required duties;

Whereas the National Federation of Municipal Councils of Colombia, a civil society organization representing elected municipal council officials in Colombia, reports that 252 municipal council members were assassinated by the FARC, AUC, and ELN between July 1996 and September 2003;

Whereas the National Federation of Municipal Councils of Colombia has established a Department of Human Rights and International Humanitarian Law in order to help protect council members from assassinations and attacks by terrorist organizations;

Whereas assassinations and attacks on municipal council members in Colombia increased from an average of 21.5

during the years 1996 to 2001 to 64 in 2002, and 59 during the first 9 months of 2003;

Whereas in addition to the 59 council members killed through September 2003, 1,180 council members were forcibly displaced by terrorist organizations;

Whereas the terrorist attacks on the democratically elected local and regional representatives as well as aspiring council members constitute violations of international humanitarian law;

Whereas during the process leading to local elections in October 2003, 15 aspiring council members were killed and at least 135 aspiring council members reported that they ended their campaigns because of threats of assassination, principally from the FARC; and

Whereas, as the direct representatives of local constituencies, elected municipal councils are a vital institution of democracy in Colombia: Now, therefore, be it

108TH CONGRESS
2D SESSION

H. RES. 563

Expressing the sense of the House of Representatives regarding the one-year anniversary of the human rights crackdown in Cuba.

IN THE HOUSE OF REPRESENTATIVES

MARCH 16, 2004

Ms. ROS-LEHTINEN (for herself, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MENENDEZ, and Mr. MARIO DIAZ-BALART of Florida) submitted the following resolution; which was referred to the Committee on International Relations

RESOLUTION

Expressing the sense of the House of Representatives regarding the one-year anniversary of the human rights crackdown in Cuba.

Whereas in March 2003, Cuban dictator, Fidel Castro, arrested more than 75 journalists, labor union organizers, civic leaders, and human rights activists as political prisoners;

Whereas the Universal Declaration of Human Rights, which guides global human rights policy, asserts that all human beings are born free and live in dignity with rights;

Whereas the Castro regime sentenced these innocent men and women to a total of more than 1,000 years in prison,

many of whom are anticipated to die in prison before their sentence is completed;

Whereas these arrests were an atrocious attempt by the Castro regime to crush the citizens' movement for a free and democratic Cuba;

Whereas the internal opposition in Cuba is working intensely and valiantly to draw international attention to Cuba's deplorable human rights situation and continues to strengthen and grow in its opposition to the Government of Cuba;

Whereas Amnesty International has recognized all 75 journalists and activists arrested in the crackdown on March 18, 2003, in Cuba as prisoners of conscience;

Whereas Reporters Without Borders has called Cuba the world's biggest prison for journalists;

Whereas the Government of Cuba engages in torture and other cruel, inhumane, and degrading treatment and punishment against political prisoners to force them into submission, including the use of electroshock, intense beatings, and extended periods of solitary confinement without nutrition or medical attention;

Whereas religious freedom in Cuba is severely circumscribed and clergy and lay people suffer sustained persecution by the Cuban State Security apparatus;

Whereas the Government of Cuba denies the people of Cuba equal protection under the law, enforcing a judicial system which infringes upon fundamental rights while denying recourse against the violation of human rights and civil liberties; and

Whereas the United States Congress has stood, consistently,
on the side of the Cuban people and supported their right
to be free: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) condemns in the strongest possible terms
3 the repressive crackdown by the Government of
4 Cuba against the brave internal opposition and the
5 independent press;

6 (2) expresses its profound admiration and firm
7 solidarity with the internal opposition and inde-
8 pendent press of Cuba;

9 (3) demands that the Government of Cuba re-
10 lease all political prisoners, legalize all political par-
11 ties, labor unions, and the press, and hold free and
12 fair elections;

13 (4) declares the acts of the Castro regime, in-
14 cluding its widespread and systematic violation of
15 human rights, to be in violation of the Charter of
16 the United Nations and the Universal Declaration of
17 Human Rights;

18 (5) declares that the rule of law for the Cuban
19 people should guarantee each and every fundamental
20 and inalienable right; and

21 (6) calls for the passage of a resolution at the
22 60th session of the United Nations Commission on
23 Human Rights that holds the Government of Cuba

- 1 accountable for its gross violations of human rights
- 2 and civil liberties.

○

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H. RES. 563
OFFERED BY MS. ROS-LEHTINEN**

Strike the preamble and insert the following:

Whereas in March 2003, Cuban dictator, Fidel Castro, arrested more than 75 journalists, labor union organizers, civic leaders, and human rights activists as political prisoners;

Whereas the Universal Declaration of Human Rights, which guides global human rights policy, asserts that all human beings are born free and live in dignity with rights;

Whereas the Government of Cuba sentenced these innocent men and women to a combined total of more than 1,000 years in prison, many of whom are anticipated to die in prison before their sentence is completed;

Whereas these arrests were an atrocious attempt by the Government of Cuba to crush the citizens' movement for a free and democratic Cuba;

Whereas the internal opposition in Cuba is working intensely and valiantly to draw international attention to Cuba's deplorable human rights situation and continues to strengthen and grow in its opposition to the Government of Cuba;

Whereas Amnesty International has recognized all 75 journalists and activists arrested in the crackdown in March 2003 in Cuba as prisoners of conscience;

Whereas Reporters Without Borders has called Cuba the world's biggest prison for journalists;

Whereas the Government of Cuba engages in torture and other cruel, inhumane, and degrading treatment and punishment against political prisoners to force them into submission, including the use of electroshock, intense beatings, and extended periods of solitary confinement without nutrition or medical attention;

Whereas religious freedom in Cuba is severely circumscribed and clergy and lay people suffer sustained persecution by the Cuban State Security apparatus;

Whereas the Government of Cuba denies the people of Cuba equal protection under the law, enforcing a judicial system which infringes upon fundamental rights while denying recourse against the violation of human rights and civil liberties; and

Whereas the Congress has consistently stood on the side of the Cuban people and supported their right to be free:
Now, therefore, be it

Strike all after the resolved clause and insert the following:

1 That the House of Representatives—

2 (1) condemns the repressive crackdown by the
3 Government of Cuba against the brave internal op-
4 position and the independent press;

5 (2) expresses its firm solidarity with the inter-
6 nal opposition and independent press of Cuba;

7 (3) demands that the Government of Cuba re-
8 lease all political prisoners, legalize all political par-

1 ties, labor unions, and the press, and hold free and
2 fair elections;

3 (4) declares that the Government of Cuba's
4 widespread and systematic violation of fundamental
5 freedoms to be in violation of the Universal Declara-
6 tion of Human Rights;

7 (5) declares that the rule of law should guar-
8 antee each and every fundamental and inalienable
9 right for the Cuban people; and

10 (6) calls for the passage of a resolution at the
11 60th session of the United Nations Commission on
12 Human Rights that holds the Government of Cuba
13 accountable for its gross violations of human rights
14 and civil liberties.

108TH CONGRESS
2D SESSION

H. RES. 576

Urging the Government of the People's Republic of China to improve its protection of intellectual property rights, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 24, 2004

Ms. WATSON (for herself, Mr. LANTOS, and Mr. HYDE) submitted the following resolution; which was referred to the Committee on International Relations

RESOLUTION

Urging the Government of the People's Republic of China to improve its protection of intellectual property rights, and for other purposes.

Whereas on December 11, 2001, the People's Republic of China acceded to the World Trade Organization (WTO) and agreed to implement a set of sweeping reforms designed to protect intellectual property rights under the terms of its accession;

Whereas the accession by China to the WTO included the adoption by China of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement), which establishes minimum standards for intellectual property rights to be provided by each WTO member

and certain general principles applicable to all intellectual property rights enforcement procedures;

Whereas following its accession to the WTO and adoption of the TRIPS Agreement, China initiated a series of measures and a comprehensive review of its intellectual property rights laws to bring itself in compliance with international standards in patent, trademark, copyright, trade secret, and other intellectual property laws;

Whereas central and local Chinese Government officials continue to work with their counterparts in the United States to improve China's intellectual property rights enforcement through regular bilateral discussions, roundtable meetings, and numerous technical assistance programs;

Whereas China has initiated campaigns to seize illegal and pirated goods, closed or fined several assembly operations for illegal production lines, seized millions of illegal audio-visual products, and expanded training of law enforcement officials relating to intellectual property rights protection;

Whereas although China has made significant improvements to its framework of law, regulations, rules, and judicial interpretations regarding intellectual property rights, its intellectual property rights enforcement mechanisms still face major obstacles, which have resulted in continued widespread piracy and counterfeiting of film, recorded music, published products, software products, pharmaceuticals, chemical products, information technology products, consumer goods, electrical equipment, automobiles and automotive parts, industrial products, and research results throughout China;

Whereas such widespread piracy and counterfeiting in China harms not only the economic development of China but also the economic and legal interests of United States business enterprises that sell their products or services in China, whether or not these United States business enterprises have invested in China or ever will invest in China;

Whereas United States losses due to the piracy of copyrighted materials in China is estimated to exceed \$1,800,000,000 annually and counterfeited products to account for 15 to 20 percent of all products made in China, approximately 8 percent of the country's gross national product;

