

In the Senate of the United States,

April 24, 2018.

Resolved, That the bill from the House of Representatives (H.R. 2061) entitled “An Act to reauthorize the North Korean Human Rights Act of 2004, and for other purposes.”, do pass with the following

AMENDMENT:

Strike all after the enacting clause and insert the following:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “North Korean Human*
3 *Rights Reauthorization Act of 2017”.*

4 ***SEC. 2. FINDINGS.***

5 *Congress makes the following findings:*

6 *(1) In 2014, the United Nations Commission of*
7 *Inquiry (COI) on Human Rights in the Democratic*
8 *People’s Republic of Korea (DPRK) found that the*
9 *grave human rights violations still being perpetrated*
10 *against the people of North Korea, due to policies es-*

1 *tablished at the highest level of the state, amount to*
2 *crimes against humanity. Crimes include forced star-*
3 *vation, sexual violence against women and children,*
4 *restrictions on freedom of movement, arbitrary deten-*
5 *tion, torture, executions, and enforced disappearances,*
6 *among other hardships.*

7 (2) *The COI also noted that the Government of*
8 *the People's Republic of China is aiding and abetting*
9 *in crimes against humanity by forcibly repatriating*
10 *North Korean refugees back to the DPRK. Upon repa-*
11 *triation, North Koreans are sent to prison camps, tor-*
12 *tured, or even executed. The Government of the Peo-*
13 *ple's Republic of China's forcible repatriation of*
14 *North Korean refugees violates its obligation to up-*
15 *hold the principle of non-refoulement, under the*
16 *United Nations Convention Relating to the Status of*
17 *Refugees, done at Geneva July 28, 1951 (as made ap-*
18 *plicable by the Protocol Relating to the Status of Ref-*
19 *ugees, done at New York January 31, 1967 (19 UST*
20 *6223)).*

21 (3) *Estimates from the COI suggest that between*
22 *80,000 and 120,000 people are believed to be impris-*
23 *oned in political prison camps in North Korea. An-*
24 *other 70,000 are believed to be held at other detention*
25 *facilities. Prisoners in both situations are subject to*

1 *harsh conditions, limited food, sexual abuse, and in*
2 *most cases hard labor.*

3 *(4) One of the findings of the COI report was the*
4 *persecution of religious minorities, especially Chris-*
5 *tians. There is effectively no freedom of religion in*
6 *North Korea, only worship of the Kim family. Chris-*
7 *tians are subjected to particularly acute persecution.*
8 *It has been reported that Christians in North Korea*
9 *have been tortured, forcibly detained, and even exe-*
10 *cuted for possessing a Bible or professing Christi-*
11 *anity.*

12 *(5) North Korea profits from its human rights*
13 *abuses. A 2014 report from the Asian Institute for*
14 *Policy Studies suggests that there are nearly 50,000*
15 *North Korean workers forced to labor overseas, some-*
16 *times without compensation, and for as much as 20*
17 *hours at a time. Workers that received compensation*
18 *were not to be paid more than \$150 per month, which*
19 *is between 10 to 20 percent of the value of the labor*
20 *they performed. Based on this report, the regime may*
21 *profit as much as \$360,000,000 annually from just*
22 *50,000 laborers.*

23 *(6) On July 6, 2016, the United States imposed*
24 *sanctions on North Korean leader Kim Jong Un and*
25 *other senior North Korean officials for human rights*

1 *violations as required by the North Korea Sanctions*
2 *and Policy Enhancement Act of 2016 (Public Law*
3 *114–122). This was the first time that the United*
4 *States had designated North Korean officials for*
5 *human rights abuses.*

6 *(7) The North Korea Sanctions and Policy En-*
7 *hancement Act of 2016 (Public Law 114–122) re-*
8 *quires the President to impose mandatory penalties*
9 *under United States law on any person that “know-*
10 *ingly engages in, is responsible for, or facilitates seri-*
11 *ous human rights abuses by the Government of North*
12 *Korea”.*

13 *(8) Although the United States Refugee Admis-*
14 *sions Program remains the largest in the world by*
15 *far, the United States has only resettled 212 refugees*
16 *from North Korea since the date of the enactment of*
17 *the North Korea Human Rights Act of 2004 (Public*
18 *Law 108–333).*

19 **SEC. 3. SENSE OF CONGRESS.**

20 *It is the sense of Congress that—*

21 *(1) the United States Government should con-*
22 *tinue to make it a priority to improve information*
23 *access in North Korea by exploring the use of new*
24 *and emerging technologies and expanding nongovern-*

