

115TH CONGRESS
1ST SESSION

H. R. 2061

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 26, 2017

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

AN ACT

To reauthorize the North Korean Human Rights Act of
2004, 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 2017”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) The North Korean Human Rights Act of
7 2004 (22 U.S.C. 7801 et seq.), the North Korean
8 Human Rights Reauthorization Act of 2008 (Public
9 Law 110–346), and the Ambassador James R.
10 Lilley and Congressman Stephen J. Solarz North
11 Korea Human Rights Reauthorization Act of 2012
12 (Public Law 112–172) were the products of broad,
13 bipartisan consensus regarding the promotion of
14 human rights, transparency in the delivery of hu-
15 manitarian assistance, and the importance of refugee
16 protection.

17 (2) Fundamental human rights and humani-
18 tarian conditions inside North Korea remain deplor-
19 able, North Korean refugees remain acutely vulner-
20 able, and the congressional findings included in the
21 Acts listed in paragraph (1) remain substantially ac-
22 curate today.

23 (3) The United States, which has the largest
24 international refugee resettlement program in the
25 world, has resettled 212 North Koreans since the en-

1 actment of the North Korean Human Rights Act of
2 2004.

3 (4) In addition to the longstanding commitment
4 of the United States to refugee and human rights
5 advocacy, the United States is home to the largest
6 Korean population outside of northeast Asia, and
7 many people in the Korean-American community
8 have family ties to North Korea.

9 (5) Notwithstanding high-level advocacy by the
10 United States, South Korea, and the United Nations
11 High Commissioner for Refugees, China has forcibly
12 repatriated tens of thousands of North Koreans.

13 (6) Congressman Eni F.H. Faleomavaega
14 served 25 years in the House of Representatives, in-
15 cluding as the Chairman and the Ranking Member
16 of the Foreign Affairs Subcommittee on Asia and
17 the Pacific, was a leader in strengthening the rela-
18 tionship between the American and Korean peoples,
19 authored multiple resolutions regarding issues on the
20 Korean Peninsula, was a champion of human rights,
21 and stated, in support of the Ambassador James R.
22 Lilley and Congressman Stephen J. Solarz North
23 Korea Human Rights Reauthorization Act of 2012,
24 that “just as Ambassador Lilley and Congressman
25 Solarz worked hard to protect the human rights of

1 the North Korean people, we must remain vigilant
2 in helping the people of North Korea who struggle
3 daily to escape the oppression and tyranny of the
4 North Korean regime”.

5 **SEC. 3. SENSE OF CONGRESS.**

6 (a) IN GENERAL.—It is the sense of Congress that—

7 (1) the United States should continue to seek
8 cooperation from all foreign governments to allow
9 the United Nations High Commissioner for Refugees
10 access to process North Korean refugees overseas
11 for resettlement and to allow United States officials
12 access to process refugees for resettlement in the
13 United States (if that is the destination country of
14 the refugees’ choosing);

15 (2) the Secretary of State, through persistent
16 diplomacy by senior officials, including United
17 States ambassadors to Asia-Pacific countries, and in
18 close cooperation with United States ally South
19 Korea, should make every effort to promote the pro-
20 tection of North Korean refugees and defectors; and

21 (3) because North Koreans fleeing into China
22 face a well-founded fear of persecution upon their
23 forcible repatriation, the United States should urge
24 China to—

1 (A) immediately halt the forcible repatri-
2 ation of North Koreans;

3 (B) allow the United Nations High Com-
4 missioner for Refugees unimpeded access to
5 North Koreans inside China to determine
6 whether such North Koreans require protection
7 as refugees; and

8 (C) fulfill its obligations under the 1951
9 United Nations Convention Relating to the Sta-
10 tus of Refugees, the 1967 Protocol Relating to
11 the Status of Refugees, and the Agreement on
12 the Upgrading of the UNHCR Mission in the
13 People's Republic of China to UNHCR Branch
14 Office in the People's Republic of China (signed
15 December 1, 1995).