Whereas the market value of counterfeit goods in China is between \$19,000,000,000 and \$24,000,000,000 annually, causing enormous losses for intellectual property rights holders worldwide;

Whereas more than 60 percent of all goods imported into the United States that infringe intellectual property rights and are seized by the Bureau of Customs and Border Protection of the Department of Homeland Security originate in China;

Whereas the export of pirated or counterfeit goods from China to third country markets causes economic losses to United States and other foreign producers of patented, trademarked, and copyrighted products competing for market share in those third country markets;

Whereas, according to the United States Trade Representative, current criminal laws and enforcement mechanisms for intellectual property rights in China by administrative authorities, criminal prosecutions, and civil actions for

monetary damages have not effectively addressed widespread counterfeiting and piracy;

Whereas administrative authorities in China rarely forward an administrative case relating to intellectual property rights violations to the appropriate criminal justice authorities for criminal investigation and prosecution;

Whereas China currently has high criminal liability thresholds for infringements of intellectual property rights, with an unreasonable proof-of-sale requirement totaling approximately \$24,100 for business enterprises and \$6,030 for individuals (according to current exchange rates) that makes criminal prosecution against those enterprises or individuals that violate intellectual property rights extremely difficult;

Whereas seizures and fines imposed by Chinese authorities for intellectual property rights violations are perceived by the violators to be a cost of doing business and such violators are usually able to resume their operations without much difficulty;

Whereas China has the second largest number of Internet users in the world, it still has not acceded to the 1996 World Intellectual Property Organization (WIPO) Internet-related treaties that reflect international norms for providing copyright protection over the Internet;

Whereas China's market access barriers for United States and other foreign cultural products such as movies, music, and books stops or slows the legal entry of these legitimate products into China, in turn increasing the demand for pirated products;

Whereas in the United States Trade Representative's "Special 301" Report for 2003, the implementation by China

of the 1995 bilateral agreement with the United States on the protection of intellectual property rights is subject to monitoring under section 306 of the Trade Act of 1974 (19 U.S.C. 2416); and

Whereas the United States Trade Representative is currently preparing the “Special 301” Report for 2004, to be made public on April 30, 2004: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) commends the Government of the People’s
3 Republic of China for the steps it has taken to im-
4 prove its legal framework for intellectual property
5 rights protection and for efforts to bring itself to-
6 ward compliance with international standards for in-
7 tellectual property rights established by the World
8 Trade Organization (WTO);

9 (2) recognizes, despite the steps referred to in
10 paragraph (1), the continuing existence of wide-
11 spread intellectual property rights violations in
12 China and encourages the Chinese Government to
13 take further and immediate steps to improve en-
14 forcement of such rights;

15 (3) urges the Chinese Government to undertake
16 a coordinated nationwide intellectual property rights
17 enforcement campaign, to eliminate the high crimi-
18 nal liability threshold and procedural obstacles that
19 impede the effective use of criminal prosecution in
20 addressing intellectual property rights violations, to

1 increase the criminal penalties provided for in its
2 laws and regulations, and to vigorously pursue coun-
3 terfeiting and piracy cases;

4 (4) recommends that the Chinese Government
5 implement more effective customs and border meas-
6 ures to prevent the massive exportation of pirated
7 goods into the United States and other countries;

8 (5) encourages the Chinese Government to fully
9 and comprehensively implement a legal framework
10 and effective enforcement mechanisms that would
11 protect not only intellectual property rights held by
12 United States and foreign business enterprises with
13 or without investments in China, but also Chinese
14 intellectual property rights holders, which is crucial
15 to China's own economic development and techno-
16 logical advancement;

17 (6) urges the Chinese Government to give
18 greater market access to the foreign producers of le-
19 gitimate products such as films and other audio-vis-
20 ual products in order to reduce demand for and
21 prevalence of pirated and counterfeit goods in their
22 absence;

23 (7) calls upon the Chinese Government to
24 promptly accede to the 1996 World Intellectual
25 property Organization (WIPO) Internet-related trea-

1 ties and harmonize its regulations and implementing
2 rules with the treaties fully; and
3 (8) will continue to monitor closely and work
4 with the Administration to encourage China's efforts
5 to bring its framework of laws, regulations and im-
6 plementing rules into compliance with the Agree-
7 ment on Trade-Related Aspects of Intellectual Prop-
8 erty Rights (TRIPS Agreement) and to create and
9 maintain effective intellectual property rights en-
10 forcement mechanisms capable of deterring counter-
11 feiting and piracy activities.

○

AMENDMENT TO H. RES. 576
OFFERED BY MR. GREEN OF WISCONSIN

Page 5, lines 13 and 14, strike “to improve enforcement of such rights” and insert “and devote adequate resources to improve enforcement of such rights”.

108TH CONGRESS
1ST SESSION

H. CON. RES. 326

Expressing the sense of Congress regarding the arbitrary detention of Dr. Wang Bingzhang by the Government of the People's Republic of China and urging his immediate release.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 18, 2003

Mrs. NAPOLITANO (for herself, Mr. FARR, Mr. GRJALVA, Mr. McNULTY, Ms. ROS-LEHTINEN, Mrs. TAUSCHER, and Mr. WOLF) submitted the following concurrent resolution; which was referred to the Committee on International Relations

CONCURRENT RESOLUTION

Expressing the sense of Congress regarding the arbitrary detention of Dr. Wang Bingzhang by the Government of the People's Republic of China and urging his immediate release.

Whereas Dr. Wang Bingzhang is a permanent resident of the United States and his sister and daughter are United States citizens;

Whereas Dr. Wang received his Ph.D. at McGill University in Canada in coronary-arterial research and is a well-respected leader of the overseas Chinese pro-democracy movement and the founder of China Spring magazine;

Whereas Dr. Wang is currently serving a life sentence in prison in the People's Republic of China and is suffering from gastritis, varicose veins, phlebitis, and depression;

Whereas Dr. Wang was abducted in northern Vietnam in June 2002 after meeting with a Chinese labor activist;

Whereas Dr. Wang was driven to the border between Vietnam and the People's Republic of China and forced back to China by boat;

Whereas Dr. Wang was blindfolded and bound and held in various places in Guangxi Province and his captors demanded a \$10,000,000 ransom, which Dr. Wang was unable to pay;

Whereas Dr. Wang although provided his captors with the names and telephone numbers of his relatives, they were never contacted;

Whereas Dr. Wang was finally taken to a Buddhist temple in Fangchenggang City in southern Guangxi Province where his abductors unexpectedly left and moments later he was "rescued" by the Chinese police;

Whereas Dr. Wang was detained by the Chinese police and then transported to Nanning, the capital of Guangxi Province;

Whereas Dr. Wang was held incommunicado for six months, during which time the Government of the People's Republic of China denied any knowledge of his whereabouts;

Whereas on December 4, 2002, the Chinese Government reversed itself, admitting that Dr. Wang had been in its custody since July 3, 2002;

Whereas on December 5, 2002, Dr. Wang was charged with “offenses of espionage” and “the conduct of terrorist activities”;

Whereas on January 22, 2003, Dr. Wang was tried by the Intermediate People’s Court in the city of Shenzhen in Guangdong Province;

Whereas Dr. Wang’s trial lasted only half a day and was closed to the public because the Chinese Government indicated that “state secrets” might be revealed, thereby precluding family members, supporters, and reporters from attending;

Whereas at the trial, Dr. Wang declared himself innocent of all charges;

Whereas at the trial, the Chinese Government refused to release any evidence of Dr. Wang’s wrongdoing;

Whereas at the trial, Dr. Wang was denied the right to due process, specifically the right to the presumption of innocence, the right to adequate time and facilities to prepare for his own defense, the right to a fair trial before an independent and impartial tribunal, the right to call witnesses on his own behalf, the right to cross-examine witnesses testifying against him, and in general, the lack of other due process guarantees that would ensure his adequate defense and a full hearing;

Whereas Dr. Wang’s trial represented the first time the Chinese Government had brought charges against a pro-democracy dissident under its new terrorism laws;

Whereas although Dr. Wang was convicted and sentenced to life in prison on February 10, 2003, Dr. Wang’s lawyers stated that there was insufficient evidence to convict him;

Whereas Dr. Wang's lawyers immediately appealed the court's verdict, but the appeal was rejected on February 28, 2003;

Whereas a human rights petition was submitted on Dr. Wang's behalf to the United Nations Arbitrary Working Group of the Office of the United Nations High Commissioner for Human Rights;

Whereas the petition claimed that Dr. Wang was being arbitrarily detained and that the judicial standards employed in his trial fell far short of internationally recognized standards for judicial proceedings under provisions of the United Nations Universal Declaration of Human Rights;

Whereas in its opinion, the United Nations Working Group noted that Dr. Wang is an internationally recognized pro-democracy activist as opposed to the Chinese Government's characterization of Dr. Wang as an individual who advocates violence and suggests the use of methods such as kidnapping and bombings to achieve his goals, and that Dr. Wang had boasted of carrying out many violent terrorist activities;

