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H. RES. 976

Expressing the sense of the House of Representatives that complete, verifiable, and irreversible human rights improvements in the Democratic People's Republic of North Korea should be part of a United States strategy for a nuclear-free Korean peninsula and a free and open Indo-Pacific region.

IN THE HOUSE OF REPRESENTATIVES

JUNE 28, 2018

Mr. SMITH of New Jersey (for himself, Mrs. HARTZLER, and Mr. PITTENGER) submitted the following resolution; which was referred to the Committee on Foreign Affairs

RESOLUTION

Expressing the sense of the House of Representatives that complete, verifiable, and irreversible human rights improvements in the Democratic People's Republic of North Korea should be part of a United States strategy for a nuclear-free Korean peninsula and a free and open Indo-Pacific region.

Whereas the threat from nuclear proliferation from the Democratic People's Republic of Korea (North Korea) is a clear and present danger to the United States and regional allies;

Whereas the Administration's efforts to engage in diplomatic negotiations to return American hostages and the re-

mains of Americans killed during the Korean War, and to seek the complete, irreversible and verifiable denuclearization of the Korean peninsula are welcome and commendable achievements;

Whereas the Government of North Korea continues to engage in systematic, widespread, and gross human rights violations, including arbitrary detentions, torture, forced abortion, human trafficking, particularly severe religious freedom abuses, public execution of political prisoners, the death of United States citizen Otto Warmbier and political purges of relatives and family members, including through the use of chemical weapons;

Whereas these violations, including the creation of large refugee flows and famines, the abduction of Japanese, South Korean, and United States citizens, and the trafficking of North Korean citizens, remain a distinct threat to regional stability, whether or not North Korea possesses nuclear weapons;

Whereas the human trafficking of North Korean citizens has provided the Government of North Korea with foreign currency which supports its efforts to avoid international sanctions and supports its nuclear ambitions;

Whereas there remain an estimated 80,000 to 120,000 political prisoners in North Korea, detained in a system of political prison labor camps;

Whereas in 2014, the United Nations Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea found that the violations perpetrated against the people of North Korea were established at the highest level of the Government of North Korea, and such gross

human rights violations amount to crimes against humanity in many instances;

Whereas the United Nations Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea also found that North Korean nationals forcibly repatriated by the Government of the People's Republic of China are subject to torture, prolonged arbitrary detention and, in some cases, sexual violence, including invasive body searches;

Whereas North Korean nationals found to have been in contact with officials or nationals from the Republic of Korea (South Korea) or with Christian churches or humanitarian aid workers may be forcibly "disappeared" into prison labor camps, imprisoned in ordinary prisons, or even summarily executed;

Whereas the United Nations Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea urged the Chinese Government to caution relevant officials that repatriation of North Korean nationals could amount to the aiding and abetting of crimes against humanity where repatriations and information exchanges lead to the facilitation or commission of crimes against humanity in North Korea;

Whereas China arrests, detains, or imprisons those individuals who try to assist North Korean refugees inside China's borders; and

Whereas, notwithstanding high-level advocacy by the United States, South Korea, and the Office of the United Nations High Commissioner for Refugees, China has forcibly repatriated tens of thousands of North Koreans: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) requests that the President—

3 (A) make complete, verifiable, and irrevers-
4 ible human rights improvements in the Demo-
5 cratic People’s Republic of Korea (North
6 Korea) part of United States negotiating strat-
7 egy with North Korea, the People’s Republic of
8 China, and regional allies;

9 (B) even in the event of concluding an
10 agreement of a complete, verifiable and irre-
11 versible denuclearization of the Korean penin-
12 sula, condition economic or other assistance and
13 the lifting of individual sanctions currently im-
14 posed on North Korean officials on complete,
15 verifiable, and irreversible human rights im-
16 provements in North Korea;

17 (C) seek the dismantling of North Korea’s
18 political prison labor camps and the release of
19 all political and religious prisoners, estimated at
20 between 80,000 to 120,000;

21 (D) as part of a comprehensive, ongoing
22 negotiating strategy with North Korea, consult
23 international experts about the strategic and
24 political relevance of the cult of personality sur-
25 rounding the Kim family (sometimes referred to

1 as “Juche”), including by seeking options for
2 addressing this quasi-religious ideology in talks
3 with North Korea;

4 (E) seek the Chinese Government’s compli-
5 ance with its international obligations to protect
6 and resettle North Korean refugees and to halt
7 the trafficking of persons; and