16 (b) CONTINUING SENSE OF CONGRESS.—It remains
17 the sense of Congress, as specified in section 3(3) of the
18 North Korean Human Rights Reauthorization Act of 2008
19 (Public Law 110–346; 22 U.S.C. 7801 note), that “the
20 Special Envoy for North Korean Human Rights Issues
21 should be a full-time position within the Department of
22 State in order to properly promote and coordinate North
23 Korean human rights and humanitarian issues, and to
24 participate in policy planning and implementation with re-
25 spect to refugee issues, as intended by the North Korean

1 Human Rights Act of 2004 (Public Law 108–333; 22
2 U.S.C. 7801 et seq.)”.

3 **SEC. 4. REAUTHORIZATION OF THE NORTH KOREAN**
4 **HUMAN RIGHTS ACT OF 2004.**

5 (a) HUMAN RIGHTS AND DEMOCRACY PROGRAMS.—
6 Paragraph (1) of section 102(b) of the North Korean
7 Human Rights Act of 2004 (22 U.S.C. 7812(b)) is amend-
8 ed by striking “2017” and inserting “2022”.

9 (b) PROMOTING FREEDOM OF INFORMATION.—Sec-
10 tion 104 of the North Korean Human Rights Act of 2004
11 (22 U.S.C. 7814) is amended—

12 (1) in subsection (b)(1)—

13 (A) by striking “\$2,000,000” and inserting
14 “\$3,000,000”; and

15 (B) by striking “2017” and inserting
16 “2022”; and

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

19 (c) REPORT BY SPECIAL ENVOY ON NORTH KOREAN
20 HUMAN RIGHTS.—Subsection (d) of section 107 of the
21 North Korean Human Rights Act of 2004 (22 U.S.C.
22 7817) is amended by striking “2017” and inserting
23 “2022”.

24 (d) REPORT ON HUMANITARIAN ASSISTANCE.—Sec-
25 tion 201 of the North Korean Human Rights Act of 2004

1 (22 U.S.C. 7831) is amended in the matter preceding
2 paragraph (1) by striking “2017” and inserting “2022”.

3 (e) ASSISTANCE PROVIDED OUTSIDE OF NORTH
4 KOREA.—Paragraph (1) of section 203(c) of the North
5 Korean Human Rights Act of 2004 (22 U.S.C. 7833(c))
6 is amended by striking “2017” and inserting “2022”.

7 (f) ANNUAL REPORTING.—Section 305 of the North
8 Korean Human Rights Act of 2004 (22 U.S.C. 7845) is
9 amended in the matter preceding paragraph (1) by strik-
10 ing “2017” and inserting “2022”.

11 **SEC. 5. ACTIONS TO PROMOTE FREEDOM OF INFORMATION**
12 **AND DEMOCRACY IN NORTH KOREA.**

13 The North Korean Human Rights Act of 2004, as
14 amended by this Act, is further amended—

15 (1) in subsection (a) of section 103 (22 U.S.C.
16 7813)—

17 (A) by striking “radio broadcasting” and
18 inserting “broadcasting, including news re-
19 broadcasting,”; and

20 (B) by striking “increase broadcasts” and
21 inserting “increase such broadcasts, including
22 news rebroadcasts,”; and

23 (2) in subsection (a) of section 104 (22 U.S.C.
24 7814)—

1 (A) by striking “The President” and in-
2 serting the following:

3 “(1) IN GENERAL.—The President”;

4 (B) by inserting “, USB drives, micro SD
5 cards, audio players, video players, cell phones,
6 wi-fi, wireless internet, webpages, internet, wire-
7 less telecommunications, and other electronic
8 media that share information” before the period
9 at the end; and

10 (C) by adding at the end the following new
11 paragraphs:

12 “(2) DISTRIBUTION.—In accordance with the
13 sense of Congress described in section 103, the
14 President, acting through the Secretary of State, is
15 authorized to distribute or provide grants to dis-
16 tribute information receiving devices, electronically
17 readable devices, and other informational sources
18 into North Korea, including devices and informa-
19 tional sources specified in paragraph (1). To carry
20 out this paragraph, the President is authorized to
21 issue directions to facilitate the free-flow of informa-
22 tion into North Korea.

23 “(3) RESEARCH AND DEVELOPMENT GRANT
24 PROGRAM.—In accordance with the authorization de-
25 scribed in paragraphs (1) and (2) to increase the

1 availability and distribution of sources of informa-
2 tion inside North Korea, the President, acting
3 through the Secretary of State, is authorized to es-
4 tablish a grant program to make grants to eligible
5 entities to develop or distribute (or both) new prod-
6 ucts or methods to allow North Koreans easier ac-
7 cess to outside information. Such program may in-
8 volve public-private partnerships.

