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Bert Chapman

Purdue University, chapmanb@purdue.edu

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U.S. Congressional Committee Hearings on Korea during the 113th Congress 2013–2014: Overseeing Multifaceted Aspects of Washington’s Peninsular Interests

Bert Chapman*

Purdue University, West Lafayette, Indiana, USA

Numerous U.S. government agencies are involved in developing and implementing U.S. policy toward Korean Peninsula events, trends, and developments. Those studying U.S. government policies toward this region need to pay particular attention to the role played by U.S. Congressional committees in this policymaking. Congressional committees are responsible for approving new legislation, revising existing legislation, funding U.S. government programs and conducting oversight of these programs. This work examines Congressional committee hearings and debate during the 113th Congress (2013–2014) and reveals that multiple Congressional committees with varying jurisdictions seek to shape U.S. government Korean Peninsula policy and that this policymaking covers more than international relations and international security issues.

Keywords: U.S. Congress, Congressional committee hearings, legislative oversight, U.S.-Korean relations, national security, international relations, economics, trade, human rights

Introduction

U.S. government foreign and national security policymaking toward individual countries is primarily associated with executive branch agencies such as the Departments of State and Defense, and to a lesser extent with the Departments of Commerce, Energy, and Treasury, along with agencies such as the Central Intelligence Agency and National Security Council. Any comprehensive and substantive assessment of U.S. foreign and national security policy toward countries such as North and South Korea, however, must also incorporate the role played in this policymaking by the U.S. Congress, with particular emphasis on the multifaceted and sometimes contradictory roles played by Congressional committees.

The origins of the roles played by congress and Congressional committees in foreign and national security policymaking originate with the drafting of the U.S. Constitution in 1787 and subsequent ratification process lasting until 1790 which

* E-mail: chapmanb@purdue.edu

has produced ongoing and often contentious debate during the subsequent 225 years.¹ The U.S. Constitution grants Congress significant foreign policy and national security policymaking powers in terms of Article 1, Sections 7–8, including:

- Legislation for raising revenue must originate in the House of Representatives;
- The power to override presidential vetoes requires two-thirds of the members of the House of Representatives and Senate agreeing to override;
- Collecting taxes, duties, excises, and imposts;
- Providing for the common defense;
- Borrowing money on U.S. credit;
- Regulating commerce with foreign nations;
- Defining and punishing piracies committed on the high seas and offenses against international law;
- Declaring war, granting letters of marque and reprisal, and making rules concerning land and water captures;
- Raising and supporting armies and navies, but not providing funding for more than two years;
- Making rules governing and regulating land and naval forces.²

In addition, Article 2, Section 2 of the Constitution covering presidential powers gives the President the power to negotiate treaties with foreign countries, but requires two-thirds of the U.S. Senate to approve or ratify these treaties to agree to their implementation and this same section also requires the U.S. Senate to confirm or agree to presidential nominations of ambassadors to foreign countries. Throughout U.S. history there have been numerous instances when Congress has played an important role in blocking, defeating, or significantly modifying presidential foreign policy objectives.³

These constitutional provisions, differences in policymaking objectives between presidential administrations and members of Congress, and the desires of individual Congressional policymakers to personally influence Korean Peninsula policymaking by the United States has influenced and continues influencing Washington's relationships with Seoul and even Pyongyang. Significant scholarly analyses abound of these Congressional attempts to sculpt Korean Peninsula policymaking by the United States.⁴

Since Congress is responsible for approving new legislation, revising existing legislation, funding government programs, and conducting oversight of government program performance, Congressional committee hearings are an extremely valuable resource for understanding U.S. foreign and national security policymaking toward Korean Peninsula matters. These committees also may require agencies to prepare an often onerous variety of reports for Congress as part of their oversight activities. Examples of Congressionally mandated reports on Korean topics for the 113th Congress include one on reducing the threat of North Korean long-range ballistic missiles; one assuring that Korean Peninsula Energy Development Program funds are not used for North Korean nuclear weapons development; and tariff and non-tariff barriers imposed by South Korea on U.S. exports.⁵ A work documenting the importance of Congressional information resources makes the following observation:

Committees are the instruments through which Congress chooses to screen and process proposals to change public policy. A committee decision to hold hearings, except for the annual appropriations and budget process, indicates that a matter has

crossed the threshold of political salience. These proceedings serve to focus public and political attention and may be a prelude or an alternative to legislation.⁶

This work examines Congressional committee hearings and debates on Korea Peninsula topics during the 113th Congress (2013–2014) as a way of examining this region’s economic, geopolitical, and strategic importance to the United States. Some Korean Peninsula Congressional committee hearings will be held annually such as the Defense Department’s budget request for Pacific Command (PACOM) whose areas of responsibility include Korea and U.S. Forces Korea (USFK). Other Congressional hearings held on Korean Peninsula topics may be event-driven as evidenced by a House Foreign Affairs Committee Subcommittee on Asia and the Pacific hearing on January 13, 2016 entitled “The U.S. Response to North Korea’s Nuclear Provocations.” Hearing topics are determined on the initiative of Congressional committee and subcommittee chairs. Most Congressional committee hearing transcripts eventually become publicly accessible. They will include testimony from witnesses who are experts on the subject area being examined by Congressional committees from U.S. government agencies, the U.S. military, academic experts, economic experts such as business personnel, and foreign nationals, and even average citizens as one case chronicled later in this article will demonstrate. These witnesses are invited to testify by these committees and committee members and their professional staff strive to achieve a balance of viewpoints presented by the witnesses. Witnesses provide sworn testimony to these committees as if they were testifying in a court of law. Under U.S. criminal law contained in Title 18 of the *United States Code (USC)*, it is a felony to provide fake, fictitious, or fraudulent statements before U.S. government agencies, including Congressional committees, subject to financial fines up to five years imprisonment for each time such offense occurs. The Federal Digital System (FDsys) of the United States Government Publishing Office has been searched for Congressional committee hearings in which the word “Korea” appeared somewhere within the hearing transcript during the 113th Congress.⁷

The following chart lists the number of publicly accessible Congressional committee hearings during this Congressional session in which “Korea” was found as the key subject of the hearing or was mentioned somewhere in the hearing transcript. Most House and Senate Select Committee on intelligence hearing transcripts are not publicly accessible for understandable national security and personal identification protection reasons.