Whereas in its opinion, the United Nations Working Group further noted that the Chinese Government offered "no evidence of any specific occasion on which Wang made the alleged calls to violence" and that "[o]ther than the kidnapping of which Wang himself was a victim, as the Government itself acknowledges, no information has been given about other kidnappings or acts of violence initiated by Wang";

Whereas in its opinion, the United Nations Working Group further stated that "Wang, during his first five months in detention, did not have knowledge of the charges, the

right to legal counsel, or the right to judicial review of the arrest and detention; and that, after that date, he did not benefit from the right to the presumption of innocence, the right to adequate time and facilities for defense, the right to a fair trial before an independent and impartial tribunal, the right to a speedy trial and the right to cross-examine witnesses”;

Whereas in conclusion, the United Nations Working Group declared that “the detention of Wang Bingzhang is arbitrary, being in contravention of articles 9, 10 and 11 of the Universal Declaration of Human Rights” and requested “the [Chinese] Government to take the necessary steps to remedy the situation of Wang Bingzhang and bring it into conformity with the standards and principles set forth in the Universal Declaration of Human Rights”;

Whereas the United States Congressional-Executive Commission on China made the following recommendation in its 2003 annual report: “The President and the Congress should increase diplomatic efforts to hold the Chinese government to [its commitments on human rights matters during the December 2002 U.S.-China human rights dialogue], particularly the release of those arbitrarily detained”;

Whereas the report also stated the following: “The Chinese [G]overnment has also taken advantage of the global war on terrorism to persecute . . . political dissidents. In February 2003, Wang Bingzhang, a U.S. permanent resident and veteran pro-democracy activist, was convicted of ‘leading a terrorism organization’ and ‘spying’ and sentenced to life imprisonment”;

Whereas the report finally noted that “[i]n July 2003, the UN Working Group on Arbitrary Detention declared that

Wang's arrest and imprisonment violated international law": Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring), That it is the sense of Congress that—*

3 (1) Dr. Wang Bingzhang, a permanent resident
4 of the United States, is being arbitrarily detained in
5 the People's Republic of China in violation of inter-
6 national law;

7 (2) the United States Government should re-
8 quest the Government of the People's Republic of
9 China to release Dr. Wang, permitting him to imme-
10 diately return to the United States; and

11 (3) the President should make the immediate
12 release of Dr. Wang by the Government of the Peo-
13 ple's Republic of China a top priority of United
14 States foreign policy.

○

108TH CONGRESS
1ST SESSION

H. CON. RES. 336

Expressing the sense of Congress that the continued participation of the Russian Federation in the Group of 8 nations should be conditioned on the Russian Government voluntarily accepting and adhering to the norms and standards of democracy.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 21, 2003

Mr. LANTOS (for himself and Mr. COX) submitted the following concurrent resolution; which was referred to the Committee on International Relations

CONCURRENT RESOLUTION

Expressing the sense of Congress that the continued participation of the Russian Federation in the Group of 8 nations should be conditioned on the Russian Government voluntarily accepting and adhering to the norms and standards of democracy.

Whereas the countries that comprise the Group of 7 nations are pluralistic societies with democratic political institutions and practices, committed to the observance of universally recognized standards of human rights, respect for individual liberties, and democratic political practices;

Whereas in 1991 and subsequent years, the leaders of the Group of 7 nations, heads of the governments of the major free-market economies of the world who meet an-

nually in a summit meeting, invited then-Russian President Boris Yeltsin to a post-summit dialogue;

Whereas in 1998, the leaders of the Group of 7 nations formally invited the president of Russia to participate in an annual gathering that subsequently was known as the Group of 8 nations, although the Group of 7 nations have continued to hold informal summit meetings and ministerial meetings that do not include the Russian Federation;

Whereas the invitation to President Yeltsin to participate in the annual summits was in recognition of the commitment of President Yeltsin to democratization and economic liberalization, despite the fact that the Russian economy remained weak and the commitment of the Russian Government to democratic principles was uncertain;

Whereas under the leadership of President Vladimir Putin, the Russian Government has attempted to control the activities of independent media enterprises, nongovernmental organizations, religious organizations, and other pluralistic elements of Russian society in an attempt to mute criticism of the government;

Whereas the suppression by the Russian Government of independent media enterprises has resulted in widespread government control and influence over the media in Russia, stifling freedom of expression and individual liberties that are essential to any functioning democracy;

Whereas the arrest and prosecution of prominent Russian business leaders who had supported the political opposition to President Putin are examples of selective application of the rule of law for political purposes;

Whereas the courts of Great Britain, Spain, and Greece have consistently ruled against extradition warrants issued by

the Russian Government after finding that the cases presented by the Prosecutor General of the Russian Federation have been inherently political in nature;

Whereas Russian military forces continue to commit brutal atrocities against the civilian population in Chechnya;

Whereas the rise to influence within the Russian Government of unelected security officials from the KGB of the former Soviet Union is increasingly undermining the Russian Government's commitment to democratic principles, accountability, and transparency;

Whereas a wide range of observers at think tanks and non-governmental organizations have expressed deep concern that the Russian Federation is moving away from the political and legal underpinnings of a market economy; and

Whereas the continued participation of the Russian Federation in the Group of 8 nations, including the Russian Government's opportunity to host the G-8 summit in 2006 as planned, is a privilege that is premised on the Russian Government voluntarily accepting and adhering to the norms and standards of democracy: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring)*, That it is the sense of Congress that—

3 (1) the selective prosecution of political oppo-
4 nents and the suppression of free media by the Rus-
5 sian Federation, and the continued commission of
6 widespread atrocities in the conduct of the brutal
7 war in Chechnya, do not reflect the minimum stand-

1 ards of civilized nations that characterize every other
2 member state in the Group of 8;

3 (2) the continued participation of the Russian
4 Federation in the Group of 8 nations, including the
5 Russian Government's opportunity to host the G-8
6 summit in 2006 as planned, should be conditioned
7 on the Russian Government voluntarily accepting
8 and adhering to the norms and standards of free,
9 democratic societies as generally practiced by every
10 other member nation, including—

11 (A) the rule of law, including protection
12 from selective prosecution and protection from
13 arbitrary state-directed violence;

14 (B) a court system free of political influ-
15 ence and manipulation;

16 (C) a free and independent media;

17 (D) a political system open to participation
18 by all citizens and which protects freedom of ex-
19 pression and association; and

20 (E) the protection of universally recognized
21 human rights; and

22 (3) the President of the United States and the
23 Secretary of State should work with the other mem-
24 bers of the Group of 7 to take all necessary steps
25 to suspend the participation of the Russian Federa-

1 tion in the Group of 8 nations until the President,
2 after consultation with the other members of the
3 Group of 7, determines and reports to Congress that
4 the Russian Government is committed to respecting
5 and upholding the democratic principles described in
6 paragraph (2).

○

108TH CONGRESS
2D SESSION

H. CON. RES. 352

Recognizing the contributions of people of Indian origin to the United States and the benefits of working together with India towards promoting peace, prosperity, and freedom among all countries of the world.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 28, 2004

Ms. MILLENDER-MCDONALD submitted the following concurrent resolution;
which was referred to the Committee on International Relations

CONCURRENT RESOLUTION

Recognizing the contributions of people of Indian origin to the United States and the benefits of working together with India towards promoting peace, prosperity, and freedom among all countries of the world.

Whereas India is the largest democratic country in the world and enjoys a close and mutual friendship with the United States based on common values and common interests;

Whereas people of Indian origin who have for decades immigrated to the United States have made extraordinary contributions to the United States, helping to make the United States a more efficient and prosperous country;

Whereas these contributions have spanned disciplines ranging from science, technology, business development, and pub-

lic service, to social justice, philanthropy, literature, and the arts;

Whereas generations of doctors and nurses of Indian origin have attended to the sick in large cities as well as in rural regions of the United States that are otherwise underserved;

Whereas people of Indian origin have designed defense systems that protect United States naval ships while at sea, and have contributed to engineering, designing, and participating in the United States space shuttle program, at great personal sacrifice;

Whereas people of Indian origin have invented many of the technologies that power the computer and the internet, have created and directed laboratories that produced significant breakthroughs in modern medicine, and have taught at, and are leaders of, many United States institutions of higher learning;

Whereas people of Indian origin have made invaluable contributions to the vitality and viability of the United States economy through creative entrepreneurship and leadership in both large and small businesses;

Whereas people of Indian origin have shared and integrated their rich culture into the fabric of American daily life;

Whereas trade with India integrates a democratic country of more than one billion people into the flow of commerce, offering the United States a large and rapidly growing market and unlocking vast reservoirs of talent;

Whereas the United States is India's largest trading partner and a major source of foreign direct investment and foreign institutional investment in India;

Whereas United States exports to India are growing at 25 percent, making India one of the fastest growing foreign markets for United States goods and services;

Whereas India's industrial tariffs have fallen from 150 percent in 1988 to a peak rate of 20 percent today;

Whereas United States exports to India will accelerate as India continues reducing tariffs and instituting liberalization measures in its trade and investment regime, thereby expanding the trade relationship of the two countries and bringing mutual benefits;

Whereas India has been a key partner in the war against terrorism;

Whereas India and the United States have agreed to increase cooperation in the areas of nuclear activities, civilian space programs, high-technology trade, and missile defense;

Whereas multi-faceted cooperation between India and the United States will strengthen the bonds of friendship and commerce between the two countries, lead to the peaceful use of space technology, and increase global stability and security; and

Whereas United States efforts, whether in combating global HIV/AIDS, pursuing nuclear non-proliferation, promoting democracy, enhancing stability of the world economy, eliminating poverty, fighting terrorism, and expanding and strengthening global trade, will be more effective and successful with India as a strategic partner: Now therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring)*, That Congress—

1 (1) honors the contributions of people of Indian
2 origin to the Untied States, and

3 (2) is committed to working together with India
4 towards promoting peace, prosperity, and freedom
5 among all countries of the world.

