

115TH CONGRESS
1ST SESSION

S. 1118

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

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 re-
ferred to the Committee on Foreign Relations

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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