

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and pass the bill, H.R. 642, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 365, nays 51, not voting 17, as follows:

[Roll No. 627]

YEAS—365

Abercrombie	DeGette	Jones (NC)
Ackerman	Delahunt	Kagen
Alexander	DeLauro	Kanjorski
Allen	Dent	Kaptur
Altmire	Diaz-Balart, L.	Kennedy
Andrews	Diaz-Balart, M.	Kildee
Arcuri	Dicks	Kilpatrick
Baca	Dingell	Kind
Bachus	Doggett	King (NY)
Baird	Donnelly	Kirk
Baldwin	Doyle	Klein (FL)
Barrett (SC)	Drake	Kline (MN)
Barrow	Dreier	Knollenberg
Bartlett (MD)	Edwards (MD)	Kucinich
Bean	Edwards (TX)	Kuhl (NY)
Becerra	Ehlers	LaHood
Berkley	Ellison	Lampson
Berman	Ellsworth	Langevin
Berry	Emanuel	Larsen (WA)
Biggert	Emerson	Larson (CT)
Bilbray	Engel	Latham
Bilirakis	English (PA)	LaTourette
Bishop (GA)	Eshoo	Lee
Bishop (NY)	Etheridge	Levin
Blackburn	Everett	Lewis (CA)
Blumenauer	Fallin	Lewis (GA)
Bonner	Farr	Lewis (KY)
Bono Mack	Fattah	Lipinski
Boozman	Ferguson	LoBiondo
Boren	Filner	Loeb
Boswell	Forbes	Lofgren, Zoe
Boucher	Fortenberry	Lowe
Boustany	Foster	Lucas
Boyd (FL)	Frank (MA)	Lynch
Boyd (KS)	Frelinghuysen	Mack
Brady (PA)	Galleghy	Mahoney (FL)
Brady (TX)	Gerlach	Maloney (NY)
Bralley (IA)	Giffords	Marchant
Brown (SC)	Gilchrest	Markey
Brown, Corrine	Gillibrand	Marshall
Buchanan	Gohmert	Matheson
Burgess	Gonzalez	Matsui
Burton (IN)	Goode	McCarthy (CA)
Butterfield	Goodlatte	McCarthy (NY)
Calvert	Gordon	McCaul (TX)
Camp (MI)	Granger	McCollum (MN)
Capito	Graves	McCotter
Capps	Green, Al	McCreery
Capuano	Green, Gene	McDermott
Cardoza	Grijalva	McGovern
Carnahan	Gutierrez	McHenry
Carney	Hall (NY)	McHugh
Carson	Hall (TX)	McIntyre
Castle	Hare	McKeon
Castor	Harman	McMorris
Cazayoux	Hastings (FL)	Rodgers
Chabot	Hastings (WA)	McNerney
Chandler	Hayes	McNulty
Childers	Heller	Meek (FL)
Clarke	Herseth Sandlin	Meeks (NY)
Clay	Higgins	Melancon
Cleaver	Hill	Mica
Clyburn	Hinchee	Michaud
Coble	Hinojosa	Miller (FL)
Cohen	Hirono	Miller (MI)
Cole (OK)	Hobson	Miller (NC)
Conyers	Hodes	Miller, Gary
Cooper	Holden	Miller, George
Costa	Holt	Mitchell
Costello	Honda	Mollohan
Courtney	Hooley	Moore (KS)
Cramer	Hoyer	Moore (WI)
Crenshaw	Hulshof	Moran (KS)
Crowley	Inslee	Moran (VA)
Cuellar	Israel	Murphy, Patrick
Davis (AL)	Jackson (IL)	Murphy, Tim
Davis (CA)	Jackson-Lee	Murtha
Davis (IL)	(TX)	Musgrave
Davis (KY)	Jefferson	Myrick
Davis, Lincoln	Johnson (GA)	Nadler
Davis, Tom	Johnson (IL)	Napolitano
DeFazio	Johnson, E. B.	Neal (MA)