○

108TH CONGRESS
2D SESSION

H. CON. RES. 378

Calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Father Thaddeus Nguyen Van Ly, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 4, 2004

Mr. SMITH of New Jersey (for himself, Ms. LORETTA SANCHEZ of California, Mr. TOM DAVIS of Virginia, Ms. LOFGREN, Mr. ROHRBACHER, Mr. ROYCE, Mr. COX, Mr. BURTON of Indiana, Ms. ROS-LEHTINEN, Mr. GREEN of Wisconsin, Mr. AKIN, Mr. PITTS, Mr. SHIMKUS, Mr. FRANKS of Arizona, Mr. KENNEDY of Rhode Island, Mr. FRANK of Massachusetts, Mr. MCGOVERN, Mr. VAN HOLLEN, Mr. MORAN of Virginia, Mr. LANGEVIN, Ms. JACKSON-LEE of Texas, Mr. BERMAN, Ms. MCCARTHY of Missouri, and Mr. WEXLER) submitted the following concurrent resolution; which was referred to the Committee on International Relations

CONCURRENT RESOLUTION

Calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Father Thaddeus Nguyen Van Ly, and for other purposes.

Whereas in February 2001, Father Thaddeus Nguyen Van Ly, a Roman Catholic priest was formally invited to testify before the United States Commission on International Religious Freedom but was denied permission to leave the Socialist Republic of Vietnam and thus, instead, submitted written testimony critical of Vietnam which

was read into the Commission record on February 13, 2001;

Whereas Father Ly's testimony before the Commission documents numerous specific actions of the Government of Vietnam against religious freedom which he classified as collectively being "extremely cruel" and requiring a "non-violent and persistent campaign" to achieve full religious freedom for all people in Vietnam;

Whereas Father Ly has been detained by the Government of Vietnam since February 2001, when it placed Father Ly under administrative detention—as a direct response to his testimony, branding him a traitor for "slandering" the Communist party and "distorting" the religious policy of the Government of Vietnam;

Whereas the Government of Vietnam issued a second decree suspending Father Ly's ability to "carry on any religious responsibility and functions" and later formally removed Father Ly from his church, detained him, and denied him access to adequate legal counsel;

Whereas on October 19, 2001, the Thua Thien Hue Provincial People's Court convicted Father Ly of all charges after a one day, closed trial, without the benefit of counsel and sentenced him to two years in prison for violating the terms of his administrative detention, thirteen years in prison for "damaging the Government's unity policy", and 5 years of administrative probation upon release from prison;

Whereas after pleas from United States Government officials and the world community Father Ly's sentence was reduced by 5 years;

Whereas in June 2001, Father Ly's nephews Nguyen Vu Viet, age 27, and Nguyen Truc Cuong, age 36, and his niece Nguyen Thi Hoa, age 44, were arrested for allegedly being in contact and receiving support from organizations in the United States concerning the religious situation in Vietnam and disseminating information concerning the detention of Father Ly;

Whereas after their cases generated much concern in Congress, Nguyen Thi Hoa, Nguyen Vu Viet and Nguyen Truc Cuong all have been or are expected to be released shortly;

Whereas on November 27, 2003, the United Nations Working Group on Arbitrary Detention issued Opinion No. 20/2003 stating "the Group is convinced that [Father Ly] has been arrested and detained only for his opinions . . . [and] the deprivation of the liberty of Father Thaddeus Nguyen Van Ly is arbitrary, as being in contravention of Article 19 of the Universal Declaration of Human Rights and of Article 19 of the International Covenant on Civil and Political Rights";

Whereas Father Ly has been deprived of his basic human rights by being denied his ability to exercise freedom of opinion and expression; and

Whereas the arbitrary imprisonment and the violation of the human rights of citizens of Vietnam are sources of continuing, grave concern to Congress: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*

2 *concurring), That—*

3 (1) Congress—

1 (A) condemns and deplors the arbitrary
2 detention of Father Thaddeus Nguyen Van Ly
3 by the Government of the Socialist Republic of
4 Vietnam and calls for his immediate and uncon-
5 ditional release;

6 (B) condemns and deplors the violations
7 of freedom of speech, religion, movement, asso-
8 ciation, and the lack of due process afforded to
9 individuals in Vietnam;

10 (C) strongly urges the Government of Viet-
11 nam to consider the implications of its actions
12 for the broader relationship between the United
13 States and the Socialist Republic of Vietnam;
14 and

15 (D) strongly urges the Government of
16 Vietnam to consider the implications of its ac-
17 tions in the context of the United States-Viet-
18 nam Bilateral Trade Agreement under which
19 Vietnam currently receives normal trade rela-
20 tions (NTR) treatment, subject to the provi-
21 sions of chapter 1 of title IV of the Trade Act
22 of 1974; and

23 (2) it is the sense of Congress that the United
24 States—

1 (A) should make the immediate release of
2 Father Ly a top concern;

3 (B) should continue to urge the Govern-
4 ment of Vietnam to comply with internationally
5 recognized standards for basic freedoms and
6 human rights;

7 (C) should make it clear to the Govern-
8 ment of Vietnam that the detention of Father
9 Ly and other persons and the infliction of
10 human rights violations on these individuals are
11 not in the interest of Vietnam because they cre-
12 ate obstacles to improved bilateral relations and
13 cooperation with the United States; and

14 (D) should reiterate the deep concern of
15 the United States regarding the continued im-
16 prisonment of Father Ly, and other persons
17 whose human rights are being violated, and dis-
18 cuss their legal status and immediate humani-
19 tarian needs with the Government of Vietnam.

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108TH CONGRESS
2D SESSION

H. CON. RES. 398

Expressing the concern of Congress over Iran's development of the means to produce nuclear weapons.

IN THE HOUSE OF REPRESENTATIVES

MARCH 25, 2004

Mr. HYDE (for himself, Mr. LANTOS, Ms. ROS-LEHTINEN, Mr. ACKERMAN, Mr. BLUNT, Mr. BERMAN, Mr. SHERMAN, and Mr. CHABOT) submitted the following concurrent resolution; which was referred to the Committee on International Relations

CONCURRENT RESOLUTION

Expressing the concern of Congress over Iran's development of the means to produce nuclear weapons.

Whereas the United States has for years attempted to alert the international community to Iran's covert nuclear activities in support of an intention to develop a nuclear weapon, contrary to its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons (NPT);

Whereas Iran's covert activities to develop the means to produce nuclear weapons are finally beginning to be revealed to the international community;

Whereas Iran did not declare to the International Atomic Energy Agency (IAEA) the existence of the Natanz Pilot Fuel Enrichment Plant and the production-scale Fuel

Enrichment Facility under construction at Natanz until February 2003, after the existence of the plant and facility was revealed by an opposition group;

Whereas it is estimated that the Pilot Fuel Enrichment Plant could produce enough highly enriched uranium for a nuclear weapon every year-and-a-half to two years;

Whereas it is estimated that the Natanz Fuel Enrichment Facility could, when completed, produce enough highly enriched uranium for as many as 25–30 nuclear weapons per year;

Whereas in his report of June 6, 2003, the Director-General of the IAEA stated that Iran had failed to meet its obligations under its Safeguards Agreement with the IAEA to report all nuclear material imported into Iran—specifically, the importation of uranium hexafluoride from China in 1991—the processing and use of that material, and the facilities involved in the use and processing of the material;

Whereas the IAEA Board of Governors urged Iran in June 2003 to promptly rectify its failures to meet its obligations under its Safeguards Agreement, not to introduce nuclear material into the Natanz Pilot Fuel Enrichment Plant, and to cooperate fully with the Agency in resolving questions about its nuclear activities;

Whereas the IAEA Director General reported to the Board of Governors in August 2003 that, after further investigation, Iran failed to disclose additional nuclear activities as required by its Safeguards Agreement and continued to fail to resolve questions about its undeclared uranium enrichment activities;

Whereas the IAEA Board of Governors on September 12, 2003, called on Iran to suspend all further uranium enrichment and any plutonium reprocessing activities, disclose all its nuclear activities, and cooperate fully with the Agency, and to sign, ratify, and fully implement the Additional Protocol between Iran and the IAEA for the application of safeguards to strengthen investigation of all nuclear activities within Iran, and requested all third countries to cooperate closely and fully with the Agency in resolving questions about Iran's nuclear program;

Whereas IAEA inspectors and officials continued to confront Iran with discrepancies in its explanations of its nuclear activities;