These figures indicate a strong plurality of these hearings cover foreign policy and military matters and were conducted by the House and Senate Armed Services and Foreign Affairs/Relations Committees. However, many other Congressional committees have jurisdiction over issues affecting U.S. relations with North and South Korea. For instance, Congressional veterans affairs committees have jurisdiction over Korean War Veterans missing in action, bodily remains, and recovery matters; Congressional appropriations committees are responsible for funding U.S. programs affecting Korean Peninsula policy; the House Ways and Means and Senate Finance Committees have jurisdiction over international trade matters; and many other committees conduct oversight in areas such as human rights, international economic policy, intellectual property, science and technology policy, and terrorism which can impact U.S. relations with North and South Korea.⁸

Subsequent sections of this work document selected 113th Congress Korean

Table 1. Chart of Hearings Featuring Content on Korea during 113th Congress Encompassing January 3, 2013–December 16, 2014 with Periodic Recesses.⁹

| | |
|---|-----|
| Commission on Security & Cooperation in Europe | 10 |
| Congressional Executive Commission on China | 5 |
| House Administration Committee | 1 |
| House Agriculture Committee | 4 |
| House Appropriations Committee | 20 |
| House Armed Services Committee | 73 |
| House Budget Committee | 2 |
| House Education & Workforce Committee | 6 |
| House Energy & Commerce Committee | 17 |
| House Financial Services Committee | 7 |
| House Foreign Affairs Committee | 109 |
| House Judiciary Committee | 4 |
| House Natural Resources Committee | 6 |
| House Oversight & Government Reform Committee | 11 |
| House Select Intelligence Committee | 0 |
| House Science Space & Technology Committee | 16 |
| House Transportation & Infrastructure Committee | 6 |
| House Veterans Affairs Committee | 17 |
| House Ways & Means Committee | 2 |
| Senate Agriculture Committee | 2 |
| Senate Appropriations Committee | 41 |
| Senate Armed Services Committee | 27 |
| Senate Banking, Housing, & Urban Affairs Committee | 10 |
| Senate Budget Committee | 3 |
| Senate Commerce, Science, & Transportation Committee | 17 |
| Senate Energy & Natural Resources Committee | 11 |
| Senate Environment & Public Works Committee | 1 |
| Senate Foreign Relations Committee | 49 |
| Senate Finance Committee | 12 |
| Senate Homeland Security & Governmental Affairs Committee | 4 |
| Senate Select Intelligence Committee | 3 |
| Senate Judiciary Committee | 2 |
| Senate Veterans Affairs Committee | 11 |

Peninsula committee hearings covering national security, international relations, economics and trade, and human rights. An additional section will document travel to South Korea by Representatives and Senators along with Congressional support staff.

National Security

The six decades since the Korean War, the multiple factors causing this conflict,¹⁰ and the ongoing presence of U.S. troops in South Korea due to the conventional and

nuclear security threat from North Korea remain continuing sources for Congressional committee oversight and assessment of this enduring national and international security issue. During a March 20, 2013 House Homeland Security Committee hearing, Rep. Patrick Meehan (R-PA) noted that North Korea has been an increased source of nuclear weapons rhetoric, that Pyongyang's cyber capability should not be underestimated and its intent is difficult to assess, and noted recent denial of service attacks on South Korean banking and communications entities.¹¹ During this same hearing witness Ilan Berman of the American Foreign Policy Council said that Iran could easily acquire cyber war capabilities from North Korea and that Tehran had already received North Korean assistance on ballistic missile and nuclear weapons development.¹²

A May 8, 2014 hearing before this same committee saw Congressional Electromagnetic Pulse (EMP) Commission member Peter Vincent Pry noting that Pyongyang may have practiced an EMP attack against the United States with its KSM-3 satellite which passed over the U.S. heartland and the Washington, D.C.-New York corridor in April 2013 when Kim Jong Un threatened nuclear strikes against the United States. He also noted that North Korea has incorporated EMP attack into its military doctrine.¹³

The March 25, 2014 Senate Armed Services Committee hearing on the proposed budget for U.S. Pacific Command (PACOM) and U.S. Forces Korea (USFK) saw testimony presented by PACOM Commander Admiral Samuel J. Locklear III and USFK commander General Mike Scaparrotti describing the Korean Peninsula security environment and North Korean threat assessment. Locklear noted an increasingly dangerous and unpredictable North Korea, Kim Jong Un's purge of his uncle Chang Song Taek, frequent military commander reshuffling as indicating regime instability, and noting that Pyongyang remains Washington's most dangerous and enduring challenge.¹⁴

Scaparrotti assured this committee that the United States and South Korea are capable and ready to deter and respond North Korean threats while referencing the March 26, 2010 killing of 46 South Korean sailors on the corvette *Cheonan* by a North Korean torpedo. He went on to warn that North Korea has the fourth-largest army in the world with 70 percent of its ground forces deployed along the Demilitarized Zone (DMZ), and that its long-range artillery can strike targets in the Seoul metropolitan area where over 23 million South Koreans and 50,000 Americans live. He added that the United States is working with South Korea to develop local capabilities in areas such as command, control, computers, communications, and intelligence systems, an alliance counter-missile defense strategy, purchasing precision-guided munitions, ballistic missile defense systems, and intelligence, surveillance, and reconnaissance platforms.¹⁵

A key characteristic of Congressional hearings can be rhetorical pushback from committee members; particularly those from the political party opposing the incumbent presidential administration. This was reflected in this hearing by Senator James Inhofe (R-OK) noting the erratic behavior of Kim Jong Un, China declaring air defense identification zones, making provocative moves to block ships, and claiming sovereignty over significant areas of the South China Sea. Inhofe also noted that Beijing's defense budget was growing 12 percent while then U.S. Secretary of Defense Chuck Hagel had told military commanders that U.S. air, sea, and space dominance could no longer be taken for granted. Inhofe also warned that a U.S. retreat from this area would embolden further North Korean aggressiveness and

wanted Scaparrotti to tell the committee about readiness problems adversely affecting U.S. and South Korean combat capabilities.¹⁶ Scaparrotti went on to tell Senator Joe Donnelly (D-IN) that North Korea is investing in asymmetric capabilities, including cyber to disrupt services and websites, and that their capabilities in this arena are growing. Scaparrotti also informed Senator John McCain (R-AZ) that fewer U.S. Army units in South Korea were operationally ready and that the high intensity nature of Korean Peninsula combat and time and space factors involved in timely delivery of U.S. forces to such combat concerned him. In addition, Senator Kelly Ayotte (R-NH) stressed the critical importance of investing in missile defense to protect South Koreans, U.S. troops, and restraining North Korean weapons proliferation.¹⁷

