

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To protect human rights and freedom of North Koreans, to promote democracy in the Democratic People’s Republic of Korea, and for other purposes.

**IN THE SENATE OF THE UNITED STATES—108th Cong., 2d Sess.**

**S. 2144**

To authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2005, for the Peace Corps for fiscal years 2005 through 2007, for foreign assistance programs for fiscal year 2005, 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 intended to be proposed by Mr. BROWNBACK

Viz:

1 At the end of Division A, add the following new title:

2 **TITLE X—FREEDOM IN NORTH**  
3 **KOREA**

4 **SEC. 1001. SHORT TITLE.**

5 This title may be cited as the “North Korea Freedom  
6 Act of 2004”.

1 **SEC. 1002. FINDINGS.**

2 Congress makes the following findings:

3 (1) According to the Department of State, the  
4 Government of North Korea is “a dictatorship under  
5 the absolute rule of Kim Jong Il” that continues to  
6 commit numerous serious human rights abuses.

7 (2) The Government of North Korea attempts  
8 to control all information, artistic expression, aca-  
9 demic works, and media activity inside North Korea  
10 and strictly curtails freedom of speech and access to  
11 foreign broadcasts.

12 (3) The Government of North Korea subjects  
13 its citizens to systematic, intensive political and ideo-  
14 logical indoctrination in support of the cult of per-  
15 sonality glorifying Kim Jong Il and the late Kim Il  
16 Sung that approaches the level of a state religion.

17 (4) The Government of North Korea divides its  
18 population into categories, based on perceived loyalty  
19 to the leadership, that determine access to food, em-  
20 ployment, higher education, place of residence, med-  
21 ical facilities, and other resources.

22 (5) According to the Department of State,  
23 “[t]he [North Korean] Penal Code is [d]raconian,  
24 stipulating capital punishment and confiscation of  
25 assets for a wide variety of ‘crimes against the revo-  
26 lution,’ including defection, attempted defection,

1 slander of the policies of the Party or State, listen-  
2 ing to foreign broadcasts, writing ‘reactionary’ let-  
3 ters, and possessing reactionary printed matter”.

4 (6) The Government of North Korea executes  
5 political prisoners, opponents of the regime, some re-  
6 patriated defectors, some members of unsanctioned  
7 churches, and other citizens, sometimes at public  
8 meetings attended by workers, students, and school-  
9 children.

10 (7) The Government of North Korea holds an  
11 estimated 200,000 political prisoners in camps that  
12 its State Security Agency manages through the use  
13 of forced labor, beatings, torture, and executions,  
14 and in which many prisoners also die from disease,  
15 starvation, and exposure.

16 (8) According to eyewitness testimony provided  
17 to Congress by survivors of camps in North Korea,  
18 camp inmates have been used as sources of slave  
19 labor for the production of export goods, as targets  
20 for martial arts practice, and as experimental vic-  
21 tims in the testing of chemical and biological poi-  
22 sons.

23 (9) According to credible reports, including eye-  
24 witness testimony provided to Congress, North  
25 Korea Government officials prohibit live births in

1 prison camps, and forced abortion and infanticide  
2 are standard prison practices.

3 (10) According to the Department of State,  
4 “[g]enuine religious freedom does not exist in North  
5 Korea,” and, according to the United States Com-  
6 mission on International Religious Freedom, “[t]he  
7 North Korean state severely represses public and  
8 private religious activities” with penalties that re-  
9 portedly include arrest, imprisonment, torture, and  
10 sometimes execution.

11 (11) More than 2,000,000 North Koreans are  
12 estimated to have died of starvation since the early  
13 1990s because of the failure of the centralized agri-  
14 cultural and public distribution systems operated by  
15 the Government of North Korea.

16 (12) According to a 2002 survey sponsored by  
17 the United Nations and the European Union, nearly  
18 1 out of every 10 children in North Korea suffers  
19 from acute malnutrition and 4 out of every 10 chil-  
20 dren in North Korea are chronically malnourished.

21 (13) Since 1995, the United States has pro-  
22 vided more than 2,000,000 tons of humanitarian  
23 food assistance to the people of North Korea, pri-  
24 marily through the World Food Program.

