

115TH CONGRESS  
1ST SESSION

# S. 1118

To reauthorize the North Korean Human Rights Act of 2004, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MAY 11, 2017

Mr. RUBIO (for himself, Mr. CARDIN, Mr. GARDNER, Mr. MENENDEZ, and Mr. CRUZ) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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## A BILL

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,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “North Korean Human  
5       Rights Reauthorization Act of 2017”.

6       **SEC. 2. FINDINGS.**

7       Congress makes the following findings:

8               (1) In 2014, the United Nations Commission of  
9       Inquiry (COI) on Human Rights in the Democratic  
10      People’s Republic of Korea (DPRK) found that the

1 grave human rights violations still being perpetrated  
2 against the people of North Korea, due to policies  
3 established at the highest level of the state, amount  
4 to crimes against humanity. Crimes include forced  
5 starvation, sexual violence against women and chil-  
6 dren, restrictions on freedom of movement, arbitrary  
7 detention, torture, executions, and enforced dis-  
8 appearances, among other hardships.

9 (2) The COI also noted that the Government of  
10 the People's Republic of China is aiding and abet-  
11 ting in crimes against humanity by forcibly repa-  
12 triating North Korean refugees back to the DPRK.  
13 Upon repatriation, North Koreans are sent to prison  
14 camps, tortured, or even executed. The Government  
15 of the People's Republic of China's forcible repatri-  
16 ation of North Korean refugees violates its obliga-  
17 tion to uphold the principle of non-refoulement,  
18 under the United Nations Convention Relating to  
19 the Status of Refugees, done at Geneva July 28,  
20 1951 (as made applicable by the Protocol Relating  
21 to the Status of Refugees, done at New York Janu-  
22 ary 31, 1967 (19 UST 6223)).

23 (3) Estimates from the COI suggest that be-  
24 tween 80,000 and 120,000 people are believed to be  
25 imprisoned in political prison camps in North Korea.

1 Another 70,000 are believed to be held at other de-  
2 tention facilities. Prisoners in both situations are  
3 subject to harsh conditions, limited food, sexual  
4 abuse, and in most cases hard labor.

5 (4) One of the most overlooked findings of the  
6 COI report was the persecution of religious minori-  
7 ties, especially Christians. There is effectively no  
8 freedom of religion in North Korea, only worship of  
9 the Kim family. Christians are subjected to particu-  
10 larly acute persecution. It has been reported that  
11 Christians in North Korea have been tortured, fore-  
12 ibly detained, and even executed for possessing a  
13 Bible or professing Christianity.

14 (5) North Korea profits from its human rights  
15 abuses. One report from the Asan Institute for Pol-  
16 icy Studies suggests that there are nearly 50,000  
17 North Korean workers forced to labor overseas,  
18 sometimes without compensation, and for as much  
19 as 20 hours at a time. Workers that received com-  
20 pensation were not to be paid more than \$150 per  
21 month, which is between 10 to 20 percent of the  
22 value of the labor they performed. Based on this re-  
23 port, the regime may profit as much as  
24 \$360,000,000 annually from just 50,000 laborers.

1           (6) On July 6, 2016, the United States imposed  
2           sanctions on North Korean leader Kim Jong Un and  
3           other senior North Korean officials for human rights  
4           violations as required by the North Korea Sanctions  
5           and Policy Enhancement Act of 2016 (Public Law  
6           114–122). This was the first time that the United  
7           States had designated North Korean entities for  
8           human rights abuses.

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

16          (8) Although the United States Refugee Admis-  
17          sions Program remains the largest in the world by  
18          far, the United States has resettled only 174 refu-  
19          gees from North Korea between January 2008 and  
20          January 2017. Since the enactment of the North  
21          Korea Human Rights Reauthorization Act of 2008  
22          (Public Law 110–346), the United States has reset-  
23          tled a total of 212 refugees from the DPRK.