The continuing challenge of providing sufficient funding for U.S. military forces in Korea and elsewhere, at a time when all U.S. government spending faces significant constraints, was reflected in a May 8, 2013 House Armed Services Committee hearing on the defense budget. Assistant Secretary of Defense for Global Strategic Affairs Madelyn R. Creedon contended that President Obama recognized the growing ballistic missile threat to the United States from North Korea and other countries by having the Defense Department add 14 new ground missile defense interceptors and that Transportable Radar Surveillance would be deployed to Japan to provide enhanced early warning and tracking of any missile launched by North Korea toward Japan or the United States.¹⁸

However, Rep. Mike Rogers (R-AL) expressed concern that Chinese and North Korean modernization developments would lead the United States to increase its regional defense spending, voiced displeasure over Secretary of State John Kerry's comments to China that if Beijing helped restrain North Korean behavior that it could result in the United States withdrawing some of its regional security assets, and admonished that the United States should not "hold its breath" waiting for Pyongyang to demilitarize and dismantle its nuclear weapons.¹⁹

Rep. Michael Turner (R-OH) noted a public intelligence community national intelligence estimate that a North Korean ICBM attack could come as early as 2015, criticized the Obama administration's decision to reduce the capabilities of the Fort Greely, Alaska, ballistic missile defense site, and chastised the Obama administration in an April 17, 2013 letter to the President for consistently underfunding missile defense, using national security as a gambling chip, and following the failed Russian reset policy by allowing China and Russia to have approval of U.S. homeland missile defense policy.²⁰

International Relations

A March 5, 2013 House Foreign Affairs Committee hearing addressed how North Korea finances its criminal activities. The hearing was chaired by Rep. Edward Royce (R-CA) who noted Pyongyang's efforts to build nuclear weapons programs in Syria and Iran, that North Korea manufactures and traffics in methamphetamine, counterfeits hundreds of billions, has been called the "Soprano State," and that the United States needs to do more than rely on China to disable North Korean activities.²¹

One witness testifying at this hearing was David Asher of the Center for a New American Security who had also served as a former senior advisor for the State Department's East Asian and Pacific Affairs division and North Korea Working Group

Coordinator. Asher mentioned that on September 1, 2012, North Korea signed a scientific cooperation agreement with Iran comparable to a 2002 agreement with Syria and that Iranians attending this ceremony included the Minister of Industry, Mines, and Trade, the Defense Minister, and the head of the Iranian Atomic Energy Organization. Asher subsequently expressed the need for the United States, South Korea, and Japan to take a more urgent and aggressive approach toward North Korea maintaining:

It is time to stop the complacency on countering, containing and disrupting North Korea's proliferation machinery and the malevolent regime before serious and enduring damage occurs to global security. Working closely with our allies, especially those on the front lines in South Korea and Japan, we need to organize and commence a global program of comprehensive action targeting Pyongyang's proliferation apparatus, its facilitators, its partners, agents, proxies, its overseas presence. We need to interfere and sabotage decisively with their nuclear and missile programs. We also need to revive an initiative identifying and targeting the Kim regime's financial lifelines, including its illicit sources of revenue and overseas financial nest egg bank accounts, especially in China. Chinese banks and trading companies who continue to illegally facilitate access for North Korea, themselves, should be targeted. Finally, the United States should commence a program to influence the internal workings of the North Korean regime to undermine the Kim dynasty, and ultimately lay the groundwork for a change in regime if it doesn't change course fundamentally. Bringing about change in North Korea will require a top-down, determined effort across the whole of government and among a league of willing foreign partners similar to the initiative that I had the opportunity to run during the Bush administration.²²

Another witness at this hearing was Korean Studies professor Sung-Yoon Lee from the Fletcher School of Law and Diplomacy at Tufts University. He noted that North Korea is the world's only example of an industrialized, urbanized, literate, and peacetime economy to suffer famine and that despite being a cultish isolated country it has the world's largest military in terms of manpower defense spending proportional to national income. This produces an abnormal state capable of exerting disproportionate regional influence through external provocations and internal repression and that it will not make nuclear and missile program concessions unless confronted with a credible existential threat to regime survival.²³

Lee went on to advocate the following policy options against Pyongyang:

The United States Treasury Department should declare the entire North Korean Government a primary money laundering concern. This would allow Treasury to require U.S. banks to take precautionary special measures substantially restricting foreign individuals, banks, and entities from gaining access to the U.S. financial system. Treasury could also apply these measures to third-country business partners that finance the Kim regime, and Pyongyang's shadowy economy. And the the United States should also ask allied governments to apply corresponding measures to third-country banks, businesses, and nationals doing business with North Korea. Moreover, the United States should expand the designation of prohibited activity to include those furthering North Korea's proliferation, illicit activities, import of luxury goods, cash transactions in excess of \$10,000, lethal military equipment transactions, and the perpetration of crimes against humanity. North Korea is the world's leading candidate

for indictment for crimes against humanity. Such measures would effectively debilitate—present the North Korean regime with a credible threat that would far surpass what took place against Banco Delta Asia in 2005.²⁴

Lee also excoriated South Korea for giving North Korea cash, food, and fertilizer and over \$10 billion in aid during a ten-year period as part of Seoul's "Sunshine Policy." He also noted the approximately \$20 million per year that Pyongyang generates from the Kaesong Industrial Complex joint venture with South Korea and the nearly \$1 billion North Korea receives annually from China.²⁵

