

110<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5834

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IN THE SENATE OF THE UNITED STATES

MAY 19, 2008

Received; read twice and referred to the Committee on Foreign Relations

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## AN ACT

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.

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

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) The North Korean Human Rights Act of  
7 2004 (Public Law 108–333; 22 U.S.C. 7801 et seq.)  
8 (in this section referred to as “the Act”) was the  
9 product of broad, bipartisan consensus in Congress  
10 regarding the promotion of human rights, trans-  
11 parency in the delivery of humanitarian assistance,  
12 and refugee protection.

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

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

23 (4) The Government of China is conducting an  
24 increasingly aggressive campaign to locate and fore-  
25 ibly return border-crossers to North Korea, where  
26 they routinely face torture and imprisonment, and

1 sometimes execution. According to recent reports,  
2 the Chinese Government is shutting down Christian  
3 churches and imprisoning people who help North  
4 Korean defectors, and has increased the bounty paid  
5 for turning in a North Korean refugee by a factor  
6 of sixteen, to an amount roughly equivalent to the  
7 average annual income in China.

8 (5) In an attempt to deter escape attempts, the  
9 Government of North Korea has reportedly stepped  
10 up its public execution of border-crossers and those  
11 who help others cross into China, including the Feb-  
12 ruary 20, 2008, shooting of 13 women and 2 men  
13 in Onsung County, and the March 30, 2008, execu-  
14 tion of three residents in Hyesan. As is commonly  
15 the case, employees and residents of nearby institu-  
16 tions, enterprises, and neighborhoods were required  
17 to attend and observe those killings.

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

1           (7) The Special Envoy appointed by the Presi-  
2           dent has filled that position on a part-time basis  
3           only.

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

12          (9) Although the United States refugee resettle-  
13          ment program remains the largest in the world by  
14          far, the United States has resettled only 37 North  
15          Koreans in the period from 2004 through 2007.

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

18          (11) Extensive delays in assessment and proc-  
19          essing at overseas posts have led numerous North  
20          Korean refugees to abandon their quest for United  
21          States resettlement, and long waits (of more than a  
22          year in some cases) have been the source of consid-  
23          erable discouragement and frustration among refu-  
24          gees, many of whom are awaiting United States re-

1 settlement in circumstances that are unsafe and in-  
2 secure.

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

8 **SEC. 3. SENSE OF CONGRESS.**

9 It is the sense of Congress that—

10 (1) the United States should make it a priority  
11 to seek broader permission and greater cooperation  
12 from foreign governments to allow the United States  
13 to process North Korean refugees overseas for reset-  
14 tlement in the United States, through persistent di-  
15 plomacy by senior officials of the United States, in-  
16 cluding United States ambassadors to Asia-Pacific  
17 nations;

18 (2) at the same time that careful screening of  
19 intending refugees is important, the United States  
20 also should make every effort to ensure that its  
21 screening, processing, and resettlement of North Ko-  
22 rean refugees are as efficient and expeditious as pos-  
23 sible;

24 (3) the Special Envoy for North Korean  
25 Human Rights Issues should be a full-time position

1 within the Department of State in order to properly  
2 promote and coordinate North Korean human  
3 rights, humanitarian, and refugee issues, as in-  
4 tended by the North Korean Human Rights Act of  
5 2004 (Public Law 108–333; 22 U.S.C. 7801 et  
6 seq.);

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

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

21 (A) immediately halt its forcible repatri-  
22 ation of North Koreans;

23 (B) fulfill its obligations pursuant to the  
24 1951 United Nations Convention Relating to  
25 the Status of Refugees, the 1967 Protocol Re-

1           lating to the Status of Refugees, and the 1995  
2           Agreement on the Upgrading of the UNHCR  
3           Mission in the People’s Republic of China to  
4           UNHCR Branch Office in the People’s Repub-  
5           lic of China; and

6                   (C) allow the United Nations High Com-  
7           missioner for Refugees (UNHCR) unimpeded  
8           access to North Koreans inside China to deter-  
9           mine whether they are refugees and whether  
10          they require assistance.