1 *mental radio broadcasting to North Korea, including*
2 *news and information;*

3 *(2) the United Nations has a significant role to*
4 *play in promoting and improving human rights in*
5 *North Korea and should press for access for the Spe-*
6 *cial Rapporteur on the situation of human rights in*
7 *North Korea as well as the United Nations High*
8 *Commissioner for Human Rights;*

9 *(3) because North Koreans fleeing into China*
10 *face a well-founded fear of persecution upon their*
11 *forcible repatriation, the United States should urge*
12 *China to—*

13 *(A) immediately halt the forcible repatri-*
14 *ation of North Koreans;*

15 *(B) allow the United Nations High Com-*
16 *missioner for Refugees unimpeded access to*
17 *North Koreans inside China to determine wheth-*
18 *er such North Koreans require protection as refu-*
19 *gees;*

20 *(C) fulfill its obligations under the 1951*
21 *United Nations Convention Relating to the Sta-*
22 *tus of Refugees, the 1967 Protocol Relating to the*
23 *Status of Refugees, and the Agreement on the*
24 *Upgrading of the UNHCR Mission in the Peo-*
25 *ple's Republic of China to UNHCR Branch Of-*

1 *fice in the People's Republic of China (signed*
2 *December 1, 1995);*

3 *(D) address the concerns of the United Na-*
4 *tions Committee against Torture by incor-*
5 *porating the principle of non-refoulement into*
6 *Chinese domestic legislation; and*

7 *(E) recognize the legal status of North Ko-*
8 *rean women who marry or have children with*
9 *Chinese citizens, and ensure that all such chil-*
10 *dren are granted resident status and access to*
11 *education and other public services in accord-*
12 *ance with Chinese law and international stand-*
13 *ards;*

14 *(4) the President should continue to designate all*
15 *individuals found to have committed violations de-*
16 *scribed in section 104(a) of the North Korea Sanc-*
17 *tions and Policy Enhancement Act of 2016 (22*
18 *U.S.C. 2914(a)), regarding complicity in censorship*
19 *and human right abuses;*

20 *(5) the United States currently blocks United*
21 *States passports from being used to travel to North*
22 *Korea without a special validation from the Depart-*
23 *ment of State, and the Department of State should*
24 *continue to take steps to increase public awareness*

1 *about the risks and dangers of travel by United States*
 2 *citizens to North Korea;*

3 *(6) the United States should continue to seek co-*
 4 *operation from all foreign governments to allow the*
 5 *United Nations High Commissioner for Refugees*
 6 *(UNHCR) access to process North Korean refugees*
 7 *overseas for resettlement and to allow United States*
 8 *officials access to process refugees for resettlement in*
 9 *the United States (if that is the destination country*
 10 *of the refugees' choosing); and*

11 *(7) the Secretary of State, through diplomacy by*
 12 *senior officials, including United States ambassadors*
 13 *to Asia-Pacific countries, and in close cooperation*
 14 *with South Korea, should make every effort to pro-*
 15 *mote the protection of North Korean refugees and de-*
 16 *fectors.*

17 **SEC. 4. RADIO BROADCASTING TO NORTH KOREA.**

18 *Section 103(a) of the North Korean Human Rights Act*
 19 *of 2004 (22 U.S.C. 7813(a)) is amended—*

20 *(1) by striking “that the United States should fa-*
 21 *cilitate” and inserting the following: “that the United*
 22 *States should—*

23 *“(1) facilitate”;*

24 *(2) in paragraph (1), as redesignated by para-*
 25 *graph (1) of this section—*

1 (A) by striking “radio broadcasting” and
 2 inserting “broadcasting, including news rebroad-
 3 casting,”; and

4 (B) by striking “increase broadcasts” and
 5 inserting “increase such broadcasts, including
 6 news rebroadcasts,”; and

7 (C) by striking “Voice of America.” and in-
 8 serting the following: “Voice of America; and”;
 9 and

10 (3) by adding at the end the following:

11 “(2) expand funding for nongovernmental orga-
 12 nization broadcasting efforts, prioritizing organiza-
 13 tions that engage North Korean defectors in program-
 14 ming and broadcast services.”.