A March 4, 2014 Senate Foreign Relations Committee hearing dealt extensively with the status of U.S. alliances in Northeast Asia. East Asian and Pacific Affairs Subcommittee Chair Senator Benjamin Cardin (D-MD) noted that 2013 marked the 60th anniversary of the U.S.-South Korean alliance and President Park Geun-hye's address to a joint session of Congress, the 2012 signing of the U.S.-South Korea Free Trade Agreement, Seoul's interest in the Trans-Pacific Partnership, South Korea recently agreeing to share defense costs of U.S. troops stationed in South Korea, bilateral cooperation on clean energy, and supporting the U.S. mission in Afghanistan.²⁶

Assistant Secretary of State for East Asian and Pacific Affairs Daniel Russel told the subcommittee "the alliance between the United States and the Republic of Korea is the lynchpin of stability and security in Northeast Asia. Our alliance with South Korea was forged in shared sacrifice in the Korean War, and it continues to anchor security on the Peninsula." Russel went on to stress the critical importance of cooperation among Japan, South Korea, and the United States, while also expressing concern about friction between Tokyo and Seoul, the need for these problems to be resolved, and the critical importance of bipartisan Congressional cooperation and cooperation from Japan and South Korean legislatures in building and sustaining these ties.²⁷

Cardin also asked witness Michael Auslin from the American Enterprise Institute what could be done to ameliorate distrust between Japan and South Korea with Auslin replying:

I think there comes a time where we, given our commitments to both of these countries, need to be extraordinarily blunt and have a real heart-to-heart talk, so to speak, with both of them about the problems this is causing. And I would argue, quite frankly, that our patience is not infinite; that, to the degree that this makes our job harder for them, then they need to not only think about what that might ultimately cause, in terms of the ability of the United States to fulfill its commitments, but also how we may rethink what is in our own best interests.²⁸

Economics and Trade

Economic and trade policy is also a critically important factor in the bilateral relationship between Seoul and Washington and is also a central topic in many Congressional hearings on U.S. relations with South Korea. Table 2 illustrates the volume of U.S. imports from and exports to South Korea during 2013–2014 and the size of the U.S. trade deficit with South Korea, ranking as America's sixth-largest trading partner.²⁹

Congressional hearings on trade between Seoul and Washington during the

Table 2. Volume of U.S. Imports from and Exports to South Korea during 2013–2014 and the Size of the U.S. Trade Deficit with South Korea³⁰

| | U.S. Imports | U.S. Exports | U.S. Trade Deficit |
|----------------------|--------------------|--------------------|--------------------|
| 2013 | \$62,433.2 billion | \$41,686.6 billion | \$20,746.6 billion |
| 2014 | \$69,518.4 billion | \$44,471.4 billion | \$25,047.1 billion |
| 2015 (thru November) | \$66,440.7 billion | \$40,108.0 billion | \$26,332.7 billion |

113th Congress focused on various positive aspects and irritants. During a May 8, 2014 Senate Commerce, Science, and Transportation Committee hearing, U.S. Travel Association President Roger Dow noted that adding South Korea to the U.S. Visa Waiver Program in 2008 saw the number of South Koreans visiting the U.S. increase to 1.3 million; their spending in the United States increasing by 52 percent between 2008 and 2012 reaching a total of \$4.2 billion; South Korean spending in the United States during 2012 supporting 36,200 U.S. jobs; and travel becoming the 5th-largest U.S. export to South Korea, representing 7 percent of total U.S. exports to that country. Testimony during this hearing also showed that extending the Visa Waiver Program increased the number of South Korean visitors to Hawaii from 38,110 to 171,506 between 2008–2012 with their expenditures rising from \$79.4 million to \$314.6 million between 2008–2013.³¹

A July 29, 2014 Senate Finance Committee subcommittee hearing on the second anniversary of the U.S.-Korean free trade agreement saw appreciation expressed for South Korea as an ally and partner while expressing concern about remaining challenges in the bilateral trading relationship articulated by then subcommittee chair Senator Debbie Stabenow (D-MI) in these comments:

... for trade deals to thrive, they must be a win-win for both sides. So far, the Korean free trade agreement has fallen short of our hopes. The agreement aimed to narrow the trade deficit between the United States and Korea. Instead, the trade deficit has gone in the wrong direction. Even if you look at the most conservative numbers, that deficit has grown. If you look at the deficit in goods, in the things that we make, it has increased by nearly 50 percent. While our dairy producers have reaped many benefits through the trade agreement, they continue to face challenges when it comes to certain products that are blocked from the market based on geographical indications. We will hear more about that today from our witnesses. The agreement aimed to open Korea's markets to American automakers, but agreeing to phase out tariffs on U.S.-made automobiles has not been enough. Due to non-tariff barriers, Korea remains one of the most closed auto markets in the world. Given our strong alliance with the Republic of Korea, I am hopeful that the expectations we had at the outset will be matched by real-world results, but to achieve these results we must have candid conversations about what is working and what is not, and that is why we are here.³²

Committee member Senator Johnny Isakson (R-GA) presented a more positive assessment of this trade pact. He noted this agreement benefitted Georgia with increased aerospace products, pulp and paper, engines and turbines, and agricultural and chemical product exports totaling nearly \$800 million from Georgia to South Korea. He went on to contend that South Korean investment in Georgia sees that state house 62 Korean companies and facilities with 23 of these being manufacturing facilities. He

also cited the Kia Motors manufacturing plant in West Point, GA as a \$1.1 billion investment providing direct or indirect jobs for over 10,000 Georgians and pointed out that on July 11, 2013 the one-millionth Kia car was built in the United States at this plant.³³

Continuing concern over South Korean non-tariff barriers was expressed by Ford Motor Company Vice-President for International Governmental Affairs Stephen Biegun who warned that with a market penetration rate of just over five percent South Korea ranked last among 32 OECD member countries in terms of import access. He contended that South Korea had the most closed auto import market in the world, expressed concern about the nature of upcoming Korean market rules for exporting cars to that country, and expressed frustration with Korean government currency manipulation.³⁴

An April 3, 2014 House Agriculture Committee hearing saw Secretary of Agriculture Tom Vilsack express general approval with the U.S.-South Korea Free Trade Agreement noting that it opened the Philippines, South Korea, and Taiwan to U.S. potato exports producing a 13 percent rise in this commodity's export to these countries reaching nearly \$21 million. However, concern that rice was excluded from this agreement was expressed by Rep. Rick Crawford (R-AR) whose state is a major rice producer with its 2014 production covering 1,480,000 acres representing over 50 percent of U.S. rice production.³⁵