Whereas on October 9, 2003, in a letter to the Director General of the IAEA, Iran finally confirmed that it had conducted research on uranium conversion processes at the Esfahan Nuclear Technology Centre and the Tehran Nuclear Research Centre, despite its earlier denials of such activities;

Whereas on October 21, 2003, Iran and the Foreign Ministers of France, Germany, and the United Kingdom issued a joint statement in which Iran indicated that it had decided to suspend all uranium enrichment and reprocessing activities as defined by the IAEA;

Whereas this statement also foresaw the provision of unspecified nuclear technical cooperation once Iran had satisfied international concerns about its nuclear development program;

Whereas in a subsequent letter on October 23, 2003, Iran further admitted that it had tested uranium enrichment centrifuges at the Kalaye Electric Company between

1998 and 2002 using its previously undeclared imported uranium hexafluoride from China;

Whereas in that same letter, Iran admitted that it had a laser uranium enrichment program, in which it used 30 kg of uranium not previously declared to the IAEA, another violation of its Safeguards Agreement;

Whereas in that same letter, Iran also admitted that it had irradiated 7 kg of uranium dioxide targets and reprocessed them to extract plutonium, another violation of its legal obligation to disclose such activities under its Safeguards Agreement;

Whereas Iran told the IAEA on November 10, 2003, that it would sign and ratify the Additional Protocol agreement for further safeguards, and would act in accordance with the Additional Protocol pending its full entry-into-force;

Whereas on November 10, 2003, Iran further informed the IAEA Director General that it had decided to suspend all enrichment and reprocessing activities in Iran, not to produce feed material for enrichment processes, and not to import enrichment related items;

Whereas the IAEA, through its investigative and forensic activities in Iran and elsewhere, has uncovered and confronted Iran in numerous lies about its nuclear activities;

Whereas the Director General of the IAEA reported to the IAEA Board of Governors on November 10, 2003, that Iran has concealed many aspects of its nuclear activities from the IAEA, which constituted breaches of its obligations under its Safeguards Agreement;

Whereas despite Iran's subsequent pledge to, once again, fully disclose all of its nuclear activities to the IAEA, the Director General of the IAEA, in his report of February

24, 2004, found that Iran continued to engage in deception regarding its nuclear activities, including failing to disclose a more sophisticated enrichment program using more advanced enrichment centrifuge technology imported from foreign sources, and noncredible explanations involving experiments to create a highly toxic isotope of polonium that is useful as a neutron initiator in nuclear weapons and a firm indicator of a nuclear weapons development program;

Whereas these deceptions by Iran were continuing violations of Iran's Safeguards Agreement and of Iran's previous assurances to the IAEA and the international community for full transparency;

Whereas despite Iran's commitment to the IAEA and to France, Germany, and the United Kingdom that it would suspend uranium enrichment activities, it has repeatedly emphasized that this suspension is temporary and continued to import and manufacture uranium enrichment centrifuge parts and equipment, allowing it to resume and expand its uranium enrichment activities whenever it chooses;

Whereas the statements on February 25, 2004, of Hassan Rowhani, Secretary of the Supreme National Security Council of Iran, that Iran was not required to reveal to the IAEA its research into more sophisticated "P2" uranium enrichment centrifuges, and that Iran has other projects which it has no intention of declaring to the IAEA, are contrary to—

(1) Iran's commitment to the IAEA in a letter on October 16, 2003, by the Vice President of Iran and President of Iran's Atomic Energy Organization that

Iran would present a “full picture of its nuclear activities” and “full transparency”;

(2) its commitment to the foreign ministers of the United Kingdom, France, and Germany of October 21, 2003, to full transparency and to resolve all outstanding issues; and

(3) its statement to the IAEA’s Board of Governors of September 12, 2003, of its commitment to full transparency and to “leave no stone unturned” to assure the IAEA of its peaceful objectives;

Whereas it is abundantly clear that Iran remains committed to a nuclear weapons program;

Whereas Libya received enrichment equipment and technology, and a nuclear weapons design, from the same nuclear black market that Iran has used, raising the question of whether Iran, as well, received a nuclear weapon design that it has refused to reveal to international inspectors;

Whereas the Ministry of the Atomic Energy of the Russian Federation has recently announced that it will soon conclude an agreement to supply Iran with enriched nuclear fuel for the Bushehr nuclear power reactor, ignoring the need to sanction Iran to persuade it to cease its nuclear weapons development program;

Whereas the IAEA Board of Governors’ resolution of March 13, 2004, which was adopted unanimously, noted with “serious concern that the declarations made by Iran in October 2003 did not amount to the complete and final picture of Iran’s past and present nuclear programme considered essential by the Board’s November 2003 resolution”, and also noted that the Agency has discovered that Iran had hidden more advanced centrifuge associ-

ated research, manufacturing, and testing activities; two mass spectrometers used in the laser enrichment program; and designs for hot cells to handle highly radioactive materials;

Whereas the same resolution also noted “with equal concern that Iran has not resolved all questions regarding the development of its enrichment technology to its current extent, and that a number of other questions remain unresolved, including the sources of all HEU contamination in Iran; the location, extent and nature of work undertaken on the basis of the advanced centrifuge design; the nature, extent, and purpose of activities involving the planned heavy-water reactor; and evidence to support claims regarding the purpose of polonium-210 experiments”;

Whereas Hassan Rowhani on March 13, 2004, declared that IAEA inspections would be indefinitely suspended as a protest against the IAEA Board of Governors’ resolution of March 13, 2004, and while Iran subsequently agreed to readmit inspectors by March 27, 2004, this suspension calls into serious question Iran’s commitment to full transparency about its nuclear activities; and

Whereas Iran’s pattern of deception and concealment in dealing with the IAEA, the Foreign Ministers of France, Germany, and the United Kingdom, and the international community, its receipt from other countries of the means to enrich uranium, and its repeated breaches of its IAEA Safeguards Agreement, indicate that Iran has also violated its legal obligation under article II of the NPT not to acquire or seek assistance in acquiring nuclear weapons: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring)*, That the Congress—

3 (1) condemns in the strongest possible terms
4 Iran’s continuing deceptions and falsehoods to the
5 International Atomic Energy Agency (IAEA) and
6 the international community about its nuclear pro-
7 grams and activities;

8 (2) calls upon all State Parties to the Treaty on
9 the Non-Proliferation of Nuclear Weapons (NPT),
10 including the United States, to use all appropriate
11 means to deter, dissuade, and prevent Iran from ac-
12 quiring nuclear weapons, including ending all nu-
13 clear and other cooperation with Iran (including the
14 provision of dual use items), until Iran fully imple-
15 ments the Additional Protocol between Iran and the
16 IAEA for the application of safeguards;

17 (3) declares that Iran, through its many
18 breaches for 18 years of its Safeguards Agreement
19 with the IAEA, has forfeited the right to be trusted
20 with development of a nuclear fuel cycle, especially
21 with uranium conversion and enrichment and pluto-
22 nium reprocessing technology, equipment, and facili-
23 ties;

24 (4) declares that the recent revelations of Iran’s
25 nondisclosure of additional enrichment and nuclear-

1 weapons-applicable research activities, as detailed in
2 the report of February 24, 2004, by the Director
3 General of the IAEA, along with the statement by
4 the Government of Iran that it will not disclose
5 other research programs, constitute ample evidence
6 of Iran's continuing policy of noncompliance with
7 the letter and spirit of its obligations under its Safe-
8 guards Agreement and the Additional Protocol;

9 (5) demands that Iran immediately and perma-
10 nently cease all efforts to acquire nuclear fuel cycle
11 capabilities and to immediately, unconditionally, and
12 permanently cease all nuclear enrichment activities,
13 including manufacturing and importing related
14 equipment;

15 (6) demands that Iran honor its stated commit-
16 ments and legal obligations to grant the IAEA in-
17 spectors full unrestricted access and cooperate fully
18 with the investigation of its nuclear activities and
19 demonstrate a new openness and honesty about all
20 its nuclear programs;

21 (7) contrasts Iran's behavior with Libya's, in
22 which Libya's decision to renounce and dismantle its
23 nuclear weapons program and to provide full, com-
24 plete, and transparent disclosure of all its nuclear
25 activities has enabled the IAEA to rapidly under-

1 stand and verify with high confidence the extent and
2 scope of Libya's program;

3 (8) calls upon the members of the European
4 Union not to resume discussions with Iran on multi-
5 lateral trade agreements until such time that Iran
6 has verifiably and permanently ceased all nuclear
7 weapons development activity, including a permanent
8 cessation of uranium conversion and enrichment and
9 plutonium reprocessing activities;

10 (9) further calls upon the European Union to
11 consider what further measures, including sanctions,
12 may be necessary to persuade Iran to fulfill its obli-
13 gations and commitments to the IAEA;

14 (10) in light of ongoing revelations of the non-
15 compliance of the Government of Iran regarding its
16 obligations under the NPT and pledges to the IAEA,
17 and in light of the consequent and ongoing questions
18 and concerns of the IAEA, the United States, and
19 the international community regarding Iran's mili-
20 tary nuclear activities—

21 (A) urges Japan to ensure that Japanese
22 commercial entities not proceed with the devel-
23 opment of Iran's Azadegan oil field;