15 **SEC. 5. ACTIONS TO PROMOTE FREEDOM OF INFORMATION.**

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

18 (1) by striking “The President” and inserting
 19 the following:

20 “(1) *IN GENERAL.*—The President”;

21 (2) by inserting “, USB drives, micro SD cards,
 22 audio players, video players, cell phones, wi-fi, wire-
 23 less internet, web pages, internet, wireless tele-
 24 communications, and other electronic media that
 25 shares information” before the period at the end; and

1 (3) *by adding at the end the following:*

2 “(2) *DISTRIBUTION.—In accordance with the*
3 *sense of Congress described in section 103, the Presi-*
4 *dent, acting through the Secretary of State, is author-*
5 *ized to distribute or provide grants to distribute in-*
6 *formation receiving devices, electronically readable de-*
7 *vices, and other informational sources into North*
8 *Korea, including devices and informational sources*
9 *specified in paragraph (1). To carry out this para-*
10 *graph, the President is authorized to issue regulations*
11 *to facilitate the free-flow of information into North*
12 *Korea.*

13 “(3) *RESEARCH AND DEVELOPMENT GRANT PRO-*
14 *GRAM.—In accordance with the authorization de-*
15 *scribed in paragraphs (1) and (2) to increase the*
16 *availability and distribution of sources of information*
17 *inside North Korea, the President, acting through the*
18 *Secretary of State, is authorized to establish a grant*
19 *program to make grants to eligible entities to develop*
20 *or distribute (or both) new products or methods to*
21 *allow North Koreans easier access to outside informa-*
22 *tion. Such program may involve public-private part-*
23 *nerships.*

24 “(4) *CULTURE.—In accordance with the sense of*
25 *Congress described in section 103, the Broadcasting*

1 *Board of Governors may broadcast American, Ko-*
2 *rean, Chinese, and other popular music, television,*
3 *movies, and popular cultural references as part of its*
4 *programming.*

5 “(5) *RIGHTS AND LAWS.*—*In accordance with the*
6 *sense of Congress described in section 103, the Broad-*
7 *casting Board of Governors should broadcast to North*
8 *Korea in the Korean language information on rights,*
9 *laws, and freedoms afforded through the North Korean*
10 *Constitution, the Universal Declaration of Human*
11 *Rights, the United Nations Commission of Inquiry on*
12 *Human Rights in the Democratic People’s Republic*
13 *of Korea, and any other applicable treaties or inter-*
14 *national agreements to which North Korea is bound.*

15 “(6) *RELIGIOUS MINORITIES.*—*Efforts to im-*
16 *prove information access under this subsection should*
17 *include religious communities and should be coordi-*
18 *nated with the Office of International Religious Free-*
19 *dom to ensure maximum impact in improving the*
20 *rights of religious persons in North Korea.*

21 “(7) *BROADCASTING REPORT.*—*Not later than—*

22 “(A) *180 days after the date of the enact-*
23 *ment of this paragraph, the Secretary of State,*
24 *in consultation with the Broadcasting Board of*
25 *Governors, shall submit to the appropriate con-*

1 gressional committees a report that sets forth a
2 detailed plan for improving broadcasting content
3 for the purpose of targeting new audiences and
4 increasing listenership; and

5 “(B) 1 year after the date of the enactment
6 of this paragraph, and annually thereafter for
7 each of the next 5 years, the Secretary of State,
8 in consultation with the Broadcasting Board of
9 Governors, shall submit to the appropriate con-
10 gressional committees a report including—

11 “(i) a description of the effectiveness of
12 actions taken pursuant to this section, in-
13 cluding data reflecting audience and
14 listenership, device distribution and usage,
15 and technological development and advance-
16 ment usage;

17 “(ii) the amount of funds expended by
18 the United States Government pursuant to
19 section 403; and

20 “(iii) other appropriate information
21 necessary to fully inform Congress of efforts
22 related to this section.”.

1 **SEC. 6. SENSE OF CONGRESS ON HUMANITARIAN COORDI-**
 2 **NATION RELATED TO THE KOREAN PENIN-**
 3 **SULA.**

4 *Title III of the North Korean Human Rights Act of*
 5 *2004 (22 U.S.C. 7841 et seq.) is amended by adding at the*
 6 *end the following:*

7 **“SEC. 306. SENSE OF CONGRESS ON HUMANITARIAN CO-**
 8 **ORDINATION RELATED TO THE KOREAN PE-**
 9 **NINSULA.**

10 *“It is the sense of Congress that—*

11 *“(1) any instability on the Korean Peninsula*
 12 *could have significant humanitarian and strategic*
 13 *impact on the region and for United States national*
 14 *interests; and*

15 *“(2) as such, the United States Government*
 16 *should work with countries sharing a land or mari-*
 17 *time border with North Korea to develop long-term*
 18 *whole-of-government plans to coordinate efforts related*
 19 *to humanitarian assistance and human rights pro-*
 20 *motion and to effectively assimilate North Korean de-*
 21 *fectors.”.*

22 **SEC. 7. REAUTHORIZATION PROVISIONS.**

23 *(a) SUPPORT FOR HUMAN RIGHTS AND DEMOCRACY*
 24 *PROGRAMS.—Section 102 of the North Korean Human*
 25 *Rights Act of 2004 (22 U.S.C. 7812(b)(1)) is amended—*

(1) in subsection (a), by adding at the end the following: “The President is also authorized to provide grants to entities to undertake research on North Korea’s denial of human rights, including on the political and military chains of command responsible for authorizing and implementing systemic human rights abuses, including at prison camps and detention facilities where political prisoners are held.”; and

(2) in subsection (b)(1), by striking “2017” and inserting “2022”.