Nunes	Ryan (WI)	Taylor
Oberstar	Sali	Terry
Obey	Sánchez, Linda	Thompson (CA)
Oliver	T.	Thompson (MS)
Ortiz	Sanchez, Loretta	Tiahrt
Pallone	Sarbanes	Tiberi
Pascarell	Scalise	Tierney
Pastor	Schakowsky	Towns
Pearce	Schiff	Tsongas
Perlmutter	Schmidt	Turner
Peterson (MN)	Schwartz	Udall (CO)
Peterson (PA)	Scott (GA)	Udall (NM)
Petri	Scott (VA)	Upton
Pickering	Sensenbrenner	Van Hollen
Pitts	Sessions	Velázquez
Platts	Sestak	Visclosky
Pomeroy	Shays	Walden (OR)
Porter	Shea-Porter	Walsh (NY)
Price (NC)	Sherman	Walz (MN)
Pryce (OH)	Shimkus	Wamp
Radanovich	Shuler	Wasserman
Rahall	Shuster	Schultz
Ramstad	Simpson	Waters
Rangel	Sires	Watson
Regula	Skelton	Watt
Rehberg	Slaughter	Waxman
Reichert	Smith (NJ)	Weiner
Renzi	Smith (TX)	Welch (VT)
Reynolds	Smith (WA)	Weller
Richardson	Snyder	Wexler
Rogers (AL)	Solis	Whitfield (KY)
Rogers (KY)	Space	Wilson (NM)
Rogers (MI)	Speier	Wilson (OH)
Ros-Lehtinen	Spratt	Wilson (SC)
Roskam	Stark	Wittman (VA)
Ross	Stearns	Wolf
Rothman	Stupak	Woolsey
Roybal-Allard	Sullivan	Wu
Ruppersberger	Sutton	Yarmuth
Rush	Tanner	Young (AK)
Ryan (OH)	Tauscher	Young (FL)

NAYS—51

Aderholt	Flake	Lungren, Daniel
Akin	Fox	E.
Bachmann	Franks (AZ)	Manzullo
Barton (TX)	Garrett (NJ)	Neugebauer
Broun (GA)	Gingrey	Paul
Brown-Waite,	Hensarling	Pence
Ginny	Herger	Poe
Buyer	Hoekstra	Price (GA)
Campbell (CA)	Inglis (SC)	Rohrabacher
Cannon	Issa	Royce
Carter	Johnson, Sam	Shadegg
Conaway	Jordan	Smith (NE)
Culberson	King (IA)	Souder
Davis, David	Kingston	Tancredo
Deal (GA)	Lamborn	Thornberry
Doolittle	Latta	Walberg
Duncan	Linder	Weldon (FL)
Feeney		Westmoreland

NOT VOTING—17

Bishop (UT)	Fossella	Reyes
Blunt	Hunter	Rodriguez
Boehner	Keller	Salazar
Cantor	Murphy (CT)	Saxton
Cubin	Payne	Serrano
Cummings	Putnam	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes left.

□ 1906

Messrs. PENCE and GINGREY changed their vote from “yea” to “nay.”

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: “A bill to establish the Honorable Stephanie Tubbs Jones Fire Suppression Demonstration Incentive Program within the Department of Education to promote installation of fire sprinkler systems, or other fire suppression or prevention technologies, in qualified student housing and dormitories, and for other purposes.”

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later.

NORTH KOREAN HUMAN RIGHTS REAUTHORIZATION ACT OF 2008

Mr. SCOTT of Georgia. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 5834) to amend the North Korean Human Rights Act of 2004 to promote respect for the fundamental human rights of the people of North Korea, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendments is as follows:

Senate amendments:

On page 3, beginning on line 4, strike the comma and all that follows to the end period and insert the following: “and has increased the bounty paid for turning in North Korean refugees”.

On page 3, beginning on line 11, strike “, including” and all that follows through “killings” on line 17.

On page 4, line 4, strike “On February”, and insert the following: “Since the passage of the North Korean Human Rights Act, Congress has on several occasions expressed interest in the status of North Korean refugees, and on February”.