1           (14) Although United States food assistance  
2           has undoubtedly saved the lives of many North Ko-  
3           reans and there have been minor improvements in  
4           transparency relating to the distribution of such as-  
5           sistance in North Korea, the Government of North  
6           Korea continues to deny the World Food Program  
7           the access necessary to properly monitor the delivery  
8           of food aid, including the ability to conduct random  
9           site visits, the use of native Korean-speaking em-  
10          ployees, and travel access throughout North Korea.

11          (15) The risk of starvation, the threat of perse-  
12          cution, and the lack of freedom and opportunity in  
13          North Korea have caused hundreds of thousands of  
14          North Koreans to flee their homeland, primarily into  
15          China.

16          (16) North Korean women and girls, particu-  
17          larly those who have fled into China, are at risk of  
18          being kidnapped, trafficked, and sexually exploited  
19          inside China, where many are sold as brides or con-  
20          cubines or forced to work as prostitutes.

21          (17) The Governments of China and North  
22          Korea have been conducting aggressive campaigns to  
23          locate North Koreans who are in China without per-  
24          mission and to forcibly return them to North Korea,

1 where they routinely face torture and imprisonment,  
2 and sometimes execution.

3 (18) Despite China's obligations as a party to  
4 the United Nations Convention Relating to the Sta-  
5 tus of Refugees of 1951 and the Protocol Relating  
6 to the Status of Refugees of 1967, China routinely  
7 classifies North Koreans seeking asylum in China as  
8 "economic migrants" and returns them to North  
9 Korea without regard to the serious threat of perse-  
10 cution they face upon their return.

11 (19) The Government of China does not provide  
12 North Koreans whose asylum requests are rejected  
13 a right to have the rejection reviewed prior to depor-  
14 tation despite its obligations under the United Na-  
15 tions Convention Relating to the Status of Refugees  
16 of 1951 and the Protocol Relating to the Status of  
17 Refugees of 1967.

18 (20) The Government of China has detained,  
19 convicted, and imprisoned foreign aid workers at-  
20 tempting to assist North Korean refugees, including  
21 the Reverend Choi Bong Il and Mr. Kim Hee Tae,  
22 in proceedings that did not comply with Chinese law  
23 or international standards.

24 (21) In January 2000, North Korean agents in-  
25 side China allegedly abducted the Reverend Kim

1 Dong-shik, a United States permanent resident and  
2 advocate for North Korean refugees, whose condition  
3 and whereabouts remain unknown.

4 (22) Between 1994 and 2003, South Korea ad-  
5 mitted approximately 3,800 North Korean refugees  
6 for domestic resettlement, a number that is small in  
7 comparison with the total number of North Korean  
8 refugees.

9 (23) Although the principal responsibility for  
10 North Korean refugee resettlement falls to the Gov-  
11 ernment of South Korea, the United States should  
12 play a leadership role in focusing international at-  
13 tention on the plight of these refugees, formulating  
14 international solutions to the profound humanitarian  
15 problem, and making arrangements to accept a cred-  
16 ible number of refugees for domestic resettlement.

17 (24) In addition to infringing the rights of its  
18 own citizens, the Government of North Korea has  
19 been responsible in years past for the abduction of  
20 numerous citizens of South Korea and Japan, whose  
21 condition and whereabouts remain unknown.

22 **SEC. 1003. PURPOSES.**

23 The purposes of this title are—

24 (1) to promote respect for and protection of  
25 fundamental human rights in North Korea;

1           (2) to promote a more durable humanitarian so-  
2           lution to the plight of North Korean refugees;

3           (3) to promote increased monitoring, access,  
4           and transparency in the provision of humanitarian  
5           assistance inside North Korea;

6           (4) to promote the free flow of information into  
7           and out of North Korea; and

8           (5) to promote progress toward the peaceful re-  
9           unification of the Korean peninsula under a demo-  
10          cratic system of government.