(b) *ACTIONS TO PROMOTE FREEDOM OF INFORMATION.*—Section 104 of the North Korean Human Rights Act of 2004 (22 U.S.C. 7814) is amended—

(1) in subsection (b)(1)—

(A) by striking “\$2,000,000” and inserting “\$3,000,000”; and

(B) by striking “2017” and inserting “2022”; and

(2) in subsection (c), by striking “2017” and inserting “2022”.

(c) *REPORT BY SPECIAL ENVOY ON NORTH KOREAN HUMAN RIGHTS ISSUES.*—Section 107(d) of the North Korean Human Rights Act of 2004 (22 U.S.C. 7817(d)) is amended by striking “2017” and inserting “2022”.

1 (d) *REPORT ON UNITED STATES HUMANITARIAN AS-*
 2 *SISTANCE.*—Section 201 of the North Korean Human
 3 *Rights Act of 2004 (22 U.S.C. 7831 is amended—*

4 (1) *in subsection (a), in the matter preceding*
 5 *paragraph (1), by striking “2017” and inserting*
 6 *“2022”;*

7 (2) *by redesignating subsection (b) as subsection*
 8 *(c); and*

9 (3) *by inserting after subsection (a) the following*
 10 *new subsection:*

11 “(b) *NEEDS ASSESSMENT.*—The report shall include
 12 *a needs assessment to inform the distribution of humani-*
 13 *tarian assistance inside North Korea.”.*

14 (e) *ASSISTANCE PROVIDED OUTSIDE OF NORTH*
 15 *KOREA.*—Section 203(c)(1) of the North Korean Human
 16 *Rights Act of 2004 (22 U.S.C. 7833(c)(1)) is amended by*
 17 *striking “2013 through 2017” and inserting “2018 through*
 18 *2022”.*

19 (f) *ANNUAL REPORTS.*—Section 305(a) of the North
 20 *Korean Human Rights Act of 2004 (22 U.S.C. 7845(a)) is*
 21 *amended, in the matter preceding paragraph (1) by striking*
 22 *“2017” and inserting “2022”.*

23 **SEC. 8. REPORT BY BROADCASTING BOARD OF GOVERNORS.**

24 (a) *IN GENERAL.*—Not later than 120 days after the
 25 *date of the enactment of this Act, the Broadcasting Board*

1 *of Governors shall submit to the appropriate congressional*
2 *committees a report that—*

3 *(1) describes the status of current United States*
4 *broadcasting to North Korea and the extent to which*
5 *the Board has achieved the goal of 12-hour-per-day*
6 *broadcasting to North Korea, in accordance with sec-*
7 *tion 103(a) of the North Korean Human Rights Act*
8 *of 2004 (22 U.S.C. 7813(a)); and*

9 *(2) includes a strategy to overcome obstacles to*
10 *such communication with the North Korean people,*
11 *including through unrestricted, unmonitored, and in-*
12 *expensive electronic means.*

13 *(b) FORM.—The report required under subsection (a)*
14 *shall be submitted in unclassified form but may include a*
15 *classified annex.*

16 *(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—In*
17 *this section, the term “appropriate congressional commit-*
18 *tees” means—*

19 *(1) the Committee on Foreign Relations of the*
20 *Senate;*

21 *(2) the Committee on Appropriations of the Sen-*
22 *ate;*

23 *(3) the Committee on Foreign Affairs of the*
24 *House of Representatives; and*

1 (4) *the Committee on Appropriations of the*
2 *House of Representatives.*

3 **SEC. 9. REPEAL OF DUPLICATIVE AUTHORIZATIONS.**

4 *Section 403 of the North Korea Sanctions and Policy*
5 *Enhancement Act of 2016 (Public Law 114–122; 22 U.S.C.*
6 *9253) is hereby repealed.*

Attest:

Secretary.

115TH CONGRESS
2^D SESSION

H.R. 2061

AMENDMENT