On page 4, line 19, strike “at overseas posts”.

On page 5, line 10, after “should”, insert “continue to”.

On page 6, line 3, strike “rights, humanitarian, and refugee issues,” and insert the following: “rights and humanitarian issues, and to participate in policy planning and implementation with respect to refugee issues.”.

On page 7, line 20, strike “\$4,000,000” and insert “\$2,000,000”.

On page 9 line 13, after “including”, insert the following: “, in coordination with the Bureau of Population, Refugees, and Migration.”.

On page 9, line 21, strike “coordinate” and insert “participate in the formulation and”.

On page 11, line 13, strike “paragraphs” and insert “paragraph”.

On page 11, strike line 14 and all that follows through line 19.

On page 12, lines 3 and 4, strike “may be provided in a classified format, if necessary” and insert the following: “shall be provided in unclassified form, with a classified annex, if necessary”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. SCOTT) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes. The Chair recognizes the gentleman from Georgia.

Mr. SCOTT of Georgia. Mr. Speaker, I rise in strong support of this resolution, and I yield myself as much time as I may consume.

I wanted to first thank our colleague and the ranking member of the Committee on Foreign Affairs, Ms. ILEANA ROS-LEHTINEN of Florida, who introduced this important legislation.

Mr. Speaker, the human rights situation in North Korea remains one of the bleakest on the planet. This is an extraordinarily important piece of legislation which speaks to some extraordinary abuses of human rights in North Korea.

As we speak, millions of North Koreans live in desperate conditions; political, economic, and religious freedoms are nonexistent, and many are starving and undernourished and live in fear of arbitrary arrests when they know they may be tortured or executed.

The North Korean government knows that access to information outside the country is a threat to the regime's control, and so it maintains an absolute grip over all legal media using it to manipulate the population into believing that life is no better anywhere else on the planet.

Those who manage to leave the country in North Korea face further danger. They face denial of rights and threats to their lives. China stubbornly refuses to categorize North Koreans who flee horrific living conditions and persecution as refugees. Instead, they label them as "economic migrants." This disingenuous semantic trick relieves Beijing of its obligation to assist the North Koreans who escape into China in accordance with international conventions on refugees to which Beijing is a signatory.

North Koreans are routinely arrested and abused by the Chinese authorities and sent back to North Korea where they are considered traitors. Upon return, they are arrested. They're likely tortured, and sometimes, Mr. Speaker, they are killed.

The suffering people of North Korea need assistance. And in 2004, Congress passed with overwhelming bipartisan support the North Korea Human Rights Act in an effort to focus U.S. attention on their plight. This Act provided new resources to assist North Korean refugees, support democracy and human rights programs and improve access to information through radio broadcasts and other activities. It is also required that the President appoint a special envoy on North Korean human rights.

Our bill, H.R. 5834, reauthorizes this vitally important legislation. The current bill extends the North Korea Human Rights Act through fiscal year 2012 and enhances the role of the special envoy by making it an ambassadorial rank and requiring it be a full-time position.

H.R. 5834 was passed by the House on May 15 of this year, and the Senate made minor amendments to the bill on September 22.

Mr. Speaker, the North Korea Human Rights Act has been instrumental in ensuring the issue of human rights for North Koreans remains a key priority of U.S. policy toward North

Korea. I strongly support this legislation. It is badly needed. And I encourage my colleagues to do the same.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to yield myself such time as I may consume.

I rise in strong support, also, of H.R. 5834, the North Korea Human Rights Reauthorization Act, which I introduced with my good friend from California, the chairman of our committee, Howard Berman, earlier this Congress. We passed this bill, Mr. Speaker, 4 months ago in a strong demonstration of this body's continued commitment to human rights, to transparent humanitarian assistance, and to refugee protection for the people of North Korea.

On Monday, the Senate followed our bipartisan lead and unanimously supported this bill with minor modifications, which is why we are taking it up again today.