Human Rights

Concern over human rights conditions in foreign countries has also been a hallmark characteristic of Congressional oversight of bilateral U.S. relations with countries such as South Korea and North Korea with Congress requiring the State Department to prepare annual reports on country human rights conditions and Congress regularly preparing legislation affecting the financial and security assistance the United States provides to other countries.³⁶

Congressional concern with Korean Peninsula human rights conditions has covered both South and North Korea with the conditions in the South being a particular area of Congressional emphasis before Seoul's democratization in the late 1980s.³⁷ The continuing persistence of atrocious human rights conditions in North Korea, which received visible international documentation in a 2013 United Nations Human Rights Council report on this dynastic Stalinist regime, now characterizes U.S. Congressional human rights concerns with North Korea.³⁸

During an April 29, 2014 House Foreign Affairs Committee subcommittee hearing on human trafficking, Subcommittee Chair Rep. Chris Smith (R-NJ) noted that nearly 90 percent of North Korean women seeking asylum in China are trafficked for brides, labor, and sex. He noted that China's response has not been to provide protection to these women or prosecute their traffickers under the 1951 United Nations Refugee Convention, but instead repatriating North Koreans and sending them back to face hard labor, lengthy imprisonments, and potential execution. Smith concluded that because of China's one-child policy, by 2020 more than 20 million Chinese men will be unable to find Chinese wives and that sex-selective abortions in China have produced a gigantic trafficking magnet pulling victims into forced marriages and brothels from countries adjacent to China and beyond.³⁹

A June 18, 2014 hearing by this subcommittee featured testimony from South Korean Ambassador-at-Large for Human Rights Lee Jong Hoon. The ambassador shared the international frustration felt by many toward the sluggish international response to North Korean human rights practices asserting:

What will it take for the international community to finally say no more to the North Korean regime? Why can't there be a red line for human rights as there is for weapons of mass destruction? In a normal state, national security is pursued to ensure human security. In North Korea, however, national security ensures only regime security. The state takes no responsibility to protect its own people. It is no wonder why North Koreans en masse resort to taking refuge across the border. Why? Because there is no hope in a country ruled by political prisons, torture, hunger, and public execution, completely void of the fundamental rights to an adequate standard of living, not to mention life. The question remains how to get at the main sole source of all problems—the Pyongyang regime itself.⁴⁰

Particularly vivid and compelling personal testimony on the horrific North Korean human rights situation was provided by Shin Dong Hyuk, who escaped a North Korean prison camp in 2005 and arrived in South Korea the following year. He praised the United States, the European Union, and other countries for passing resolutions critical of Pyongyang's human rights practices but criticized South Korea's National Assembly for its failure to pass a comparable resolution. He provided excruciating details of his ordeal in this system including seeing his mother and brother being publicly executed in front of other prisoners for talking about escaping, being tortured by guards tying his feet in metal shackles, hanging him upside down, and torturing him by hanging him over a burning fire pit. A concluding description of his experience includes the following observations:

These vestiges of my suffering will never go away until the day I die. The prison guards in the prison camps think of the human prisoners inmates as worth less than animals. The cruelest and most excruciating method of treating the prisoners, punishing the prisoners, is by denying them food and starving them. And if a prisoner does not work well or fails to meet a work quota they are punished by the prison guards. However, before the punishment is carried out the prisoners are given a choice by the prison guards either by getting beaten or having our meal or food taken away, denied from us. And in my case, going hungry and being denied food was a suffering and pain beyond my imagination so thus I chose the punishment of getting beaten. And the reason why I say this today is that even now as I speak before you in this chamber there are still babies being born like I was born in the prison camp. There are still people who are getting killed by public executions in the camp and are dying from starvation and beatings in the prison camps right this moment.⁴¹

Commenting on Shin's criticism of the refusal of South Korea's National Assembly's refusal to criticize North Korean human rights, Ambassador Andrew Natsios of the Committee for Human Rights in North Korea noted:

This is a very odd situation but South Korean politics is unusual. The conservatives in South Korea are the ones that press the human rights issue. The Korean left, left of center, do not. They believe it compromises the ability of the South Korean government

to negotiate with the North Korean government. So they don't raise those issues. Human rights in North Korea is a highly political issue in South Korean politics. Here, you have bipartisan support among Republicans and Democrats on many human rights issues. That is not the case in South Korea with respect to North Korea. It is changing among younger people. There is a shift of opinion I noticed when I was there a couple of years ago. But right now there is not going to be any court, I have to tell you. There is a reason Mr. Shin just told us that the South Korean parliament has not had any hearings on this issue. There is no legislation that has gone through. The Ministry of Reunification does have a small unit that deals with North Korea human rights issues. However, because of the divisiveness of this issue in South Korean politics it is not at the forefront. President Park did make a very strong statement but, again, that is not usual.⁴²

Congressional Travel to South Korea During 113th Congress

Members of Congress may also travel to foreign countries as part of their oversight responsibilities in Congressional Delegations (CODELS) to gain enhanced knowledge of the situation in these countries and to meet with and build relationships with relevant governmental policymakers including fellow legislators. These trips can be useful in enhancing Congressional knowledge of local trends and developments, but they can also be criticized as taxpayer-funded "junkets" involving insufficient time in the country to meet with local officials and gain substantive understanding of situations in these countries.⁴³

During the 113th Congress, 42 Representatives and 10 Senators visited South Korea and many of them were accompanied by their professional staff or the staff of relevant Congressional oversight committees. Bipartisan examples of Representatives visiting South Korea as part of the 113th Congress CODELS include House Armed Services, Budget, and Foreign Affairs Committee Chairs Reps. Howard McKeon (R-CA), Paul Ryan (R-WI), and Edward Royce (R-CA) and Reps. Tulsi Gabbard (D-HI), Grace Meng (D-NY), and Brad Sherman (D-CA) who served on the House Foreign Affairs Committee. Senators visiting South Korea during this period included Senator Benjamin Cardin (D-MD) of the Senate Foreign Relations Committee who chaired this entity's Subcommittee on Asian-Pacific Affairs, then Senate Foreign Relations Committee Chair Senator Robert Menendez (D-NJ), this committee's ranking member (now chair) Senator Bob Corker (R-TN), Armed Services Committee member (now chair) Senator John McCain (R-AZ), and Foreign Relations and Select Intelligence Committee member and 2016 presidential candidate Senator Marco Rubio (R-FL).⁴⁴

Conclusion

Understanding the U.S. Congress' constitutionally mandated role to fund government programs, including those involving foreign and military affairs and intelligence operations, creating new and revise existing foreign legislation, regulating international trade, and conducting oversight of relevant U.S. government programs in these areas is critically important for foreign scholars and audiences studying U.S. international

relations and security policy. This importance is demonstrated by U.S. Representatives and Senators being directly elected by the public and representing, at least to some extent, public opinion on international relations and security issues.