24 **SEC. 3. SENSE OF CONGRESS.**

25          It is the sense of Congress that—

1           (1) the United States Government should con-  
2           tinue to make it a priority to improve information  
3           access in North Korea by exploring the use of new  
4           and emerging technologies and expanding non-  
5           governmental radio broadcasting to North Korea, in-  
6           cluding news and information, to increase informa-  
7           tion dissemination in the DPRK;

8           (2) in an effort to more efficiently and actively  
9           participate in humanitarian burden-sharing, the  
10          Governments of the United States and the Republic  
11          of South Korea should commit to revisit and explore  
12          new opportunities for coordinating efforts to plan for  
13          a humanitarian and human rights disaster in ad-  
14          vance of the collapse of the DPRK;

15          (3) the United Nations has a significant role to  
16          play in promoting and improving human rights in  
17          North Korea and should press for access for the  
18          Special Rapporteur on the situation of human rights  
19          in the Democratic People's Republic of Korea as  
20          well as the United Nations High Commissioner for  
21          Human Rights;

22          (4) because refugees among North Koreans  
23          fleeing into China face severe punishments upon  
24          their forcible return, the United States should urge

1 the Government of the People's Republic of China  
2 to—

3 (A) immediately halt its forcible repatri-  
4 ation of North Koreans;

5 (B) fulfill its obligations pursuant to the  
6 1951 United Nations Convention Relating to  
7 the Status of Refugees, the 1967 Protocol Re-  
8 lating to the Status of Refugees, and the 1995  
9 Agreement on the Upgrading of the UNHCR  
10 Mission in the People's Republic of China;

11 (C) allow the United Nations High Com-  
12 missioner for Refugees (UNHCR) unimpeded  
13 access to North Koreans inside China to deter-  
14 mine whether they are refugees and whether  
15 they require assistance;

16 (D) address the concerns of the United  
17 Nations Committee against Torture by incor-  
18 porating the principle of non-refoulement into  
19 domestic legislation; and

20 (E) recognize the legal status of North Ko-  
21 rean women who marry or have children with  
22 Chinese citizens, and ensure that all such chil-  
23 dren are granted resident status and access to  
24 education and other public services in accord-

1           ance with Chinese law and international stand-  
2           ards;

3           (5) the President should continue to designate  
4           all individuals found to have committed violations  
5           described in section 104(a) of the North Korea  
6           Sanctions and Policy Enhancement Act of 2016 (22  
7           U.S.C. 2914(a)), regarding complicity in censorship  
8           and human right abuses; and

9           (6) United States citizens should not travel to  
10          the Democratic People’s Republic of Korea, and the  
11          Department of State should launch a public aware-  
12          ness campaign about the risks and dangers of such  
13          travel.

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

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

17               (1) by striking “that the United States should  
18               facilitate” and inserting the following: “that the  
19               United States should—

20                       “(1) facilitate”;

21               (2) in paragraph (1), as redesignated by para-  
22               graph (1) of this section—

23                       (A) by striking “radio broadcasting” and  
24                       inserting “broadcasting, including news re-  
25                       broadcasting,”; and

1 (B) by striking “increase broadcasts” and  
2 inserting “increase such broadcasts, including  
3 news rebroadcasts,”; and

4 (C) by striking “Voice of America.” and  
5 inserting the following: “Voice of America;  
6 and”; and

7 (3) by adding at the end the following new  
8 paragraph:

9 “(2) expand funding for nongovernmental orga-  
10 nization broadcasting efforts, prioritizing organiza-  
11 tions that engage North Korean defectors in pro-  
12 gramming and broadcast services.”.

13 **SEC. 5. ACTIONS TO PROMOTE FREEDOM OF INFORMA-**  
14 **TION.**

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

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

19 “(1) IN GENERAL.—The President”;

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



1           (3) by adding at the end the following new  
2 paragraphs:

3           “(2) DISTRIBUTION.—In accordance with the  
4 sense of Congress described in section 103, the  
5 President, acting through the Secretary of State, is  
6 authorized to distribute or provide grants to dis-  
7 tribute information receiving devices, electronically  
8 readable devices, and other informational sources  
9 into North Korea, including devices and informa-  
10 tional sources specified in paragraph (1). To carry  
11 out this paragraph, the President is authorized to  
12 issue regulations to facilitate the free-flow of infor-  
13 mation into North Korea.

14           “(3) RESEARCH AND DEVELOPMENT GRANT  
15 PROGRAM.—In accordance with the authorization de-  
16 scribed in paragraphs (1) and (2) to increase the  
17 availability and distribution of sources of informa-  
18 tion inside North Korea, the President, acting  
19 through the Secretary of State, is authorized to es-  
20 tablish a grant program to make grants to eligible  
21 entities to develop or distribute (or both) new prod-  
22 ucts or methods to allow North Koreans easier ac-  
23 cess to outside information. Such program may in-  
24 volve public-private partnerships.

