



## H.R. 5834 – NORTH KOREAN HUMAN RIGHTS REAUTHORIZATION ACT OF 2008

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### FLOOR SITUATION

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H.R. 5834 is being considered on the floor under suspension of the rules and will require a two-thirds majority vote for passage. This legislation was introduced by Representative Ileana Ros-Lehtinen (R-FL) on April 17, 2008. The House Committee on Foreign Affairs approved the bill, as amended, on April 30, 2008. The Senate passed this bill, as amended, by unanimous consent on September 22, 2008.

H.R. 5834 is expected to be considered on the floor of the House on September 23, 2008.

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### SUMMARY

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#### **Reporting Requirements**

H.R. 5834 extends the reporting requirements under the North Korean Human Rights Act of 2004 (NKHRA) (P.L. 108 – 333) through 2012. The reporting requirements originally included in the NKHRA are expanded by H.R. 5834 to include information on U.S. diplomatic efforts to secure the cooperation and permission of the governments of East and Southeast Asia in the processing of North Koreans seeking protection as refugees.

The bill requires the Broadcasting Board of Governors (BBG) to report to Congress on the current status of U.S. broadcasting to North Korea, and the extent to which the BBG has achieved the goal of 12-hour-per-day broadcasting to North Korea, as included in the 2004 NKHRA.

#### **Special Envoy on North Korean Human Rights**

H.R. 5834 elevates the position of Special Envoy on North Korean Human Rights Issues to the diplomatic rank of ambassador to North Korea, and adds the task of protecting refugees to the main objectives of the position. The bill requires the Envoy to report annually on the condition of human rights in North Korea through 2012.

#### **Authorization**

The bill authorizes for human rights and democracy programs under the NKHRA at \$2 million per year, and extends these authorizations through 2012.

#### **Sense of Congress**

H.R. 5834 expresses the sense of Congress that:

- The United States should make it a priority to seek broader permission and greater cooperation from foreign governments to allow the United States to process North Korean refugees overseas for resettlement in the United States, through persistent diplomacy by senior officials of the United States, including United States ambassadors to Asia-Pacific nations;
- At the same time that careful screening of intending refugees is important, the United States also should make every effort to ensure that its screening, processing, and resettlement of North Korean refugees are as efficient and expeditious as possible;
- The Special Envoy for North Korean Human Rights Issues should be a full-time position within the Department of State in order to properly promote and coordinate North Korean human rights, humanitarian, and refugee issues, as intended by the North Korean Human Rights Act of 2004



- In an effort to more efficiently and actively participate in humanitarian burden-sharing, the United States should approach our ally, the Republic of Korea, to revisit and explore new opportunities for coordinating efforts to screen and resettle North Koreans who have expressed a wish to pursue resettlement in the United States and have not yet availed themselves of any right to citizenship they may enjoy under the Constitution of the Republic of Korea; and
- Because there are genuine refugees among North Koreans fleeing into China who face severe punishments upon their forcible return, the United States should urge the Government of China to—
  1. Immediately halt its forcible repatriation of North Koreans;
  2. Fulfill its obligations pursuant to the 1951 United Nations Convention Relating to the Status of Refugees, the 1967 Protocol Relating to the Status of Refugees, and the 1995 Agreement on the Upgrading of the UNHCR Mission in the People's Republic of China to UNHCR Branch Office in the People's Republic of China; and
  3. Allow the United Nations High Commissioner for Refugees (UNHCR) unimpeded access to North Koreans inside China to determine whether they are refugees and whether they require assistance.

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#### BACKGROUND

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This legislation passed the House on May 15, 2008, under suspension of the rules by voice vote. The Senate made minor amendments to the bill and passed it by unanimous consent on September 22, 2008.

The Democratic People's Republic of Korea is the governing body of North Korea, and is a dictatorship that has been under the control of Kim Jong Il since October of 1997. According to a 2003 Report on Human Rights Practices released by the Department of State, North Korea's 2003 August elections for the 687-member Supreme People's Assembly (the deliberative body of North Korea's government) were not conducted democratically and only members of Kim Jong Il's Korean Workers' Party (KWP) participated in casting votes. The Korean People's Army continues to displace the KWP as Kim Jong Il's policy making and implementing device, making North Korea one of the world's most heavily militarized states.

The government of North Korea has a long list of documented human rights abuses to which it is credited. Among these are the killing, disappearance, and arbitrary imprisonment of political activists opposing the current North Korean government. Also, the government has implemented capital punishment and confiscation of assets for actions considered to be "crimes against the revolution." These "crimes" include slandering the policies of the North Korean government.

The North Korean Human Rights Act of 2004 was introduced on March 23, 2004 by Representative James Leach (R-IA), and passed the House on July 21, 2004, by voice vote under suspension of the rules. The President signed the bill into law on October 18, 2004 (P.L. 108-333). Among other provisions aimed at promoting human rights in North Korea, the Act authorized the President to provide grants to private and non-profit organizations to promote issues such as human rights and democracy in North Korea. Additionally, the Act directed the President to appoint a Special Envoy for human rights in North Korea through the Department of State.

[Department of State profile on North Korea](#)

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#### COST

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The Congressional Budget Office estimates that implementing H.R. 5834 "would cost \$97 million over the 2009-2013 period, assuming appropriation of the authorized amounts."



[Full CBO Cost Estimate](#)

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#### STAFF CONTACT

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