I would like to thank Chairman BIDEN and Ranking Member LUGAR and their staffs for their input and their assistance. Special thanks to my friend, Senator SAM BROWNBACK, for his longstanding leadership on the issues of North Korea human rights, and his efforts were instrumental in securing a successful outcome in the Senate.

□ 1915

During our initial House floor debate in May, Mr. Speaker, we discussed the dire traumas that the North Korean regime has perpetrated against its own people during the past half century.

Rather than recount the horrific circumstances which compelled me to draft this bill, I would instead like to focus today on some of the important clarifications contained in this legislation.

Over the past 4 years, in oversight hearings, in meetings and official letters, Members have expressed their dissatisfaction with the executive branch implementation of the North Korea Human Rights Act of 2004.

In the words of the report of the Foreign Affairs Committee on this bill, it has been "too slow and too weak," and the purposes set forth in section 4 of the original act remain largely unrealized.

After enactment, the administration delayed appointment of the special envoy for nearly 8 months, 4 months after the envoy was required to file a report to Congress under the act, a deadline that was ignored. Since then, the special envoy has never filled that position on more than a part-time basis.

Mr. Speaker, House Members were genuinely surprised by that limited time commitment, which did not track with the broad duties and responsibilities assigned to the envoy and the ambitious purposes of that law. Congress has also repeatedly noted our disappointment with the inadequate pace of the North Korean refugee admissions during the past 4 years.

Even though title 3 of the act clarified North Korean eligibility for U.S. resettlement and required the Secretary of State to facilitate the submission of those refugee applications, fewer than 70 of the more than 150,000 refugees resettled here since then have been North Koreans.

Many North Koreans have been deterred or have abandoned their claims for U.S. resettlement because of the extremely long wait caused by the resistance and the delay of foreign governments, as well as the slow pace of our own screening.

One poignant case, Mr. Speaker, followed by our committee staff involved the family of three North Koreans, a husband, a wife, and their young son. That family lived a vulnerable and depressing existence in Southeast Asia, confined largely to a single room for more than 2 years while awaiting completion of the U.S. process. Even though the mother was battling cancer, they persisted in the resettlement process because she believed that life in America would provide the most freedom and opportunity for her son.

This summer, after a personal appeal by Chairman BERMAN and me, they were finally allowed to leave that Third Country and travel halfway around the world to their new home in Virginia. After years of heroic patience, the mother lived just long enough to deliver her son safely to this land of new promise. She died less than 2 weeks after their arrival.

The United States must intensify our diplomacy with foreign nations on these issues, Mr. Speaker, and work more cooperatively with our ally South Korea, which admirably continues to bear the overwhelming bulk of the refugee resettlement numbers.

To help address these deficiencies, H.R. 5834 clarifies and strengthens the role of the special envoy. It makes the special envoy for North Korean human rights an ambassadorial-rank position to ensure that the envoy has ample stature to pursue his or her duties with foreign governments, as well as to promote the priorities of the act within the Department of State.

This bill makes clear that the envoy position is to be "a full-time position . . . as intended by the North Korea Human Rights Act of 2004."

When combined with the requirement of the original act that the envoy "be a person of recognized distinction in the field of human rights," the bill before us eliminates any misconception that the position may be a part-time undertaking, or a second hat worn by a Foreign Service officer with other, more important, supposedly, duties.

This bill also makes clear that the envoy's mandated concerns include the protection of North Korean refugees.

Finally, Mr. Speaker, the bill inserts a new paragraph at the very top of the special envoy's statutory duties that confirms the envoy's role in the formulation and implementation of the full

range of activities under the North Korean Human Rights Act, which includes, in the words of the act: "Promoting the Human Rights of North Koreans"; "Assisting North Koreans in Need"; and "Protecting North Korean Refugees."

The people of North Korea face some of the most severe repression on the planet.

I am proud of the work that our Congress began 4 years ago to help their plight, and I thank my friend Chairman BERMAN, our bipartisan cosponsors, and the numerous nongovernmental organizations who have worked with us to extend and improve the North Korean Human Rights Act.

I urge unanimous support for this measure.

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

GENERAL LEAVE

Mr. SCOTT of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5834.