11 **SEC. 1004. DEFINITIONS.**

12          In this title:

13           (1) The term “appropriate congressional com-  
14           mittees” means the Committee on Foreign Relations  
15           and the Select Committee on Intelligence of the Sen-  
16           ate and the Committee on International Relations  
17           and the Permanent Select Committee on Intelligence  
18           of the House of Representatives.

19           (2) The term “China” means the People’s Re-  
20           public of China.

21           (3) The term “North Korea” means the Demo-  
22           cratic People’s Republic of Korea.

23           (4) The term “North Koreans” means persons  
24           who are natives or citizens of North Korea.

1           (5) The term “political offenses” means crimes  
2           that are designed to prevent free speech, free exer-  
3           cise of religion, opposition to the government, free  
4           travel and movement, or other similar offenses.

5           **Subtitle A—Protecting the Human**  
6           **Rights of North Koreans**

7           **SEC. 1011. REPORTS.**

8           (a) PRISON AND LABOR CAMPS.—

9           (1) CLASSIFIED REPORT.—Not later than 90  
10          days after the date of the enactment of this Act, the  
11          Secretary of State, in cooperation with the Director  
12          of Central Intelligence and the heads of other rel-  
13          evant intelligence agencies, shall submit to the ap-  
14          propriate congressional committees a report in clas-  
15          sified form on the North Korean prison and labor  
16          camp system. The report shall particularly focus on  
17          any prisons or labor camps that are used to house  
18          persons for political offenses. The report shall in-  
19          clude information on—

20                   (A) offenses for which prisoners are sent to  
21                   prison;

22                   (B) torture;

23                   (C) forced labor;

24                   (D) medical experimentation;

25                   (E) indoctrination and reeducation;

1 (F) executions; and

2 (G) the adequacy or inadequacy of food,  
3 water, and sanitation.

4 (2) UNCLASSIFIED REPORT.—No later than 30  
5 days after the date on which the report is submitted  
6 pursuant to paragraph (1), the Secretary of State  
7 shall submit to Congress an unclassified version of  
8 the report. The report shall include unclassified sat-  
9 ellite photography of any prisons and labor camps  
10 described in the report.

11 (b) DEFECTORS.—

12 (1) CLASSIFIED REPORT.—Not later than 90  
13 days after the date of the enactment of this Act, the  
14 Secretary of State, in cooperation with the Director  
15 of Central Intelligence and the heads of other rel-  
16 evant intelligence agencies, shall submit to the ap-  
17 propriate congressional committees a classified re-  
18 port describing United States Government policy  
19 with respect to meeting the humanitarian needs of,  
20 and gathering information from, North Korean de-  
21 fectors, and explaining the reasons for those policies.

22 (2) UNCLASSIFIED REPORT.—Not later than 30  
23 days after the date on which the report is submitted  
24 pursuant to paragraph (1), the Secretary of State  
25 shall submit to Congress an unclassified version of

1 the report. The report shall include information  
2 on—

3 (A) the number of North Korean defectors  
4 who have been identified;

5 (B) the countries or regions to which these  
6 defectors have fled;

7 (C) the estimated total number of North  
8 Korean defectors; and

9 (D) the reasons why the Department of  
10 State has never identified North Koreans, par-  
11 ticularly high level defectors, as a Priority 2  
12 group of special concern, as defined by the Sec-  
13 retary of State, for expedited consideration in  
14 the United States refugee program.

15 (c) IMMIGRATION.—

16 (1) IMMIGRATION INFORMATION.—Not later  
17 than 1 year after the date of the enactment of this  
18 Act, and every 12 months thereafter for each of the  
19 following 5 years, the Secretary of State and the  
20 Secretary of Homeland Security shall submit a joint  
21 report to the appropriate congressional committees,  
22 which shall include—

23 (A) the number of aliens who are natives  
24 or citizens of North Korea who were granted  
25 political asylum;

1 (B) the number of aliens who are natives  
2 or citizens of North Korea who applied for ref-  
3 ugee status and the number who were granted  
4 refugee status; and

5 (C) what steps the United States can take  
6 to facilitate the immigration of North Koreans  
7 into the United States.