24 (B) urges France and Malaysia to ensure
25 that French and Malaysian commercial entities

1 not proceed with their agreement for further co-
2 operation in expanding Iran's liquid natural gas
3 production field;

4 (C) calls on all countries to intercede with
5 their commercial entities to ensure that these
6 entities refrain from or cease all investment and
7 investment-related activities that support Iran's
8 energy industry; and

9 (D) calls on the President to enforce the
10 provisions of the Iran and Libya Sanctions Act
11 of 1996 to discourage foreign commercial enti-
12 ties from investing in Iran's energy industry;

13 (11) deplores any effort by any country to pro-
14 vide any nuclear power-related assistance whatsoever
15 to Iran, and calls upon Russia to suspend nuclear
16 cooperation with Iran and not conclude a nuclear
17 fuel supply agreement for the Bushehr reactor, until
18 the conditions of paragraph (8) are satisfied;

19 (12) calls upon the governments of the coun-
20 tries whose nationals and corporations are impli-
21 cated in assisting Iranian nuclear activities, espe-
22 cially Pakistan, Malaysia, the United Arab Emir-
23 ates, and Germany, to fully investigate such assist-
24 ance, to grant the IAEA full access to individuals,
25 sites, and all information related to the investiga-

1 tions, and to immediately review and rectify their ex-
2 port control laws, regulations, and practices in order
3 to prevent further assistance to countries seeking to
4 develop nuclear programs that could support the de-
5 velopment of nuclear weapons;

6 (13) urges the IAEA Board of Governors, at its
7 earliest opportunity, to report to the United Nations
8 Security Council that Iran is in noncompliance with
9 its agreements with the IAEA;

10 (14) urges the President of the United States
11 to provide whatever financial, material, or intel-
12 ligence resources are necessary to the IAEA to en-
13 able it to fully investigate Iran's nuclear activities;

14 (15) urges the United Nations Security Council,
15 the Nuclear Suppliers Group, the Zangger Com-
16 mittee, and other relevant international entities to
17 declare that non-nuclear-weapon states under the
18 Treaty on the Non-Proliferation of Nuclear Weapons
19 (NPT), who commit violations of their safeguards
20 agreements regarding uranium enrichment or pluto-
21 nium reprocessing, or engage in activities which
22 could support a military nuclear program, thereby
23 forfeit their right under the NPT to engage in nu-
24 clear fuel-cycle activities;

1 (16) further urges the United Nations Security
2 Council to consider measures necessary to support
3 the inspection efforts by the IAEA and to prevent
4 Iran from further engaging in clandestine nuclear
5 activities; and

6 (17) urges the President to keep the Congress
7 fully and currently informed concerning the matters
8 addressed in this resolution.

○

Chairman HYDE. The gentlelady from California, Ms. Watson, reserves her right to object and is recognized.

Ms. WATSON. Thank you so much, Chairman Hyde and Ranking Member Lantos, for your leadership in co-sponsoring and agreeing to mark up my resolution, H.R. 576, that urges the Chinese Government to improve its protection of intellectual property rights, and I also want to thank Members of the Committee for their bipartisan support of this important measure.

I am grateful for the Committee expediting the consideration of this very timely resolution. As many of you know, I represent the 33rd congressional district of Los Angeles and Culver City, which contains a number of the entertainment studios. The protection of U.S. intellectual property rights abroad is especially crucial to the health and vitality of the U.S. entertainment sector, which brought in an estimated \$535.1 million to the U.S. economy in 2001 and remains one of our nation's biggest export sectors.

However, the impact of intellectual property rights violations extends far beyond the entertainment sector and affects all of our congressional districts across the country, so this resolution urges the Chinese Government to take further and immediate steps to improve its IPR mechanism, especially in the enforcement of such rights by changing and updating its criminal law and enforcement procedures.

It also asks China to improve the Customs and border measures to prevent the massive exportation of pirated goods and to give greater market access to legitimate foreign products as to reduce the market demand for pirated and shall I say the counterfeit goods, among other purposes.

I also want to tie in Mr. Lantos' bill to improve the workings of international organizations. It contains language to authorize \$10 million for the Department of State to work with the non-OECD countries in assisting foreign law enforcement officials, judges and prosecutors to combat the piracy of U.S. copyright materials.

I would like to thank the Chair, Mr. Lantos and the Members for recognizing the importance of these types of initiatives in the workings of international organizations and multilateral institutions.

Thank you so much, Mr. Chairman.

Chairman HYDE. I thank the gentlelady who withdraws her reservation.

Does Mr. Payne wish to be heard?

Mr. PAYNE. Yes, Mr. Chairman. I reserve the right to object for the purposes of speaking on H. Con. Res. 535.

Mr. Chairman, I commend Mr. Weller for his resolution, H. Res. 535, which highlights a disturbing trend in Colombia's protracted conflict of local elected officials being targeted by various armed forces. My amendment seeks to highlight the most vulnerable communities in this context.

Colombia's Afro-Cuban minority comprises about 30 percent of the national population. Nevertheless, Colombia's African descendent population has been confined to margins of society.

The predicament of this population is aggravated by the present civil war. We have spoken to President Uribe, who was here just last week, about our concerns for African Colombians and indige-

nous communities which are disproportionately affected by the conflict and are often targets for displacement and violent massacres.

President Uribe has told us, in regard to these communities in Colombia, that he plans to focus more on the vulnerable groups in the coming months actually to create a cabinet level position to look at the situation there to appoint a minority indigenous or Afro-Colombian to the position, but it is critical that we encourage the Colombian Government to pay special attention to and support these communities.

Elected officials are often times targeted by armed groups because they are not part of the natural apparatus of the government and in many instances are trying to make inroads into the government and, therefore, are victimized.

I urge President Uribe to continue working on a national plan for Afro-Colombian groups and to ensure the safety of all elected officials, especially those locally elected officials who find themselves most vulnerable.

Mr. Chairman, with that I will then withdraw the objection.

Chairman HYDE. I thank the gentleman.

Ms. Napolitano?

Ms. NAPOLITANO. Thank you, Mr. Chair. I reserve the right to object to House Congressional Resolution 326 for purposes of speaking to the resolution.

Chairman HYDE. The gentlelady is recognized for that purpose.

Ms. NAPOLITANO. Thank you. I would like to thank you, Mr. Chair, and the Ranking Member, as well as the Committee and the 17 bipartisan Members who are supporting and taking up the resolution today.

I certainly want to thank my colleague, Representative Chris Smith, for earlier introducing this resolution as 530 to call on China to respect and protect human rights. This is a clear case of a human rights violation.

Dr. Wang was held for 6 months while in China, denied any knowledge of his whereabouts. He was then sentenced to life imprisonment after an abrupt, short, ½-day trial. He was not allowed time to prepare a defense. He was not allowed to cross-examine the government's witnesses, nor was he allowed to call any witnesses of his own.

To date, the Chinese Government has produced no evidence linking him to any crime. It is no surprise the United Nations working group has declared this detention illegal. We must continue to put international pressure on China, and indeed many of the countries, to improve its human rights record.

I thank my colleagues who have already co-signed again on this resolution and urge you to stand up for human rights and human decency. This calls on China to do such.

I withdraw my objection. Thank you, Mr. Chairman.

Chairman HYDE. I thank the gentlelady.

Ms. Berkley of Nevada?

Ms. BERKLEY. Thank you, Mr. Chairman. I reserve the right to object to H.R. 4053, Congressman Lantos' U.S. International Leadership Act, for purposes of speaking on the resolution.

Chairman HYDE. The gentleman is recognized for that purpose.

Ms. BERKLEY. Thank you, Mr. Chairman.

Magen David Adom is Israel's national emergency medical service. Fielding over 650 emergency ambulances, they provide constant emergency medical and ambulance services throughout Israel. They have borne the burden of responding to hundreds of terrorist attacks since the Intifada began.

Since its founding in 1930, the American Red Cross has regarded it as a sister national society and signed an important memorandum of understanding in November 2002. MDA is the equivalent of the Red Cross in Israel.

However, the International Committee of the Red Cross still refuses to make MDA a full member of the International Red Cross. Why, you may ask? Because MDA uses the Star of David as its symbol. This refusal is the height of hypocrisy.

MDA has been providing humanitarian relief and assistance for 70 years, and its work is recognized throughout the Middle East and the world. The International Red Cross' refusal to recognize MDA sends a message of hostility and runs contrary to its declared position of impartiality and neutrality.

I applaud my dear colleague, Mr. Lantos, for including language on this issue, bringing it to the attention of the Congress, and I look forward to its quick passage.

With that, I withdraw my objection, Mr. Chairman.

Chairman HYDE. It is so ordered. The staff is directed to make any technical and conforming amendments, and the Committee stands adjourned.

[Whereupon, at 11:04 a.m. the Committee was adjourned.]

A P P E N D I X

MATERIAL SUBMITTED FOR THE HEARING RECORD

PREPARED STATEMENT OF THE HONORABLE JAMES A. LEACH, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF IOWA

H.R. 4011

Mr. Chairman, at the outset I would like to thank the many Committee Members who have cosponsored this legislation, including Representatives Tom Lantos, Chris Smith, Howard Berman, Dan Burton, Gary Ackerman, Elton Gallegly, Eni Faleomavaega, Ileana Ros-Lehtinen, Donald Payne, Ed Royce, Earl Blumenauer, Steve Chabot, and Joseph Pitts. I would also like to register my high regard for the thoughtfulness of Senator Brownback who has provided such impressive leadership on this issue.