9 “(4) CULTURE.—In accordance with the sense
10 of Congress described in section 103, the Broad-
11 casting Board of Governors may broadcast Amer-
12 ican, Korean, and other popular music, television,
13 movies, and popular cultural references as part of its
14 programming.

15 “(5) RIGHTS AND LAWS.—In accordance with
16 the sense of Congress described in section 103, the
17 Broadcasting Board of Governors shall broadcast to
18 North Korea in the Korean language information on
19 rights, laws, and freedoms afforded through the
20 North Korean Constitution, the Universal Declara-
21 tion of Human Rights, the United Nations Commis-
22 sion of Inquiry on Human Rights in the Democratic
23 People’s Republic of Korea, and any other applicable
24 treaties or international agreements to which North
25 Korea is bound.

1 “(6) BROADCASTING REPORT.—Not later
2 than—

3 “(A) 180 days after the date of the enact-
4 ment of this paragraph, the Secretary of State,
5 in consultation with the Broadcasting Board of
6 Governors, shall submit to the appropriate con-
7 gressional committees a report that sets forth a
8 detailed plan for improving broadcasting con-
9 tent for the purpose of reaching additional au-
10 diences and increasing consumption of uncen-
11 sored news and information using all available
12 and reasonable means; and

13 “(B) 1 year after the date of the enact-
14 ment of this paragraph and annually thereafter
15 for each of the next 5 years, the Secretary of
16 State, in consultation with the Broadcasting
17 Board of Governors, shall submit to the appro-
18 priate congressional committees a report on the
19 effectiveness of actions taken pursuant to this
20 section, including data reflecting audience and
21 listenership, device distribution and usage, tech-
22 nological development and advancement usage,
23 and other information as requested by such
24 committees.”.

1 **SEC. 6. REPEAL OF DUPLICATE AUTHORIZATIONS.**

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

5 **SEC. 7. REPORT BY THE BROADCASTING BOARD OF GOV-**
6 **ERNORS.**

7 (a) IN GENERAL.—Not later than 120 days after the
8 date of the enactment of this Act, the Broadcasting Board
9 of Governors shall submit to the appropriate congressional
10 committees a report that—

11 (1) describes the status of current United
12 States broadcasting to North Korea and the extent
13 to which the Board has achieved the goal of 12-
14 hour-per-day broadcasting to North Korea, in ac-
15 cordance with section 103(a) of the North Korean
16 Human Rights Act of 2004 (22 U.S.C. 7813(a));
17 and

18 (2) includes a strategy to overcome obstacles to
19 such communication with the North Korean people,
20 including through unrestricted, unmonitored, and in-
21 expensive electronic means.

22 (b) FORM.—The report required under subsection (a)
23 shall be submitted in unclassified form, but may include
24 a classified annex.

1 (c) APPROPRIATE CONGRESSIONAL COMMITTEES.—

2 In this section, the term “appropriate congressional com-
3 mittees” means—

4 (1) the Committee on Foreign Affairs and the
5 Committee on Appropriations of the House of Rep-
6 resentatives; and

7 (2) the Committee on Foreign Relations and
8 the Committee on Appropriations of the Senate.

9 **SEC. 8. REPORT BY THE DEPARTMENT OF STATE.**

10 (a) IN GENERAL.—Not later than 120 days after the
11 date of the enactment of this Act, the Secretary of State,
12 in consultation with the heads of other relevant Federal
13 departments and agencies, shall submit to the appropriate
14 congressional committees a report that includes a descrip-
15 tion of any ongoing or planned efforts of the Department
16 of State with respect to each of the following:

17 (1) Resuming the repatriation from North
18 Korea of members of the United States Armed
19 Forces missing or unaccounted for during the Ko-
20 rean War.

21 (2) Reuniting Korean Americans with their rel-
22 atives in North Korea.

23 (3) Assessing the security risks posed by travel
24 to North Korea for United States citizens.

1 (b) FORM.—The report required under subsection (a)
2 shall be submitted in unclassified form.

3 (c) APPROPRIATE CONGRESSIONAL COMMITTEES.—
4 In this section, the term “appropriate congressional com-
5 mittees” means—

6 (1) the Committee on Foreign Affairs and the
7 Committee on Appropriations of the House of Rep-
8 resentatives; and

9 (2) the Committee on Foreign Relations and
10 the Committee on Appropriations of the Senate.

Passed the House of Representatives September 25,
2017.

Attest:

KAREN L. HAAS,
Clerk.