

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—115th Cong., 1st Sess.

S. 1118

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

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. CORKER

Viz:

1 Strike all after the enacting clause and insert the fol-

2 lowing:

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
11 grave human rights violations still being perpetrated
12 against the people of North Korea, due to policies

1 established at the highest level of the state, amount
2 to crimes against humanity. Crimes include forced
3 starvation, sexual violence against women and chil-
4 dren, restrictions on freedom of movement, arbitrary
5 detention, torture, executions, and enforced dis-
6 appearances, among other hardships.

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

21 (3) Estimates from the COI suggest that be-
22 tween 80,000 and 120,000 people are believed to be
23 imprisoned in political prison camps in North Korea.
24 Another 70,000 are believed to be held at other de-
25 tention facilities. Prisoners in both situations are

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

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

12 (5) North Korea profits from its human rights
13 abuses. One report from the Asan Institute for Pol-
14 icy Studies suggests that there are nearly 50,000
15 North Korean workers forced to labor overseas,
16 sometimes without compensation, and for as much
17 as 20 hours at a time. Workers that received com-
18 pensation were not to be paid more than \$150 per
19 month, which is between 10 to 20 percent of the
20 value of the labor they performed. Based on this re-
21 port, the regime may profit as much as
22 \$360,000,000 annually from just 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 entities 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 se-
11 rious human rights abuses by the Government of
12 North 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 resettled only 174 refu-
16 gees from North Korea between January 2008 and
17 January 2017. Since the enactment of the North
18 Korea Human Rights Reauthorization Act of 2008
19 (Public Law 110–346), the United States has reset-
20 tled a total of 212 refugees from the DPRK.

21 **SEC. 3. SENSE OF CONGRESS.**

22 It is the sense of Congress that—

23 (1) the United States Government should con-
24 tinue to make it a priority to improve information
25 access in North Korea by exploring the use of new

1 and emerging technologies and expanding non-
2 governmental radio broadcasting to North Korea, in-
3 cluding news and information, to increase informa-
4 tion dissemination in the DPRK;

5 (2) in an effort to more efficiently and actively
6 participate in humanitarian burden-sharing, the
7 Governments of the United States and the Republic
8 of South Korea should commit to revisit and explore
9 new opportunities for coordinating efforts to plan for
10 a humanitarian and human rights disaster;

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

18 (4) because refugees among North Koreans
19 fleeing into China face severe punishments upon
20 their forcible return, the United States should urge
21 the Government of the People's Republic of China
22 to—

23 (A) immediately halt its forcible repatri-
24 ation of North Koreans;

1 (B) fulfill its obligations pursuant to the
2 1951 United Nations Convention Relating to
3 the Status of Refugees, the 1967 Protocol Re-
4 lating to the Status of Refugees, and the 1995
5 Agreement on the Upgrading of the UNHCR
6 Mission in the People's Republic of China;

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

12 (D) address the concerns of the United
13 Nations Committee against Torture by incor-
14 porating the principle of non-refoulement into
15 domestic legislation; and

16 (E) recognize the legal status of North Ko-
17 rean women who marry or have children with
18 Chinese citizens, and ensure that all such chil-
19 dren are granted resident status and access to
20 education and other public services in accord-
21 ance with Chinese law and international stand-
22 ards;

23 (5) the President should continue to designate
24 all individuals found to have committed violations
25 described in section 104(a) of the North Korea

1 Sanctions and Policy Enhancement Act of 2016 (22
2 U.S.C. 2914(a)), regarding complicity in censorship
3 and human right abuses; and

4 (6) United States citizens should not travel to
5 the Democratic People’s Republic of Korea, and the
6 Department of State should launch a public aware-
7 ness campaign about the risks and dangers of such
8 travel.

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

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

12 (1) by striking “that the United States should
13 facilitate” and inserting the following: “that the
14 United States should—

15 “(1) facilitate”;

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

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

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

1 (C) by striking “Voice of America.” and
2 inserting the following: “Voice of America;
3 and”; and

4 (3) by adding at the end the following new
5 paragraph:

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

10 **SEC. 5. ACTIONS TO PROMOTE FREEDOM OF INFORMA-**
11 **TION.**

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

14 (1) by striking “The President” and inserting
15 the following:

16 “(1) IN GENERAL.—The President”;

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

23 (3) by adding at the end the following new
24 paragraphs:

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

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

23 “(4) CULTURE.—In accordance with the sense
24 of Congress described in section 103, the Broad-
25 casting Board of Governors may broadcast Amer-

1 ican, Korean, Chinese, and other popular music, tel-
2 evision, movies, and popular cultural references as
3 part of its programming.

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

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

22 “(7) BROADCASTING REPORT.—Not later
23 than—

24 “(A) 180 days after the date of the enact-
25 ment of this paragraph, the Secretary of State,

1 in consultation with the Broadcasting Board of
2 Governors, shall submit to the appropriate con-
3 gressional committees a report that sets forth a
4 detailed plan for improving broadcasting con-
5 tent for the purpose of targeting new audiences
6 and increasing listenership; and

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

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

20 “(ii) the amount of funds expended by
21 the United States Government pursuant to
22 section 403; and

23 “(iii) other appropriate information
24 necessary to fully inform Congress of ef-
25 forts 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
6 the end the following new section:

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 the DPRK to develop long-term
18 whole-of-government plans to coordinate efforts re-
19 lated to humanitarian assistance and human rights
20 promotion and to effectively assimilate North Ko-
21 rean defectors.”.

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

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

12 (b) ACTIONS TO PROMOTE FREEDOM OF INFORMA-
13 TION.—Section 104 of the North Korean Human Rights
14 Act of 2004 (22 U.S.C. 7814) is amended—

15 (1) in subsection (b)(1)—

16 (A) by striking “\$2,000,000” and inserting
17 “\$3,000,000”; and

18 (B) by striking “2017” and inserting
19 “2022”; and

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

22 (c) REPORT BY SPECIAL ENVOY ON NORTH KOREAN
23 HUMAN RIGHTS ISSUES.—Section 107(d) of the North
24 Korean Human Rights Act of 2004 (22 U.S.C. 7817(d))
25 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 sub-
8 section (c); and

9 (3) by inserting after subsection (a) the fol-
10 lowing 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
17 by striking “2013 through 2017” and inserting “2018
18 through 2022”.

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

1 **SEC. 8. REPORT BY BROADCASTING BOARD OF GOV-**
2 **ERNORS.**

3 (a) **IN GENERAL.**—Not later than 120 days after the
4 date of the enactment of this Act, the Broadcasting Board
5 of Governors shall submit to the appropriate congressional
6 committees a report that—

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

14 (2) includes a strategy to overcome obstacles to
15 such communication with the North Korean people,
16 including through unrestricted, unmonitored, and in-
17 expensive electronic means.

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

21 (c) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—
22 In this section, the term “appropriate congressional com-
23 mittees” means—

24 (1) the Committee on Foreign Relations and
25 the Committee on Appropriations of the Senate; and

1 (2) the Committee on Foreign Affairs and the
2 Committee on Appropriations of the House of Rep-
3 resentatives.

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

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