The people of North Korea have endured some of the great humanitarian traumas of our time. Inside North Korea, they suffer at the hands of a totalitarian dynasty that permits no dissent and maintains an inhumane system of prison camps that house an estimated 200,000 political inmates. The regime strictly curtails freedoms of speech, press, religion, assembly, and movement. Since the collapse of the centralized agricultural system in the 1990s, more than 2,000,000 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 UN High Commissioner for Refugees (UNHCR) to evaluate and identify genuine refugees among the North Korean migrant population. China forcibly returns North Koreans to North Korea, where they routinely face imprisonment and torture, and sometimes execution. Inside China, North Korean women and girls are particularly vulnerable to trafficking 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, and authorizes \$2 million per year for programs to promote human rights, democracy, rule of law, and a market economy. It also authorizes a similar amount to increase the availability of information sources not controlled by the North Korean government. Finally, it urges additional North Korea-specific attention by appropriate UN human rights authorities.

On the humanitarian front, the bill authorizes increased funding (\$20 million/year) for assistance to North Koreans outside of North Korea. It also attempts to secure greater transparency for aid delivered inside North Korea by authorizing a significant increase in such aid (to not less than \$100 million/year), but tying increases to substantive improvements in monitoring. Finally, it conditions direct aid to the North Korean government on human rights and transparency benchmarks, but allows the President to waive those restrictions for national security purposes after reporting to Congress.

In terms of refugee protection, the bill clarifies U.S. policy and urges UNHCR to use all available means to gain access to North Koreans in China. It also attempts to formulate prudent solutions to the practical and legal barriers that presently keep North Koreans from having effective access to U.S. refugee and asylum programs. It does not mandate the admission of any number of North Koreans to the United States, raise the annual U.S. refugee cap, or in any way limit the authority of the Department of Homeland Security to regulate and condition the entry of North Koreans into the U.S. on a case-by-case basis.

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, which may include accepting an unspecified but credible number of refugees for domestic resettlement. Here, it must be noted that our government must maintain a prudent, case-by-case approach in part due to the circumstance that, not only is the North Korean government oppressive, it has instituted a virtual anti-American brainwashing of its population. Unlike refugees from the former Communist bloc of Eastern Europe, the North Korean people do not yet broadly share the idea of America as a beacon of freedom.

At this point I would like to note that, with regard to China, this bill is not solely critical, it is also aspirational. It makes clear that the United States and the international community stand ready to provide more assistance to help defray the costs associated with the North Korean refugee presence when China begins fulfilling its obligations as a party to the 1951 UN Refugee Convention. We genuinely hope for that opportunity.

I would like to thank my Committee colleagues for the strong, bipartisan support they have given this bill. I urge its favorable consideration.

PREPARED STATEMENT OF THE HONORABLE DAN BURTON, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF INDIANA

H. RES. 402

Good Morning. I want to thank Chairman Hyde for allowing this most important legislation, H. Res. 402, to be considered before the Committee today. This resolution expresses the great need for democratic reform, including the recognition of basic human rights and religious liberty for all citizens of the Lao People's Democratic Republic.

During my six-year tenure as Chairman of the full Committee on Government Reform, I initiated several investigations into human rights violations both in the United States and abroad. I have continued this oversight as Chairman of the newly created Government Reform Subcommittee on Human Rights & Wellness. As part of my continued commitment to oversight in this arena, I felt it was necessary to address the current human rights situation, or more accurately put the lack thereof, in the country of Laos.

From an outsider's perspective, Laos is a seemingly democratic country. Technically speaking, 1989 marked the first year of democratically-held elections in the Lao People's Democratic Republic, since the country was taken over by Marxist Communists in 1975. That event gave many Lao citizens hope that their country had taken the first step toward independence and self-government. Tragically, this has not proven to be true.

The Lao People's Revolutionary Party—the ruling political force in Laos—has provided the world with a great façade of espousing and promoting democratic ideologies, when in actuality they are a unilateral Communist regime.

Only members of this communist party are permitted to run for political office, which coincidentally is the only political party legally recognized in the country.

The Lao People's Revolutionary Party not only monopolizes the National Assembly, but also directs the armed forces and security services of the country—in addition to controlling the finances of Laos by promulgating 5-year economic plans that are observed in the time difference between these so-called “Congressional” meetings, which have further crippled the already fragile economy of that nation.

This is not the only deception that the Lao government misrepresents to the world. In 1991, Laos adopted its first constitution, which supposedly granted Laotian citizens many of the same rights that we enjoy here in the United States—such as the freedom to peacefully assemble, the freedom of religion, and the freedom of speech.

Unfortunately, 13 years after this so-called “constitution” was adopted, these most basic of human rights have yet to be observed in Laos. In fact, the Laotian government has worked hard to prevent any real democratic progress or forward-thinking in the nation.

For example, in 1999 several student leaders who engaged in a peaceful pro-democracy demonstration were unlawfully arrested for their opposition to the communist government. According to the human rights organization Amnesty International, many of these student leaders continue to be held in the Lao prison system, or even worse, remain unaccounted for.

Sadly, this is not the only instance of peaceful activists being held improperly for opposing the Lao government. In 2001, during a peaceful protest requesting the release of the jailed student leaders, Olivier Dupuis, a Member of the European Parliament, was arrested and jailed with other demonstrators. He was sentenced to 2½ years in prison after a brief trial, and later expelled from the country.

I am not alone in this fight to bring basic human rights to the people of Laos. I have been joined on this resolution by 44 Cosponsors, including 10 of my esteemed colleagues who serve diligently as Members of this Committee.

Additionally, President Bush and his Administration have begun to address the human rights violations in Laos as well. In the most recent U.S. Department of State report on international human rights practices, it was affirmed that the Laotian government has restricted its citizens from enjoying the freedoms of speech, assembly, and religion, and for undertaking activities to change their government.

The U.S. Commission on International Religious Freedom has mirrored the findings of these reports, and recommended that the President designate Laos as a “country of particular concern”.

As Members of Congress, we have sworn an oath to uphold the rights and freedoms that Americans hold so dear. By passing this resolution, we will shed light on the egregious human rights violations occurring in Laos, and take the necessary first steps toward establishing true democracy in Laos. I ask that the Members of this Committee vote “Aye” and give the people of Laos hope that one day they will be able to live free of fear from their government.

Again, thank you Mr. Chairman for allowing me to speak on this important human rights Resolution. I yield back the balance of my time.

PREPARED STATEMENT OF THE HONORABLE JERRY WELLER, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF ILLINOIS

H. RES. 535

Mr. Chairman, I am pleased that the House International Relations Committee scheduled this important mark-up today of H. Res. 535. This legislation, which I introduced, expresses the concern and support of the House of Representatives for local elected officials under threat of assassination, kidnapping, forcible displacement, and coercion by terrorist organizations in the Republic of Colombia.

Mr. Chairman, Colombia is the oldest democracy in South America and has a long tradition of democratically elected leaders. Colombia’s democracy, her leaders, and the people of Colombia themselves are under attack, however, by terrorist organizations. The Revolutionary Armed Forces of Colombia or the FARC, the United Self-Defense Forces of Colombia or the AUC and the National Liberation Army or the ELN pose a constant threat to this democracy and the human rights of the people of Colombia.

Without regard for human rights, these terrorist organizations carry out their atrocities not only through threat and intimidation, but through murder. Threats against democratically elected local and regional representatives often hinders or prevents these representatives from carrying out their official duties.

The National Federation of Council Members of Colombia, a civil society organization representing elected municipal council officials in Colombia, reports that 252 municipal council members were assassinated by the FARC, ELN, AUC and other terrorist organizations between July 1996 and September 2003.

Equally disturbing is an increase in the number and intensity of these attacks. During the time period from 1996 to 2001, there was an average of around 21 attacks each year. However, there were 64 in 2002 and in just the first nine months of 2003, there were 59. In the same 2003 time period, 1180 council members were forcibly displaced by terrorist organizations.

And in the run-up to local elections of October 2003, 15 aspiring council members—people who wanted to legitimately serve as direct representatives of local constituencies—were killed.

President Uribe has been working tirelessly to restore legitimate government throughout Colombia, and we in the House commend the President for his actions. President Uribe has proven to be a successful leader for the people of Colombia and a solid partner with the United States.

This resolution sends a strong and clear message that the House of Representatives condemns all terrorist organizations in the Republic of Colombia. It also expresses strong support for democratically elected municipal council members in Colombia who continue governing under threat and danger.

Further, this resolution commends and encourages the Government of Colombia to continue its campaign to restore legitimate governance throughout the country and to restore basic services to affected municipalities and communities, as well as commending the efforts by the National Federation of Council Members of Colombia to provide support for local elected officials in their struggle against lawlessness and terror.

Mr. Chairman, this is an important resolution and I am pleased to see it pass the House International Relations Committee today, and encourage my colleagues to support its passage before the full House of Representatives.