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

There was no objection.

Mr. SCOTT of Georgia. And a final comment, Mr. Speaker. House Resolution 5834 indeed gives us an ambassador rank for human rights in North Korea. This is extraordinarily important, and this is not just right and needed for the people of North Korea. It's needed and it's right for all freedom-loving people on this planet, for us to move forthrightly and to be able to finally make this a critical, key part of our foreign policy.

Mr. Speaker, I have no further speakers, and I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, to help explain the intent behind the full-time special envoy requirement in this bill, I would like to insert into the RECORD a brief excerpt from the Background and Purpose section of House Report 110-628 submitted to the House by Chairman BERMAN.

NORTH KOREAN HUMAN RIGHTS REAUTHORIZATION ACT OF 2008 BACKGROUND AND PURPOSE FOR THE LEGISLATION

Executive Branch implementation of the refugee provisions of the 2004 Act has been too slow and too weak. On February 21, 2006, a bipartisan group of 9 senior House Members and Senators—including the then-Chairman and Ranking Member of the Committee on International Relations and the Chairman and Ranking Member of the Subcommittee on Asia and the Pacific—wrote the Secretary of State 'to express our deep concern for the lack of progress in funding and implementing the key provisions of the North Korean Human Rights Act.' Foremost among their concerns, they noted that, 'despite the fact that the Act calls for the Department of State to facilitate the submission of North Korean refugee applications, not one North Korean has been offered asylum or refugee status in the 16 months since the unanimous passage of the legislation.' The first North

Korean refugees did not arrive in the United States until 3 months later, in May 2006.

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

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

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

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

To further the purposes of the 2004 Act, it is also important to clarify and strengthen the role of the Special Envoy. Regrettably, the President did not appoint a Special Envoy for North Korean Human Rights Issues until August 19, 2005, more than 4 months after the Special Envoy was required to report to Congress under the 2004 Act. The Special Envoy appointed by the President has filled that position on a part-time basis only, and has continued to live and pursue a career outside of Washington, D.C. Looking ahead to the possibility of a Special Envoy who may not enjoy the same preexisting rapport with and access to the President, it is important to ensure that any successor has adequate stature and presence within the Department of State. An active presence at Main State is necessary to ensure that the concerns at the heart of the Special Envoy's mandate are adequately represented in the decision-making processes of the State Department's regional and functional bureaus, especially the Bureau of East Asian and Pacific Affairs (EAP) and the Bureau of Population, Refugees, and Migration (PRM).

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

Mr. SCOTT of Georgia. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. SCOTT) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 5834.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

BREAST CANCER PATIENT PROTECTION ACT OF 2008

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 758) to require that health plans provide coverage for a minimum hospital stay for mastectomies, lumpectomies, and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 758

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Breast Cancer Patient Protection Act of 2008".

SEC. 2. FINDINGS.

Congress finds that—

(1) the offering and operation of health plans affect commerce among the States;

(2) health care providers located in a State serve patients who reside in the State and patients who reside in other States;

(3) in order to provide for uniform treatment of health care providers and patients among the States, it is necessary to cover health plans operating in 1 State as well as health plans operating among the several States;

(4) currently, 20 States mandate minimum hospital stay coverage after a patient undergoes a mastectomy;

(5) according to the American Cancer Society, there were 40,954 deaths due to breast cancer in women in 2004;

(6) according to the American Cancer Society, there are currently over 2.0 million women living in the United States who have been treated for breast cancer; and

(7) according to the American Cancer Society, a woman in the United States has a 1 in 8 chance of developing invasive breast cancer in her lifetime.

SEC. 3. AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following:

"SEC. 714. REQUIRED COVERAGE FOR MINIMUM HOSPITAL STAY FOR MASTECTOMIES, LUMPECTOMIES, AND LYMPH NODE DISSECTIONS FOR THE TREATMENT OF BREAST CANCER AND COVERAGE FOR SECONDARY CONSULTATIONS.

"(a) INPATIENT CARE.—

"(1) IN GENERAL.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, that provides medical and