While Congressional committee hearings can contain examples of rhetorical political grandstanding by Representatives and Senators and by witnesses, they are also critically important resources for understanding foreign policy, human rights, international economics, and international security topics and how Congressional policymaking in these areas works successfully or fails. These hearings can expand public knowledge and affect U.S. policy toward Korean Peninsula issues depending on media coverage, potential positive or negative impacts Korean economic developments may have on individual U.S. states and Congressional districts, and the willingness of Congress to pressure presidential administrations to implement policy changes through legislation or using the “power of the purse” to affect governmental program funding. Koreans and other international scholars and students of U.S. foreign, human rights, international economic, and national security policy need to use these generally freely available resources to effectively lobby and influence relevant Congressional committee members and professional staff to ensure South Korean economic and security interests are considered by Congress. These individuals should also take advantage of the availability of these hearings, including video webcasts, to gain an enhanced understanding of how Congress and the executive branch carry out the ongoing development and implementation of U.S. foreign, human rights, international economic, and security policies toward the Korean Peninsula and other global regions.⁴⁵

Notes

1. John C. Yoo, “The Continuation of Politics by Other Means: The Original Understanding of War Powers,” *California Law Review* 84, no. 2 (March 1996): 167–302; Louis Henken, *Foreign Affairs and the United States Constitution*, 2nd ed. (New York, NY: Oxford University Press, 1997); John C. Yoo, *The Powers of War and Peace: The Constitution and Foreign Affairs After 9/11* (Chicago, IL: University of Chicago Press, 2005); and R. W. Smith, “Foreign Affairs and the Ratification of the Constitution in Virginia,” *Virginia Magazine of History and Biography* 122, no. 1 (2014): 40–67.
2. *United States Constitution*, Article 1, Sections 7–8 and Article 2, Section 2.
3. William Schneider, “For Helms and Weld, the Past Isn’t Past,” *National Journal* 29, no. 33 (August 16, 1997): 1670; John Love, “On the Record: Why the Senate Should Have Access to Treaty Negotiating Documents,” *Columbia Law Review* 113 (March 2013): 483–529; and David Kaye, “Stealth Multilateralism: U.S. Foreign Policy Without Treaties—Or the Senate,” *Foreign Affairs* 92, no. 5 (September 2013): 113–24.
4. Jong Oh Ra, “The Security Relations Between Korea and the United States: Congressional Adjustments, 1950–1990,” *Korea Observer* 21, no. 4 (Winter 1990): 495–509; Jong Oh Ra, “The Korean Security Issue: Congress and Foreign Policy,” *The Journal of East Asian Affairs* 5, no. 2 (Summer/Fall 1991): 287–312; Terence Roehrig and Lara A. Wessel, “Congress and U.S.–North Korean Relations: The Role of the Entrepreneur,” *Asian Affairs: An American Review* 38, no. 2 (2011): 89–108, doi: 10.1080/00927678.2011.555730; and Seo Jungkun, “Who Takes North Korea Seriously: U.S. Congress and Policy toward Pyongyang, 2009–2012,” *The Korean Journal of Defense Analysis* 25, no. 2 (June 2013): 191–210.
5. Patrick R. Mullen, “U.S. Agency Performance Reporting: Time to Clear the Crowded Management Space,” *International Journal of Public Administration* 30, no. 10 (2007):