8 (F) consider placing any North Korean
9 and Chinese officials complicit in the abuses de-
10 scribed in the preamble of this resolution on the
11 list of specially designated nationals and
12 blocked persons maintained by the Office of
13 Foreign Assets Control of the Department of
14 the Treasury under existing sanctions authori-
15 ties;

16 (2) requests that the Secretary of State submit
17 to the Committee on Foreign Affairs of the House
18 of Representatives and the Committee on Foreign
19 Relations of the Senate, not later than 90 days after
20 the date of the adoption of this resolution, a report,
21 that should include—

22 (A) a strategy to realize the complete,
23 verifiable, and irreversible human rights im-
24 provements in the Democratic People’s Republic
25 of Korea (North Korea) and the protection of

1 North Korean asylum seekers in China or else-
2 where and including efforts to increase inter-
3 national coordination and cooperation, whether
4 unilaterally, bilaterally, or multilaterally to ad-
5 dress human rights in North Korea;

6 (B) information about the system of prison
7 labor camps in North Korea and options avail-
8 able for United States diplomacy to perma-
9 nently close these camps and seek the release of
10 an estimated 80,000 to 120,000 political and
11 religious prisoners;

12 (C) information and an assessment of ef-
13 forts to provide uncensored news and other in-
14 formation into North Korea and whether addi-
15 tional resources are needed to expand such ef-
16 forts;

17 (D) information on efforts to stop the Gov-
18 ernment of North Korea and other countries
19 from benefitting from human trafficking of
20 North Korean citizens;

21 (E) information about what sanctions are
22 being employed as part of the effort to achieve
23 complete, verifiable, and irreversible human
24 rights improvements, including sanctions that
25 may be employed under the International Reli-

1 gious Freedom Act of 1998 (22 U.S.C. 6401 et
2 seq.), the Trafficking Victims Protection Act of
3 2000 (22 U.S.C. 7101 et seq.), and the Global
4 Magnitsky Human Rights Accountability Act
5 (22 U.S.C. 2656 note);

6 (F) information about the termination of
7 any sanction with respect to the activities of the
8 Government of the Democratic People's Repub-
9 lic of Korea on officials and entities complicit in
10 gross violations of internationally recognized
11 human rights;

12 (G) information on efforts to protect North
13 Korean refugees in China and elsewhere and
14 options for United States policy;

15 (H) information on efforts to address indi-
16 viduals separated or forcibly removed from their
17 families through displacement during the Ko-
18 rean War, enforced disappearances and abduc-
19 tion;

20 (I) information on whether non-sanctioned
21 medical assistance is reaching North Korea or
22 is being blocked in China or elsewhere and
23 whether the Administration needs any addi-
24 tional congressional authority if such humani-
25 tarian assistance is blocked;

1 (J) information on how the provisions of
2 the North Korean Human Rights Act and the
3 North Korea Sanctions and Policy Enhance-
4 ment Act of 2016 (Public Law 114–122; 22
5 U.S.C. 9201 et seq.), are being implemented
6 and integrated into the overall strategy; and

7 (K) information on efforts to repatriate the
8 remains of Americans killed in action during
9 the Korean War;

10 (3) requests that the Administration consider
11 using the voice and vote of the United States to es-
12 tablish an ad hoc or special international criminal
13 tribunal, or a regional or international hybrid court,
14 to investigate and remedy crimes against humanity
15 and other atrocity crimes, as appropriate, in North
16 Korea or those crimes targeting North Korean na-
17 tionals in other countries such as China;

18 (4) requests that the Administration consider
19 section 104(a)(5) of the North Korea Sanctions and
20 Policy Enhancement Act of 2016 (Public Law 114–
21 122; 22 U.S.C. 9201 et seq.), which requires the
22 President to impose mandatory penalties under
23 United States law on any person that “knowingly
24 engages in, is responsible for, or facilitates serious
25 human rights abuses by the Government of North

1 Korea”, as applying to any individual or entity that
2 is complicit in the trafficking of North Korean refu-
3 gees or the forced repatriation of North Korean ref-
4 ugees; and

5 (5) requests that the Secretary of State, the
6 Secretary of Homeland Security, the United States
7 Ambassador to the United Nations, and the heads of
8 other relevant United States agencies, assist in find-
9 ing both temporary and durable solutions for North
10 Korean asylum seekers in China or elsewhere.

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