1           “(4) CULTURE.—In accordance with the sense  
2 of Congress described in section 103, the Broad-  
3 casting Board of Governors may broadcast Amer-  
4 ican, Korean, Chinese, and other popular music, tel-  
5 evision, movies, and popular cultural references as  
6 part of its programming.

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

18           “(6) FOCUS ON RELIGIOUS MINORITIES.—Ef-  
19 forts to improve information access under this sub-  
20 section should give priority to religious communities  
21 and should be coordinated with the Office of Inter-  
22 national Religious Freedom to ensure maximum im-  
23 pact in improving the rights of religious persons in  
24 North Korea.

1           “(7) 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 targeting new audiences  
10 and increasing listenership; and

11           “(B) one year after the date of the enact-  
12 ment of this paragraph and annually thereafter  
13 for each of the next five years, the Secretary of  
14 State, in consultation with the Broadcasting  
15 Board of Governors, shall submit to the appro-  
16 priate congressional committees a report includ-  
17 ing—

18           “(i) a description of the effectiveness  
19 of actions taken pursuant to this section,  
20 including data reflecting audience and  
21 listenership, device distribution and usage,  
22 and technological development and ad-  
23 vancement usage;

1           “(ii) the amount of funds expended by  
2           the United States Government pursuant to  
3           section 403; and

4           “(iii) other appropriate information  
5           necessary to fully inform Congress of ef-  
6           forts related to this section.”.

7 **SEC. 6. SENSE OF CONGRESS ON ACTIONS TO PREPARE**  
8 **FOR GOVERNMENTAL COLLAPSE IN NORTH**  
9 **KOREA.**

10       Title III of the North Korean Human Rights Act of  
11 2004 (22 U.S.C. 7841 et seq.) is amended by adding at  
12 the end the following new section:

13 **“SEC. 306. SENSE OF CONGRESS ON ACTIONS TO PREPARE**  
14 **FOR GOVERNMENTAL COLLAPSE IN NORTH**  
15 **KOREA.**

16       “‘It is the sense of Congress that—

17           “(1) a collapse of the current Government, or  
18           a significant change in the leadership, of the Demo-  
19           cratic People’s Republic of Korea could impact sta-  
20           bility and security of the region, and critical United  
21           States interests, and would result in a significant  
22           flow of refugees to neighboring states; and

23           “(2) as such, the United States Government  
24           should work with countries sharing a land or mari-  
25           time border with the DPRK to develop long-term

1 whole-of-government plans to coordinate efforts re-  
2 lated to humanitarian assistance and human rights  
3 promotion and to effectively assimilate North Ko-  
4 rean defectors.”.

5 **SEC. 7. REAUTHORIZATION PROVISIONS.**

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

9 (1) in subsection (a), by adding at the end the  
10 following: “The President is also authorized to pro-  
11 vide grants to entities to undertake research on  
12 North Korea’s denial of human rights, including on  
13 the political and military chains of command respon-  
14 sible for authorizing and implementing systemic  
15 human rights abuses, including at prison camps and  
16 detention facilities where political prisoners are  
17 held.”; and

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

20 (b) ACTIONS TO PROMOTE FREEDOM OF INFORMA-  
21 TION.—Subsections (b)(1) and (c) of section 104 of the  
22 North Korean Human Rights Act of 2004 (22 U.S.C.  
23 7814) are amended by striking “2017” and inserting  
24 “2022” each place it appears.

1 (c) SPECIAL ENVOY ON NORTH KOREAN HUMAN  
2 RIGHTS ISSUES.—Section 107(d) of the North Korean  
3 Human Rights Act of 2004 (22 U.S.C. 7817(d)) is amend-  
4 ed by striking “2017” and inserting “2022”.

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

8 (1) in subsection (a), in the matter preceding  
9 paragraph (1), by striking “2017” and inserting  
10 “2022”;

11 (2) by redesignating subsection (b) as sub-  
12 section (c); and

13 (3) by inserting after subsection (a) the fol-  
14 lowing new subsection:

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

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

23 (f) ANNUAL REPORTS.—Section 305(a) of the North  
24 Korean Human Rights Act of 2004 (22 U.S.C. 7845(a))

1 is amended, in the matter preceding paragraph (1) by  
2 striking “2017” and inserting “2022”.

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