- 953–71; David A. Farenthold, “Unrequired Reading: Many of Thousands of Reports Mandated by Congress Will Only Gather Dust,” *Washington Post*, May 4, 2014, A01; and U.S. Congress, House of Representatives, *Reports to Be Made to Congress: Communication from the Clerk, U.S. House of Representatives Transmitting A List of Reports Pursuant to Clause 2(b) Rule II of the Rules of the House of Representatives, House Document 113–4* (Washington, D.C.: GPO, 2013), 36, 51, <http://www.gpo.gov/fdsys/pkg/CDOC-113hdoc4/pdf/CDOC-113hdoc4.pdf> (accessed October 14, 2015).
6. Jerrold Zwirn, *Congressional Publications and Proceedings: Research on Legislation, Budgets, and Treaties*, 2nd ed. (Englewood, CO: Libraries Unlimited, Inc., 1988), 79.
 7. Betsy Palmer, *Senate Committee Hearings: Arranging Witnesses: Preparation* (Washington, D.C.: Library of Congress, Congressional Research Service, 2009), <https://www.fas.org/sgp/crs/misc/98-489.pdf> (accessed January 27, 2016); Betsy Palmer, *Senate Committee Hearings: Arranging Witnesses* (Washington, D.C.: Library of Congress, Congressional Research Service, 2009), <https://www.fas.org/sgp/crs/misc/98-336.pdf> (accessed January 27, 2016); Amos A. Jordan, William J. Taylor, Jr., Michael J. Meese and Suzanne C. Nielson, *American National Security*, 6th ed. (Baltimore, MD: Johns Hopkins University Press, 2011), 103–23; William Holmes Brown, Charles W. Johnson, and John V. Sullivan, *House Practice: A Guide to the Rules, Precedents, and Procedures of the House* (Washington, D.C.: GPO, 2011), 282–85, <http://www.gpo.gov/fdsys/pkg/GPO-HPRACTICE-112/pdf/GPO-HPRACTICE-112.pdf> (accessed October 21, 2015); Robert J. McGrath, “Congressional Oversight Hearings and Policy Control,” *Legislative Studies Quarterly* 38, no. 3 (August 2013): 349–76, doi: 10.1111/lsq.12018; Linda L. Fowler, *Watchdogs on the Hill: The Decline of Congressional Oversight of U.S. Foreign Relations* (Princeton, NJ: Princeton University Press, 2015), 18 USC 1001 and 18 USC 1621; and U.S. Congress, House Committee on Foreign Affairs, Subcommittee on Asia and the Pacific, “The U.S. Response to North Korea’s Nuclear Provocations” (Washington, D.C.: House Committee on Foreign Affairs, January 13, 2016), <http://foreignaffairs.house.gov/hearing/subcommittee-hearing-us-response-north-korea-s-nuclear-provocations> (accessed January 27, 2016). For a witness guide on presenting testimony to government agencies see Gene Spafford, “Advice on Government Testimony,” The Center for Education and Research in Information Security, Purdue University, <http://spaf.cerias.purdue.edu/usgov/testimony.html> (accessed January 27, 2016). Spafford is a professor of Computer Science at Purdue University and a noted cybersecurity expert, <http://spaf.cerias.purdue.edu/narrate.html>.
 8. Examples of congressional committee oversight areas and agendas include U.S. Congress, House Committee on Armed Services, “Committee Organization January 14, 2015” (Washington, D.C.: GPO, 2015), <http://www.gpo.gov/fdsys/pkg/CHRG-114hhr92849/pdf/CHRG-114hhr92849.pdf> (Accessed October 12, 2015); U.S. Congress, House Committee on Ways and Means, *Committee Jurisdiction* (Washington, D.C.: House Committee on Ways and Means, 2015), 1–6, <http://waysandmeans.house.gov/committee-jurisdiction/> (accessed October 12, 2015); and U.S. Congress, Senate Committee on Foreign Relations, *Membership and Jurisdiction of Subcommittees* (Washington, D.C.: GPO, 2015), <http://www.foreign.senate.gov/imo/media/doc/Jurisdiction%20and%20Subcommittees%20114th%20congress.pdf> (accessed October 12, 2015).
 9. Search of congressional hearings section of www.fdsys.gov/ (October 8–9, 2015).
 10. Allan R. Millett, *The War for Korea, 1945-1950: A House Burning* (Lawrence, KS: University Press of Kansas, 2005); and Allan R. Millett, *The War for Korea, 1950–1951: They Came From the North* (Lawrence, KS: University Press of Kansas, 2010).
 11. U.S. Congress, House Committee on Homeland Security, Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies, *Cyber Threats From China, Russia, and Iran: Protecting American Critical Infrastructure* (Washington, D.C.: GPO, 2013), 5, <http://purl.fdlp.gov/GPO/gpo41011> (accessed October 13, 2015).
 12. *Ibid.*, 26.

13. U.S. Congress, House Committee on Homeland Security, Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies, *Electromagnetic Pulse (EMP) Threat to Critical Infrastructure* (Washington, D.C.: GPO, 2014), 14, 18, <http://purl.fdlp.gov/GPO/gpo52914> (accessed October 13, 2015).
14. U.S. Congress, Senate Committee on Armed Services, *Department of Defense Authorization for Appropriations for Fiscal Year 2015 and the Future Years Defense Program: PT. 1* (Washington, D.C.: GPO, 2015), 333-34, <http://purl.fdlp.gov/GPO/gpo55123> (accessed October 13, 2015).
15. *Ibid.*, 342–43.
16. *Ibid.*, 331–32.
17. *Ibid.*, 360–61, 374.
18. U.S. Congress, House Committee on Armed Services, Subcommittee on Strategic Forces, *Hearing on National Defense Authorization Act for Fiscal Year 2014 and Oversight of Previously Authorized Programs: Budget Request for Missile Defense Programs* (Washington, D.C.: GPO, 2014), 2, <http://purl.fdlp.gov/GPO/gpo45961> (accessed October 13, 2015).
19. *Ibid.*, 6–7.
20. *Ibid.*, 20–21, 75–77.
21. U.S. Congress, House Committee on Foreign Affairs, *North Korea’s Criminal Activities Financing the Regime* (Washington, D.C.: GPO, 2013), 1–2, <http://purl.fdlp.gov/GPO/gpo36627> (accessed October 14, 2015).
22. *Ibid.*, 5.
23. *Ibid.*, 17.
24. *Ibid.*, 17–18.
25. *Ibid.*, 41–42.
26. U.S. Congress, Senate Committee on Foreign Relations, Subcommittee on East Asian and Pacific Affairs, *Strengthening U.S. Alliances in Northeast Asia* (Washington, D.C.: GPO, 2015), 2, <http://purl.fdlp.gov/GPO/gpo55200> (accessed October 14, 2015).
27. *Ibid.*, 4–5.
28. *Ibid.*, 36.
29. William H. Cooper, “International Trade and Finance: Key Policy Issues for the 113th Congress,” *Current Politics and Economics of the United States, Canada, and Mexico* 16, no. 3 (2014): 383–424; and Kenneth R. Thomas, “The Power to Regulate Commerce: Limits on Congressional Power,” *Current Politics and Economics of the United States, Canada, and Mexico* 16, no. 3 (2014): 277–99.
30. U.S. Census Bureau, Foreign Trade, *Trade in Goods With Korea, South* (Washington, D.C.: U.S. Census Bureau, 2015), 1–2, <http://www.census.gov/foreign-trade/balance/c5800.html> (accessed October 15, 2015); U.S. Census Bureau, Foreign Trade, *Top Trading Partners December 2013* (Washington, D.C.: Census Bureau, 2015), 1, <http://www.census.gov/foreign-trade/statistics/highlights/top/top1312yr.html> (accessed October 15, 2015); and U.S. Census Bureau, Foreign Trade, *Top Trading Partners December 2014* (Washington, D.C.: U.S. Census Bureau, 2015), 1, <http://www.census.gov/foreign-trade/statistics/highlights/top/top1412yr.html> (accessed October 15, 2015).
31. U.S. Congress, Senate Committee on Commerce, Science, and Transportation, Subcommittee on Tourism, Competitiveness, and Innovation, *The State of U.S. Travel and Tourism: Industry’s Efforts to Attract 100 Million Visitors Annually* (Washington, D.C.: GPO, 2015), 9, 20, <http://purl.fdlp.gov/GPO/gpo56642> (accessed October 15, 2015).
32. U.S. Congress, Senate Committee on Finance, Subcommittee on International Trade, Customs, and Global Competitiveness, *The U.S.-Korea Free Trade Agreement: Lessons Learned Two Years Later* (Washington, D.C.: GPO, 2015), 2, <http://purl.fdlp.gov/GPO/gpo56994> (accessed October 15, 2015).
33. *Ibid.*, 3.
34. *Ibid.*, 6–7.