11 **SEC. 4. DEFINITIONS.**

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

16 **SEC. 5. SUPPORT FOR HUMAN RIGHTS AND DEMOCRACY**  
17 **PROGRAMS.**

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

22 **SEC. 6. RADIO BROADCASTING TO NORTH KOREA.**

23          Not later than 120 days after the date of the enact-  
24 ment of this Act, the Broadcasting Board of Governors  
25 (BBG) shall submit to the appropriate congressional com-

1 mittees, as defined in section 5(1) of the North Korean  
2 Human Rights Act of 2004 (22 U.S.C. 7803(1)), a report  
3 that describes the status and content of current United  
4 States broadcasting to North Korea and the extent to  
5 which the BBG has achieved the goal of 12-hour-per-day  
6 broadcasting to North Korea pursuant to section 103 of  
7 such Act (22 U.S.C. 7813).

8 **SEC. 7. ACTIONS TO PROMOTE FREEDOM OF INFORMA-**  
9 **TION.**

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

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

14 (2) in subsection (c), by striking “in each of the  
15 3 years thereafter” and inserting “annually through  
16 2012”.

17 **SEC. 8. SPECIAL ENVOY ON NORTH KOREAN HUMAN**  
18 **RIGHTS ISSUES.**

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

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

24 (2) in subsection (a)—

25 (A) in the first sentence—



1 (i) by striking “human rights in  
2 North Korea” and inserting “North Ko-  
3 rean human rights issues”; and

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

7 (B) in the second sentence, by inserting  
8 before the period at the end the following: “who  
9 shall have the rank of ambassador and shall  
10 hold the office at the pleasure of the Presi-  
11 dent”;

12 (3) in subsection (b), by inserting before the pe-  
13 riod at the end the following: “, including the protec-  
14 tion of those people who have fled as refugees”;

15 (4) in subsection (c)—

16 (A) by redesignating paragraphs (1)  
17 through (6) as paragraphs (2) through (7), re-  
18 spectively;

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

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

23 (C) in paragraph (5), as so redesignated,  
24 by striking “section 102” and inserting “sec-  
25 tions 102 and 104”; and

1           (5) in subsection (d), by striking “for the sub-  
2           sequent 5 year-period” and inserting “thereafter  
3           through 2012”.

4 **SEC. 9. REPORT ON UNITED STATES HUMANITARIAN AS-**  
5 **SISTANCE.**

6           Section 201(a) of the North Korean Human Rights  
7 Act of 2004 (22 U.S.C. 7831(a)) is amended, in the mat-  
8 ter preceding paragraph (1), by striking “in each of the  
9 2 years thereafter” and inserting “annually thereafter  
10 through 2012”.

11 **SEC. 10. ASSISTANCE PROVIDED OUTSIDE OF NORTH**  
12 **KOREA.**

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

16 **SEC. 11. ANNUAL REPORTS.**

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

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

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

22                   (A) by striking “for each of the following  
23                   5 years” and inserting “through 2012”; and

1 (B) by striking “which shall include—”  
2 and inserting “which shall include the fol-  
3 lowing:”;

4 (3) in paragraph (1)—

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

7 (B) by striking “; and” at the end and in-  
8 serting a period;

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

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

14 “(3) The number of aliens who are nationals or  
15 citizens of North Korea who contacted United States  
16 personnel overseas and expressed an interest in pur-  
17 suing resettlement in the United States, irrespective  
18 of whether such aliens pursued the resettlement  
19 process to its conclusion.

20 “(4) A detailed description of the measures un-  
21 dertaken by the Secretary of State to carry out sec-  
22 tion 303, including country-specific information with  
23 respect to United States efforts to secure the co-  
24 operation and permission of the governments of  
25 countries in East and Southeast Asia to facilitate

1 United States processing of North Koreans seeking  
2 protection as refugees. The information required  
3 under this paragraph may be provided in a classified  
4 format, if necessary.”.

Passed the House of Representatives May 15, 2008.

Attest:                   LORRAINE C. MILLER,  
*Clerk.*