8 (2) COUNTRIES OF PARTICULAR CONCERN.—

9 The President shall include in each annual report on  
10 proposed refugee admission pursuant to section  
11 207(d) of the Immigration and Nationality Act (8  
12 U.S.C. 1157(d)), information about specific meas-  
13 ures taken to facilitate access to the United States  
14 refugee program for individuals who have fled coun-  
15 tries of particular concern, as defined by the Sec-  
16 retary of Homeland Security, for violations of reli-  
17 gious freedom pursuant to section 402(b) of the  
18 International Religious Freedom Act of 1998 (22  
19 U.S.C. 6442(b)). The report shall include, for each  
20 country of particular concern, a description of access  
21 of the nationals or former habitual residents of that  
22 country to a refugee determination on the basis of—

23 (A) referrals by external agencies to a ref-  
24 ugee adjudication;

1 (B) groups deemed to be of special human-  
2 itarian concern to the United States for pur-  
3 poses of refugee resettlement; and

4 (C) family links to the United States.

5 **SEC. 1012. ROLE OF THE UNITED NATIONS.**

6 (a) SENSE OF CONGRESS.—It is the sense of Con-  
7 gress that—

8 (1) the United Nations has a significant role to  
9 play in promoting and improving human rights in  
10 North Korea;

11 (2) the adoption by the United Nations Com-  
12 mission on Human Rights of Resolution 2003/10 on  
13 the situation of human rights in North Korea was  
14 a positive step; and

15 (3) the severe human rights violations within  
16 North Korea warrant country-specific attention and  
17 reporting by—

18 (A) the United Nations Working Group on  
19 Arbitrary Detention;

20 (B) the United Nations Working Group on  
21 Enforced and Involuntary Disappearances;

22 (C) the Special Rapporteur on  
23 Extrajudicial, Summary or Arbitrary Execu-  
24 tions;

1 (D) the Special Rapporteur on the Right  
2 to Food;

3 (E) the Special Rapporteur on the Pro-  
4 motion and Protection of the Right to Freedom  
5 of Opinion and Expression;

6 (F) the Special Rapporteur on Freedom of  
7 Religion or Belief; and

8 (G) the Special Rapporteur on Violence  
9 Against Women.

10 (b) THE UNITED NATIONS HIGH COMMISSIONER  
11 FOR REFUGEES.—It is the sense of Congress that—

12 (1) the United Nations High Commissioner for  
13 Refugees (UNHCR) should monitor and issue a re-  
14 port on the situation of North Korean refugees in  
15 China and provide assistance to those refugees;

16 (2) the Government of China should provide the  
17 UNHCR with access to any North Koreans inside  
18 its borders to enable the UNHCR to determine  
19 whether they are refugees and whether they require  
20 assistance, as required by Article III, paragraph 5 of  
21 the Agreement on the upgrading of the UNHCR  
22 Mission in the People's Republic of China to  
23 UNHCR branch office in the People's Republic of  
24 China signed at Geneva, December 1, 1995 (referred

1 to in this section as the “UNHCR Mission Agree-  
2 ment”);

3 (3) the Government of China should not pro-  
4 hibit such access by unilaterally declaring all North  
5 Koreans inside of China to be “economic migrants”  
6 and not refugees fleeing persecution; and

7 (4) should the Government of China fail to pro-  
8 vide the UNHCR full access to all North Koreans  
9 within its borders, the UNHCR should initiate arbi-  
10 tration proceedings pursuant to Article XVI of the  
11 UNHCR Mission Agreement and appoint an arbi-  
12 trator for the UNHCR.

13 **SEC. 1013. RELIGIOUS PERSECUTION IN NORTH KOREA.**

14 It is the sense of Congress that, not later than 1 year  
15 after the date of the enactment of this Act, the United  
16 States Commission on International Religious Freedom  
17 should hold informational hearings in the United States  
18 on—

19 (1) the status of religious persecution in North  
20 Korea; and

21 (2) the steps the United States, other nations,  
22 and international organizations such as the United  
23 Nations can take to expand the free practice of reli-  
24 gion in North Korea.