35. U.S. Congress, House Committee on Agriculture, *Hearing to Review the State of the Rural Economy* (Washington, D.C.: GPO, 2014), 4, 30, <http://purl.fdlp.gov/GPO/gpo50527> (accessed October 15, 2015); and Jarrod Hardke, *Rice Production in Arkansas* (Stuttgart, AR: University of Arkansas Cooperative Extension Service, Rice Research & Extension Center, 2015), 2, <http://www.uaex.edu/farm-ranch/crops-commercial-horticulture/rice/> (accessed October 15, 2015).
36. David P. Forsythe, *Human Rights and U.S. Foreign Policy: Congress Reconsidered* (Gainesville, FL: University Press of Florida, 1988); Emma Chanlett-Avery, "Congress and U.S. Policy on North Korean Human Rights and Refugees: Recent Legislation and Implementation," (Washington, D.C.: Library of Congress, Congressional Research Service, 2008), http://digital.library.unt.edu/ark:/67531/metacrs10809/m1/1/high_res_d/RS22973_2008Oct22.pdf (accessed October 16, 2015); and U.S. Department of State, *Human Rights Reports* (Washington, D.C.: U.S. Department of State, 2015), <http://www.state.gov/j/drl/rls/hrrpt/> (accessed October 16, 2015).
37. U.S. Congress, House Committee on Foreign Affairs, Subcommittee on Asian and Pacific Affairs, *Update on Political Developments in Korea, June 1987* (Washington, D.C.: GPO, 1987), 6, 8–9, 11–13, <http://babel.hathitrust.org/cgi/pt?id=pst.000013602956;view=1up;seq=1> (accessed October 16, 2015); Subcommittees on Human Rights and International Organizations and Asian and Pacific Affairs, *Assessing the Prospects for Democratization in Korea* (Washington, D.C.: GPO, 1988), 3, 24, 41, 198, 208, <http://babel.hathitrust.org/cgi/pt?id=pst.000014300660;view=1up;seq=1> (accessed October 16, 2015); and Subcommittees on Human Rights and International Organizations and Asian and Pacific Affairs, *Developments in United States-Republic of Korea Relations* (Washington, D.C.: GPO, 1990), 17, 60, 65, 69–71, <http://babel.hathitrust.org/cgi/pt?id=pst.000015612687;view=1up;seq=1>, (accessed October 16, 2015).
38. United Nations, Office of the High Commissioner for Human Rights, *Commission of Inquiry on Human Rights in the Democratic People's Republic of North Korea* (New York, NY: United Nations office of the High Commissioner for Human Rights, 2013), <http://www.ohchr.org/EN/HRBodies/HRC/CoIDPRK/Pages/CommissionInquiryonHRinDPRK.aspx> (accessed October 16, 2015).
39. U.S. Congress, House Committee on Foreign Affairs, Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations, *Effective Accountability: Tier Rankings in the Fight Against Human Trafficking* (Washington, D.C.: GPO, 2014), 3, <http://purl.fdlp.gov/GPO/gpo53116> (accessed October 16, 2015).
40. U.S. Congress, House Committee on Foreign Affairs, Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations, *Human Rights Abuses and Crimes Against Humanity in North Korea* (Washington, D.C.: GPO, 2014), 4, <http://purl.fdlp.gov/GPO/gpo53136> (accessed October 16, 2015).
41. *Ibid.*, 56–57 (accessed October 19, 2015).
42. *Ibid.*, 63.
43. Alexander Alduncin, Sean Q Kelly, David C.W. Parker, and Sean M. Theriault, "Foreign Junkets or Learning to Legislate?: Generational Changes in the International Travel Patterns of House Members, 1977–2012," *The Forum* 12, no. 3 (2014): 563–77, doi: 10.1515/for-2014-5021.
44. U.S. House of Representatives, Office of the Clerk, *Foreign Travel Reports* (Washington, D.C.: U.S. House of Representatives, Office of the Clerk, 2015), http://clerk.house.gov/public_disc/foreign/index.aspx (accessed October 19, 2015), which are reported in the *Congressional Record* and available quarterly from 1994-present. Senate foreign travel and expense reports are also published in the *Congressional Record* with examples including *Congressional Record* 159, no. 66 (May 13, 2013): S 3385; *Congressional Record* 159, no. 113 (August 1, 2013): S6250; *Congressional Record* 159, no. 167 (November 21, 2013): S8531, 8534; and *Congressional Record* 160, no. 71 (May 12, 2014): S2918. House

reports give specific dates Representatives were in country while Senate reports only give quarterly date ranges when foreign travel occurred.

45. Jungkun Seo, “Agreements Without Commitment? The U.S. Congress and the U.S. North Korea Agreed Framework, 1994–2002,” *The Korean Journal of Defense Analysis* 27, no. 1 (March 2015): 107–22; and Jungkun Seo, “Security Ties or Electoral Connections?: The U.S. Congress and the Korean-U.S. Free Trade Agreement, 2007–2011,” *International Relations of the Asia-Pacific* 15, no. 2 (May 2015): 217–43, doi: 10.1093/irap/lcu024.

Notes on Contributor

Bert Chapman is professor of Library Science at Purdue University Libraries. He received his B.A. in history and political science from Taylor University, an M.A. in history from the University of Toledo, and an M.S.L.S. (Master of Science in Library Science) from the University of Kentucky. He has written five books including *Export Controls: A Contemporary History* and contributed articles to journals as varied as *Geopolitics*, *History*, and *International Relations*, *Government Information Quarterly*, and *Space Policy*. His research interests encompass government and military literature dealing with national and international security, international relations, geopolitics, and various aspects of U.S. and other countries’ diplomatic, economic, military and political histories.