

Union Calendar No. 392

110TH CONGRESS
2^D SESSION

H. R. 5834

[Report No. 110-628]

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.

IN THE HOUSE OF REPRESENTATIVES

APRIL 17, 2008

Ms. ROS-LEHTINEN (for herself, Mr. BERMAN, Mr. SMITH of New Jersey, Mr. ACKERMAN, Mr. BURTON of Indiana, Mr. CHABOT, Mr. INGLIS of South Carolina, and Mr. FORTUÑO) introduced the following bill; which was referred to the Committee on Foreign Affairs

MAY 13, 2008

Additional sponsors: Mr. MANZULLO and Mr. SHERMAN

MAY 13, 2008

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on April 17, 2008]

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “North Korean Human*
5 *Rights Reauthorization Act of 2008”.*

6 **SEC. 2. FINDINGS.**

7 *Congress finds the following:*

8 *(1) The North Korean Human Rights Act of*
9 *2004 (Public Law 108–333; 22 U.S.C. 7801 et seq.)*
10 *(in this section referred to as “the Act”) was the prod-*
11 *uct of broad, bipartisan consensus in Congress regard-*
12 *ing the promotion of human rights, transparency in*
13 *the delivery of humanitarian assistance, and refugee*
14 *protection.*

15 *(2) In addition to the longstanding commitment*
16 *of the United States to refugee and human rights ad-*
17 *vocacy, the United States is home to the largest Ko-*
18 *rean population outside of northeast Asia, and many*
19 *in the two-million strong Korean-American commu-*
20 *nity have family ties to North Korea.*

21 *(3) Human rights and humanitarian conditions*
22 *inside North Korea are deplorable, North Korean ref-*
23 *ugees remain acutely vulnerable, and the findings in*
24 *section 3 of the Act remain accurate today.*

1 (4) *The Government of China is conducting an*
2 *increasingly aggressive campaign to locate and forc-*
3 *ibly return border-crossers to North Korea, where they*
4 *routinely face torture and imprisonment, and some-*
5 *times execution. According to recent reports, the Chi-*
6 *nese Government is shutting down Christian churches*
7 *and imprisoning people who help North Korean defec-*
8 *tors, and has increased the bounty paid for turning*
9 *in a North Korean refugee by a factor of sixteen, to*
10 *an amount roughly equivalent to the average annual*
11 *income in China.*

12 (5) *In an attempt to deter escape attempts, the*
13 *Government of North Korea has reportedly stepped up*
14 *its public execution of border-crossers and those who*
15 *help others cross into China, including the February*
16 *20, 2008, shooting of 13 women and 2 men in Onsung*
17 *County, and the March 30, 2008, execution of three*
18 *residents in Hyesan. As is commonly the case, em-*
19 *ployees and residents of nearby institutions, enter-*
20 *prises, and neighborhoods were required to attend and*
21 *observe those killings.*

22 (6) *In spite of the requirement of the Act that the*
23 *Special Envoy on Human Rights in North Korea (the*
24 *“Special Envoy”) report to the Congress no later than*
25 *April 16, 2005, a Special Envoy was not appointed*

1 *until August 19, 2005, more than four months after*
2 *the reporting deadline.*

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

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

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

17 (10) *From the end of 2004 through 2007, the Re-*
18 *public of Korea resettled 5,961 North Koreans.*

19 (11) *Extensive delays in assessment and proc-*
20 *essing at overseas posts have led numerous North Ko-*
21 *rean refugees to abandon their quest for United States*
22 *resettlement, and long waits (of more than a year in*
23 *some cases) have been the source of considerable dis-*
24 *couragement and frustration among refugees, many of*

1 *whom are awaiting United States resettlement in cir-*
2 *cumstances that are unsafe and insecure.*

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

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 resettle-*
14 *ment in the United States, through persistent diplo-*
15 *macy by senior officials of the United States, includ-*
16 *ing United States ambassadors to Asia-Pacific na-*
17 *tions;*

18 *(2) at the same time that careful screening of in-*
19 *tending refugees is important, the United States also*
20 *should make every effort to ensure that its screening,*
21 *processing, and resettlement of North Korean refugees*
22 *are as efficient and expeditious as possible;*

23 *(3) the Special Envoy for North Korean Human*
24 *Rights Issues should be a full-time position within the*
25 *Department of State in order to properly promote*

1 *and coordinate North Korean human rights, humani-*
2 *tarian, and refugee issues, as intended by the North*
3 *Korean Human Rights Act of 2004 (Public Law 108–*
4 *333; 22 U.S.C. 7801 et seq.);*

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

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

18 *(A) immediately halt its forcible repatri-*
19 *ation of North Koreans;*

20 *(B) fulfill its obligations pursuant to the*
21 *1951 United Nations Convention Relating to the*
22 *Status of Refugees, the 1967 Protocol Relating to*
23 *the Status of Refugees, and the 1995 Agreement*
24 *on the Upgrading of the UNHCR Mission in the*

1 *People’s Republic of China to UNHCR Branch*
2 *Office in the People’s Republic of China; and*