1 **SEC. 1014. HUMANITARIAN AND FOOD ASSISTANCE TO**  
2 **NORTH KOREANS.**

3 (a) REPORT.—

4 (1) IN GENERAL.—Not later than 180 days  
5 after the date of the enactment of this Act, and in  
6 each of the 2 years thereafter, the Administrator of  
7 the United States Agency for International Develop-  
8 ment, in conjunction with the Secretary of State,  
9 shall submit to the appropriate congressional com-  
10 mittees a report that describes—

11 (A) all activities to provide humanitarian  
12 assistance inside North Korea, and to North  
13 Koreans outside of North Korea, that receive  
14 United States funding;

15 (B) any improvements in transparency,  
16 monitoring, and access with respect to the pro-  
17 vision of humanitarian assistance inside North  
18 Korea during the previous 1-year period, includ-  
19 ing any progress made toward meeting the con-  
20 ditions identified in paragraphs (1) through (4)  
21 of section 1032(a); and

22 (C) specific efforts to secure improved  
23 transparency, monitoring, and access with re-  
24 spect to humanitarian assistance provided in-  
25 side North Korea by the United States and  
26 United States grantees, including the World

1 Food Program, during the previous 1-year pe-  
2 riod.

3 (2) FORM.—The information required by para-  
4 graph (1)(A) may be provided in classified form.

5 (b) HUMANITARIAN ASSISTANCE THROUGH NON-  
6 GOVERNMENTAL AND INTERNATIONAL ORGANIZA-  
7 TIONS.—

8 (1) ASSISTANCE.—The President is authorized  
9 to provide assistance, including in the form of  
10 grants, to the World Food Program and to United  
11 States nongovernmental organizations for the pur-  
12 pose of providing humanitarian assistance to North  
13 Koreans inside North Korea.

14 (2) SENSE OF CONGRESS.—It is the sense of  
15 Congress that—

16 (A) substantial increases above current lev-  
17 els of United States support for humanitarian  
18 assistance provided inside North Korea should  
19 be conditioned upon substantial improvements  
20 in transparency, monitoring, and access to vul-  
21 nerable populations throughout North Korea;  
22 and

23 (B) significant improvements in those  
24 areas are required to justify the appropriation

1 and obligation of the full amounts authorized to  
2 be appropriated by this subsection.

3 (3) AUTHORIZATION OF APPROPRIATIONS.—

4 (A) IN GENERAL.—There are authorized to  
5 be appropriated to the President such sums as  
6 may be necessary for each of the fiscal years  
7 2005 through 2008 to carry out this subsection.

8 (B) AVAILABILITY.—Amounts appro-  
9 priated pursuant to the authorization of appro-  
10 priations under subparagraph (A) shall remain  
11 available until expended.

12 **SEC. 1015. FUNDING FOR HUMAN RIGHTS ORGANIZATIONS.**

13 (a) ASSISTANCE.—The President is authorized to  
14 provide assistance to support organizations or persons  
15 that provide humanitarian assistance or legal assistance  
16 to North Koreans who are outside of North Korea without  
17 the permission of the Government of North Korea.

18 (b) TYPES OF ASSISTANCE.—Assistance provided  
19 under subsection (a) should be used to provide—

20 (1) humanitarian assistance to North Korean  
21 refugees, defectors, migrants, and orphans outside of  
22 North Korea, which may include support for refugee  
23 camps or temporary settlements;

24 (2) legal assistance to North Koreans who are  
25 seeking to apply for refugee status, asylum, parole,

1 or other similar forms of protection and resettlement;  
2 and

3 (3) humanitarian assistance and legal assistance  
4 to North Korean women outside of North  
5 Korea who are victims of trafficking, as defined in  
6 section 103(14) of the Trafficking Victims Protection  
7 Act of 2000 (22 U.S.C. 7102(14)), or are in  
8 danger of being trafficked.

9 (c) AUTHORIZATION OF APPROPRIATIONS.—

10 (1) IN GENERAL.—There are authorized to be  
11 appropriated to the President such sums as may be  
12 necessary for each of the fiscal years 2005 through  
13 2008 to carry out this section.

14 (2) AVAILABILITY.—Amounts appropriated pursuant  
15 to paragraph (1) shall remain available until  
16 expended.

