

110TH CONGRESS  
2D SESSION

# H. R. 5834

To amend the North Korean Human Rights Act of 2004 to promote respect for the fundamental human rights of the people of North Korea, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 17, 2008

Ms. ROS-LEHTINEN (for herself, Mr. BERMAN, Mr. SMITH of New Jersey, Mr. ACKERMAN, Mr. BURTON of Indiana, Mr. CHABOT, Mr. INGLIS of South Carolina, and Mr. FORTUÑO) introduced the following bill; which was referred to the Committee on Foreign Affairs

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## A BILL

To amend the North Korean Human Rights Act of 2004 to promote respect for the fundamental human rights of the people of North Korea, 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 2008”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1           (1) The North Korean Human Rights Act of  
2           2004 (Public Law 108–333; 22 U.S.C. 7801 et seq.)  
3           (in this section referred to as “the Act”) was the  
4           product of broad, bipartisan consensus in Congress  
5           regarding the promotion of human rights, trans-  
6           parency in the delivery of humanitarian assistance,  
7           and refugee protection.

8           (2) In addition to the longstanding commitment  
9           of the United States to refugee and human rights  
10          advocacy, the United States is home to the largest  
11          Korean population outside of northeast Asia, and  
12          many in the two-million strong Korean-American  
13          community have family ties to North Korea.

14          (3) Human rights and humanitarian conditions  
15          inside North Korea are deplorable, North Korean  
16          refugees remain acutely vulnerable, and the findings  
17          in section 3 of the Act remain accurate today.

18          (4) The Government of China is conducting an  
19          increasingly aggressive campaign to locate and fore-  
20          ibly return border-crossers to North Korea, where  
21          they routinely face torture and imprisonment, and  
22          sometimes execution. According to recent reports,  
23          the Chinese Government is shutting down Christian  
24          churches and imprisoning people who help North  
25          Korean defectors, and has increased the bounty paid

1 for turning in a North Korean refugee by a factor  
2 of sixteen, to an amount roughly equivalent to the  
3 average annual income in China.

4 (5) In an attempt to deter escape attempts, the  
5 Government of North Korea has reportedly stepped  
6 up its public execution of border-crossers and those  
7 who help others cross into China, including the Feb-  
8 ruary 20, 2008, shooting of 13 women and 2 men  
9 in Onsung County, and the March 30, 2008, execu-  
10 tion of three residents in Hyesan. As is commonly  
11 the case, employees and residents of nearby institu-  
12 tions, enterprises, and neighborhoods were required  
13 to attend and observe those killings.

14 (6) In spite of the requirement of the Act that  
15 the Special Envoy on Human Rights in North Korea  
16 (the “Special Envoy”) report to the Congress no  
17 later than April 16, 2005, a Special Envoy was not  
18 appointed until August 19, 2005, more than four  
19 months after the reporting deadline.

20 (7) The Special Envoy appointed by the Presi-  
21 dent has filled that position on a part-time basis  
22 only.

23 (8) On February 21, 2006, a bipartisan group  
24 of senior Members of the House and Senate wrote  
25 Secretary of State Condoleezza Rice “to express

1 [their] deep concern for the lack of progress in fund-  
2 ing and implementing the key provisions of the  
3 North Korean Human Rights Act”, particularly the  
4 lack of North Korean refugee admissions to the  
5 United States.

6 (9) Although the United States refugee resettlement  
7 program remains the largest in the world by  
8 far, the United States has resettled only 37 North  
9 Koreans in the period from 2004 through 2007.

10 (10) From the end of 2004 through 2007, the  
11 Republic of Korea resettled 5,961 North Koreans.

12 (11) Extensive delays in assessment and processing  
13 at overseas posts have led numerous North  
14 Korean refugees to abandon their quest for United  
15 States resettlement, and long waits (of more than a  
16 year in some cases) have been the source of consid-  
17 erable discouragement and frustration among refu-  
18 gees, many of whom are awaiting United States re-  
19 settlement in circumstances that are unsafe and in-  
20 secure.

21 (12) From 2000 through 2006, the United  
22 States granted asylum to 15 North Koreans, as  
23 compared to 60 North Korean asylum grantees in  
24 the United Kingdom, and 135 in Germany during  
25 that same period.

1 **SEC. 3. SENSE OF CONGRESS.**

2 It is the sense of Congress that—

3 (1) the United States should make it a priority  
4 to seek broader permission and greater cooperation  
5 from foreign governments to allow the United States  
6 to process North Korean refugees overseas for resettlement  
7 in the United States, through persistent diplomacy  
8 by senior officials of the United States, including  
9 United States ambassadors to Asia-Pacific  
10 nations;

11 (2) at the same time that careful screening of  
12 intending refugees is important, the United States  
13 also should make every effort to ensure that its  
14 screening, processing, and resettlement of North Korean  
15 refugees are as efficient and expeditious as possible;

16 (3) the Special Envoy for North Korean  
17 Human Rights Issues should be a full-time position  
18 within the Department of State in order to properly  
19 promote and coordinate North Korean human  
20 rights, humanitarian, and refugee issues, as intended  
21 by the North Korean Human Rights Act of  
22 2004 (Public Law 108–333; 22 U.S.C. 7801 et  
23 seq.); and

24 (4) in an effort to more efficiently and actively  
25 participate in humanitarian burden-sharing, the  
26

1 United States should approach our ally, the Republic  
2 of Korea, to revisit and explore new opportunities  
3 for coordinating efforts to screen and resettle North  
4 Koreans who have expressed a wish to pursue resettle-  
5 ment in the United States and have not yet  
6 availed themselves of any right to citizenship they  
7 may enjoy under the Constitution of the Republic of  
8 Korea.