3 (C) *allow the United Nations High Com-*
4 *missioner for Refugees (UNHCR) unimpeded ac-*
5 *cess to North Koreans inside China to determine*
6 *whether they are refugees and whether they re-*
7 *quire assistance.*

8 **SEC. 4. DEFINITIONS.**

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

13 **SEC. 5. SUPPORT FOR HUMAN RIGHTS AND DEMOCRACY**
14 **PROGRAMS.**

15 *Section 102(b)(1) of the North Korean Human Rights*
16 *Act of 2004 (22 U.S.C. 7812(b)(1)) is amended by inserting*
17 *after “2008” the following: “and \$4,000,000 for each of fis-*
18 *cal years 2009 through 2012”.*

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

20 *Not later than 120 days after the date of the enactment*
21 *of this Act, the Broadcasting Board of Governors (BBG)*
22 *shall submit to the appropriate congressional committees,*
23 *as defined in section 5(1) of the North Korean Human*
24 *Rights Act of 2004 (22 U.S.C. 7803(1)), a report that de-*
25 *scribes the status and content of current United States*

1 *broadcasting to North Korea and the extent to which the*
 2 *BBG has achieved the goal of 12-hour-per-day broadcasting*
 3 *to North Korea pursuant to section 103 of such Act (22*
 4 *U.S.C. 7813).*

5 **SEC. 7. ACTIONS TO PROMOTE FREEDOM OF INFORMATION.**

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

8 *(1) in subsection (b)(1), by striking “2008” and*
 9 *inserting “2012”; and*

10 *(2) in subsection (c), by striking “in each of the*
 11 *3 years thereafter” and inserting “annually through*
 12 *2012”.*

13 **SEC. 8. SPECIAL ENVOY ON NORTH KOREAN HUMAN**
 14 **RIGHTS ISSUES.**

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

17 *(1) in the section heading, by striking “**HUMAN***
 18 ***RIGHTS IN NORTH KOREA**” and inserting*
 19 *“**NORTH KOREAN HUMAN RIGHTS ISSUES**”;*

20 *(2) in subsection (a)—*

21 *(A) in the first sentence—*

22 *(i) by striking “human rights in North*
 23 *Korea” and inserting “North Korean*
 24 *human rights issues”; and*

1 (ii) by inserting before the period at
2 the end the following: “, by and with the
3 advice and consent of the Senate”;

4 (B) in the second sentence, by inserting be-
5 fore the period at the end the following: “who
6 shall have the rank of ambassador and shall hold
7 the office at the pleasure of the President”;

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

11 (4) in subsection (c)—

12 (A) by redesignating paragraphs (1)
13 through (6) as paragraphs (2) through (7), re-
14 spectively;

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

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

19 (C) in paragraph (5), as so redesignated, by
20 striking “section 102” and inserting “sections
21 102 and 104”; and

22 (5) in subsection (d), by striking “for the subse-
23 quent 5 year-period” and inserting “thereafter
24 through 2012”.

1 **SEC. 9. REPORT ON UNITED STATES HUMANITARIAN AS-**
 2 **SISTANCE.**

3 *Section 201(a) of the North Korean Human Rights Act*
 4 *of 2004 (22 U.S.C. 7831(a)) is amended, in the matter pre-*
 5 *ceding paragraph (1), by striking “in each of the 2 years*
 6 *thereafter” and inserting “annually thereafter through*
 7 *2012”.*

8 **SEC. 10. ASSISTANCE PROVIDED OUTSIDE OF NORTH**
 9 **KOREA.**

10 *Section 203(c)(1) of the North Korean Human Rights*
 11 *Act of 2004 (22 U.S.C. 7833(c)(1)) is amended by striking*
 12 *“2008” and inserting “2012”.*

13 **SEC. 11. ANNUAL REPORTS.**

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

16 *(1) in the subsection heading, by inserting “AND*
 17 *REFUGEE” before “INFORMATION”;*

18 *(2) in the matter preceding paragraph (1)—*

19 *(A) by striking “for each of the following 5*
 20 *years” and inserting “through 2012”; and*

21 *(B) by striking “which shall include—”*
 22 *and inserting “which shall include the fol-*
 23 *lowing:”;*

24 *(3) in paragraph (1)—*

25 *(A) by striking “the number of aliens” and*
 26 *inserting “The number of aliens”; and*

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

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

5 (5) by adding at the end the following new para-
6 graphs:

7 “(3) The number of aliens who are nationals or
8 citizens of North Korea who contacted United States
9 personnel overseas and expressed an interest in pur-
10 suing resettlement in the United States, irrespective of
11 whether such aliens pursued the resettlement process
12 to its conclusion.

13 “(4) A detailed description of the measures un-
14 dertaken by the Secretary of State to carry out section
15 303, including country-specific information with re-
16 spect to United States efforts to secure the cooperation
17 and permission of the governments of countries in
18 East and Southeast Asia to facilitate United States
19 processing of North Koreans seeking protection as ref-
20 ugees. The information required under this paragraph
21 may be provided in a classified format, if necessary.”.

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