PREPARED STATEMENT OF THE HONORABLE ROBERT MENENDEZ, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF NEW JERSEY

H. RES. 563

First, I would like to thank my good friend Ileana Ros-Lehtinen for putting this resolution together.

Today, I call on all the Members of this Committee from both sides of the aisle to stand with me for a universal cause: human rights.

A little over a year ago today, the Cuban dictatorship showed its true colors to the world and began its most repressive and violent action against dissidents in recent history.

The whole world was horrified as more than 75 journalists, human rights activists, and opposition political figures were arrested, given summary trials and then sentenced to prison terms of up to 28 years.

Many of the prisoners, along with other prisoners of conscience, have spent the past year in solitary confinement and in prisons far away from their families. Some have been deprived of adequate medical treatment and reports from Cuba detail beatings and harassment.

Clearly, the Castro regime has no respect for the Universal Declaration of Human Rights which states in Article 4 that, "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

Cuba stands alone.

The world has recognized these injustices.

In a recent statement, Amnesty International said that these "prisoners of conscience" should be immediately released and called on the Cuban regime to, "comply with the principles laid out in international rights standards for the treatment of prisoners."

So I call on the Cuban regime to immediately release these prisoners of conscience who were jailed for standing up for democracy and human rights against a brutal dictatorship.

To my brothers and sisters who suffer in Castro's jails, to their families and friends both here in the United States and Cuba, and to the Cuban people, I say that Castro will not succeed in his vain attempt to suppress the spirit of the Cuban people. I look forward to the day, which is coming soon, when we will all celebrate a free and democratic Cuba. It is the spirit of the Cuban human rights activists and their courage that will ultimately be Castro's downfall.

To my friends and colleagues here in Congress, now is the time for us stand together against brutality, torture and dictatorship.

Now is the time for us to stand together for freedom, for the right to free speech, and free association, and for human rights in general.

So I ask each of you to join me in voting yes for this resolution.

PREPARED STATEMENT OF THE HONORABLE SHERROD BROWN, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF OHIO

H.R. 4019

Mr. Chairman, once again I join my colleagues in urging Congress to authorize the U.S. to endorse and obtain observer status for Taiwan at the annual summit of the World Health Assembly (WHA) set for May 2004 in Geneva.

I would like to thank the co-chairs of the Congressional Taiwan Caucus, Steve Chabot, Dana Rohrabacher and Robert Wexler for all of their hard work and dedication to the Taiwanese people.

H.R. 4019 is another important step in fulfilling the commitment the U.S. made in the 1994 Taiwan Policy Review to more actively support Taiwan's membership in organizations such as the United Nations and World Health Organization (WHO).

Last year the outbreak of Severe Acute Respiratory Syndrome (SARS) caused 73 deaths in Taiwan. This year avian influenza has reemerged in Asia and has been reported in Cambodia, China, Indonesia, Japan, Laos, Pakistan, South Korea, Taiwan, Thailand, and Vietnam.

SARS and the avian influenza continue to threaten Taiwan. The case has never been stronger for allowing the people of Taiwan access to the WHO. As globalization quickens and the spread of infectious disease accelerates it is crucial that the people of Taiwan be given the opportunity to participate in international health organizations such as the WHO.

The bill authorizes Secretary of State Colin Powell to endorse and help obtain observer status for Taiwan at the annual week-long summit of the WHA, and authorizes the State Department to introduce a resolution on the floor of the World Health Assembly in support of Taiwan's participation in the World Health Organization. The bill also directs the State Department to submit a plan to Congress on how to accomplish this objective.

Taiwan has eradicated smallpox, cholera, and polio, and has achieved infant mortality rates on par with Western Countries. These accomplishments warrant an invitation to participate in international health policy discussions. With a population of 23.5 million, Taiwan is larger than 75% of the countries that belong to the WHO. Taiwan is prepared to contribute meaningfully to the global health efforts discussed at World Health Assembly (WHA), but without observer status, its delegates can't even enter the room. This bill would prevent the international community from missing out on the insight and experience Taiwanese health officials can offer.

I urge my colleagues to support access to the WHO for the 23 million people of Taiwan. Support H.R. 4019.

PREPARED STATEMENT OF THE HONORABLE DIANE E. WATSON, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF CALIFORNIA

H. RES. 576

Chairman Hyde, Ranking Member Lantos, thank you for your leadership in sponsoring and agreeing to mark up my resolution, H. Res. 576, that urges the Chinese government to improve its protection of intellectual property rights. I want to also thank members of this Committee for their bi-partisan support of this important measure. I am grateful for the Committee in expediting the consideration of this very timely resolution.

As many of you know, I represent the 33rd Congressional District of Los Angeles and Culver City, California, which contains a number of entertainment studios. The protection of U.S. intellectual property rights abroad is especially crucial to the health and vitality of the U.S. entertainment sector, which brought in an estimated \$535.1 billion to the U.S. economy in 2001 and remains one of our nation's biggest export sectors. However, the impact of intellectual property rights violations extends far beyond the entertainment sector and affects all of our congressional districts across the country.

In the case of China, the United States continues to lose more than \$18 billion each year due to the piracy of copyrighted materials, and counterfeited products continue to account for 15 to 20 percent of all products made in China, approximately 8 percent of its gross national product. These losses range from piracy and counterfeiting of film, recorded music, published products and software, to pharmaceuticals, electrical equipment, industrial products, research results, auto parts, and even cars themselves. Moreover, many of these counterfeit products end up re-entering our domestic U.S. market in record quantities. In fact, the U.S. Customs Service estimates that over 60 percent of all pirated goods it seizes originate in China. As you can see, IPR theft has reached epidemic levels in China, and its impact is being felt not only in the United States but around the world.

H. Res. 576 urges the Chinese government to take further and immediate steps to improve its IPR mechanism, especially in the enforcement of such rights by changing and updating its criminal law and enforcement procedures. It also asks China to improve its customs and border measures to prevent the massive exportation of pirated goods, and to give greater market access to legitimate foreign products as to reduce the market demand for pirated and counterfeit goods, among other purposes.

My staff has shared this resolution with various agencies within the Administration, including the State Department, Department of Commerce, U.S. Customs, and the U.S. Copyright and U.S. Patent and Trademark offices. I want to recognize their

assistance and support, and commend them for their tireless effort to engage the Government of China on these important issues.

Finally, I am aware that USTR Ambassador Zoellick and Secretary of Commerce Evans will co-chair an expanded Joint Commission on Commerce and Trade meeting with Chinese Vice Premier Wu Yi next month to discuss problems relating to WTO implementation. I believe this resolution will put Congress on the record in calling for the Government of China to take immediate and serious steps to rectify this problem.

Once again I thank you for this opportunity to mark up my resolution.

LETTER SUBMITTED FOR THE RECORD BY THE HONORABLE DIANE E. WATSON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA, FROM MARYBETH PETERS, REGISTER OF COPYRIGHTS, UNITED STATES COPYRIGHT OFFICE



United States Copyright Office
Library of Congress · 101 Independence Avenue SE · Washington, DC 20559-6000 · www.copyright.gov

March 30, 2004

The Honorable Diane E. Watson
U.S. House of Representatives
125 Cannon Office Building
Washington, D.C. 20515

Dear Representative Watson:

I am pleased to have this opportunity to respond to your request for the Copyright Office's views regarding H. Res. 576. I wholeheartedly agree that consideration of the problem of copyright infringement in China is especially important and timely.

The Copyright Office has actively engaged our counterparts at the National Copyright Administration of China (NCAC) for over twenty years in an effort to foster better understanding and improve the protection of copyrighted works in China. Our most recent exchange was earlier this month, when we hosted a delegation led by Deputy Director General Wang Ziqiang of the NCAC for a one week symposium on the protection and enforcement of copyright. The delegation included officials from the central government in Beijing, officials from several of China's provinces with authority for the enforcement of copyright, and judges who hear copyright infringement cases.

The Copyright Office also plays a crucial role in the United States' bilateral trade relations with China. We advise the Congress, the U.S. Trade Representative's Office, and other federal agencies on copyright protection and enforcement and we participate in trade talks held both in the U.S. and in China.

Over the years, we have worked with China as it has transformed itself from a country that did not even have a copyright law into a WTO member. But we have also been dismayed by the persistent and overwhelming problem of copyright infringement in China. The U.S. copyright industries continue to report piracy rates of at least 90% across the board in China. This fact, combined with the size of the Chinese market and the growing problem of the export of pirated products from China, threatens, if gone unchecked, to deluge markets in the region and around the world with cheap, illegal copies of American products.

Despite these threats, many American companies continue to invest in the Chinese market. I believe that this is indicative of the business opportunities in China. Thus, I see both a crisis of piracy and great opportunity. H. Res. 576 eloquently captures a balanced and realistic assessment of the situation in China and the Copyright Office supports it and hopes that it will be adopted. It is important for the Chinese Government

Diane E. Watson

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to understand that the United States recognizes that much has been done, but also that it sees how much remains to do and how important it is to finish the job.

Please feel free to contact me again on this or any other copyright matter.

Sincerely,



Marybeth Peters
Register of Copyrights