9 **SEC. 4. DEFINITIONS.**

10 Section 5(1)(A) of the North Korean Human Rights  
11 Act of 2004 (Public Law 108–333; 22 U.S.C. 7803(1)(A))  
12 is amended by striking “International Relations” and in-  
13 serting “Foreign Affairs”.

14 **SEC. 5. SUPPORT FOR HUMAN RIGHTS AND DEMOCRACY**  
15 **PROGRAMS.**

16 Section 102(b)(1) of the North Korean Human  
17 Rights Act of 2004 (22 U.S.C. 7812(b)(1)) is amended  
18 by inserting after “2008” the following: “and \$4,000,000  
19 for each of fiscal years 2009 through 2012”.

20 **SEC. 6. RADIO BROADCASTING TO NORTH KOREA.**

21 Not later than 120 days after the date of the enact-  
22 ment of this Act, the Broadcasting Board of Governors  
23 (BBG) shall submit to the appropriate congressional com-  
24 mittees, as defined in section 5(1) of the North Korean  
25 Human Rights Act of 2004 (22 U.S.C. 7803(1)), a report

1 that describes the status and content of current United  
2 States broadcasting to North Korea and the extent to  
3 which the BBG has achieved the goal of 12-hour-per-day  
4 broadcasting to North Korea pursuant to section 103 of  
5 such Act (22 U.S.C. 7813).

6 **SEC. 7. ACTIONS TO PROMOTE FREEDOM OF INFORMA-**  
7 **TION.**

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

10 (1) in subsection (b)(1), by striking “2008”  
11 and inserting “2012”; and

12 (2) in subsection (c), by striking “in each of the  
13 three years thereafter” and inserting “annually  
14 through 2012”.

15 **SEC. 8. SPECIAL ENVOY ON NORTH KOREAN HUMAN**  
16 **RIGHTS ISSUES.**

17 Section 107 of the North Korean Human Rights Act  
18 of 2004 (22 U.S.C. 7817) is amended—

19 (1) in the section heading, by striking “**HUMAN**  
20 **RIGHTS IN NORTH KOREA**” and inserting  
21 “**NORTH KOREAN HUMAN RIGHTS ISSUES**”;

22 (2) in subsection (a)—

23 (A) in the first sentence—

1 (i) by striking “human rights in  
2 North Korea” and inserting “North Ko-  
3 rean human rights issues”; and

4 (ii) by inserting before the period at  
5 the end the following: “, by and with the  
6 advice and consent of the Senate”;

7 (B) in the second sentence, by inserting  
8 before the period at the end the following: “who  
9 shall have the rank of ambassador and shall  
10 hold the office at the pleasure of the Presi-  
11 dent”;

12 (3) in subsection (b), by inserting before the pe-  
13 riod at the end the following: “, including the protec-  
14 tion of those people who have fled as refugees”;

15 (4) in subsection (c)—

16 (A) by redesignating paragraphs (1)  
17 through (6) as paragraphs (2) through (7), re-  
18 spectively;

19 (B) by inserting before paragraph (2), as  
20 so redesignated, the following new paragraph:

21 “(1) coordinate the implementation of activities  
22 carried out pursuant to this Act;” and

23 (C) in paragraph (5), as so redesignated,  
24 by striking “section 102” and inserting “sec-  
25 tions 102 and 104”; and



1           (5) in subsection (d), by striking “for the sub-  
2           sequent 5 year-period” and inserting “thereafter  
3           through 2012”.

4 **SEC. 9. REPORT ON UNITED STATES HUMANITARIAN AS-**  
5 **SISTANCE.**

6           Section 201(a) of the North Korean Human Rights  
7 Act of 2004 (22 U.S.C. 7831(a)) is amended, in the mat-  
8 ter preceding paragraph (1), by striking “in each of the  
9 2 years thereafter” and inserting “annually thereafter  
10 through 2012”.

11 **SEC. 10. ASSISTANCE PROVIDED OUTSIDE OF NORTH**  
12 **KOREA.**

13           Section 203(c)(1) of the North Korean Human  
14 Rights Act of 2004 (22 U.S.C. 7833(c)(1)) is amended  
15 by striking “2008” and inserting “2012”.

16 **SEC. 11. ANNUAL REPORTS.**

17           Section 305(a) of the North Korean Human Rights  
18 Act of 2004 (22 U.S.C. 7845(a)) is amended—

19           (1) in the subsection heading, by inserting  
20           “AND REFUGEE” before “INFORMATION”;

21           (2) in the matter preceding paragraph (1)—

22                   (A) by striking “for each of the following  
23                   5 years” and inserting “through 2012”; and

1 (B) by striking “which shall include—”  
2 and inserting “which shall include the fol-  
3 lowing:”;

4 (3) in paragraph (1)—

5 (A) by striking “the number of aliens” and  
6 inserting “The number of aliens”; and

7 (B) by striking “; and” at the end and in-  
8 serting a period;

9 (4) in paragraph (2), by striking “the number  
10 of aliens” and inserting “The number of aliens”;  
11 and

12 (5) by adding at the end the following new  
13 paragraphs:

14 “(3) The number of aliens who are nationals or  
15 citizens of North Korea who contacted United States  
16 personnel overseas and expressed an interest in pur-  
17 suing resettlement in the United States, irrespective  
18 of whether such aliens pursued the resettlement  
19 process to its conclusion.

20 “(4) A detailed description of the measures un-  
21 dertaken by the Secretary of State to carry out sec-  
22 tion 303, including country-specific information with  
23 respect to United States efforts to secure the co-  
24 operation and permission of the governments of  
25 countries in East and Southeast Asia to facilitate

1 United States processing of North Koreans seeking  
2 protection as refugees. The information required  
3 under this paragraph may be provided in a classified  
4 format, if necessary.”.

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