17 **Subtitle B—Promoting North**  
18 **Korean Democracy**

19 **SEC. 1021. RADIO BROADCASTING INTO NORTH KOREA.**

20 (a) SENSE OF CONGRESS.—It is the sense of Congress  
21 that—

22 (1) the United States should facilitate the  
23 unhindered dissemination of information in North  
24 Korea by increasing its support for radio broadcasting  
25 to North Korea; and

1           (2) the Broadcasting Board of Governors  
2           should increase from current levels broadcasts to  
3           North Korea, including broadcasts by Radio Free  
4           Asia and Voice of America, with a goal of providing  
5           12-hour-per-day broadcasting to North Korea.

6           (b) REPORT.—Not later than 120 days after the date  
7           of the enactment of this Act, the Broadcasting Board of  
8           Governors shall submit to the appropriate congressional  
9           committees a report that—

10           (1) describes the status of current United  
11           States broadcasting to North Korea; and

12           (2) outlines a plan for increasing such broad-  
13           casts to 12 hours per day, including a detailed de-  
14           scription of the technical and fiscal requirements  
15           necessary to implement the plan.

16 **SEC. 1022. DISTRIBUTION OF RADIOS TO NORTH KOREANS.**

17           (a) ACTIONS.—The President is authorized to take  
18           such actions as may be necessary to increase the avail-  
19           ability of information inside North Korea by increasing  
20           the availability of sources of information not controlled by  
21           the Government of North Korea, including sources such  
22           as radios capable of receiving broadcasting from outside  
23           North Korea.

24           (b) AUTHORIZATION OF APPROPRIATIONS.—

1           (1) IN GENERAL.—There are authorized to be  
2           appropriated to the President such sums as may be  
3           necessary for each of the fiscal years 2005 through  
4           2008 to carry out subsection (a).

5           (2) AVAILABILITY.—Amounts appropriated pur-  
6           suant to the authorization of appropriations under  
7           paragraph (1) shall remain available until expended.

8           (c) REPORT.—Not later than 1 year after the date  
9           of the enactment of this Act, and in each of the 3 years  
10          thereafter, the Secretary of State, after consultation with  
11          the heads of other appropriate Federal departments and  
12          agencies, shall submit to the appropriate congressional  
13          committees a report in classified form on actions taken  
14          pursuant to this section.

15   **SEC. 1023. SENSE OF CONGRESS REGARDING UNITED**  
16                   **STATES FINANCIAL ASSISTANCE TO ADDRESS**  
17                   **CONDITIONS IN NORTH KOREA.**

18          (a) SENSE OF CONGRESS.—It is the sense of Con-  
19          gress that—

20               (1) countries in the Northeast Asia region, in-  
21               cluding South Korea, should take significant and  
22               public actions to promote human rights in North  
23               Korea, including the actions described in paragraphs  
24               (1) through (6) of section 1032(b); and



1 programs that promote human rights, democracy, rule of  
2 law, and the development of a market economy in North  
3 Korea.

4 (b) AUTHORIZATION OF APPROPRIATIONS.—

5 (1) IN GENERAL.—There are authorized to be  
6 appropriated to the President such sums as may be  
7 necessary for each of the fiscal years 2005 through  
8 2008 to carry out this section.

9 (2) AVAILABILITY.—Amounts appropriated pur-  
10 suant to the authorization of appropriations under  
11 paragraph (1) shall remain available until expended.

## 12 **Subtitle C—Negotiations With** 13 **North Korea**

### 14 **SEC. 1031. SENSE OF CONGRESS REGARDING NEGOTIA-** 15 **TIONS WITH NORTH KOREA.**

16 It is the sense of Congress that the human rights of  
17 North Koreans should remain a key element in future ne-  
18 gotiations between the United States, North Korea, and  
19 other concerned parties in Northeast Asia.

### 20 **SEC. 1032. CONDITIONS FOR UNITED STATES AID AND** 21 **OTHER ASSISTANCE.**

22 (a) HUMANITARIAN ASSISTANCE TO THE GOVERN-  
23 MENT OF NORTH KOREA.—No department, agency, or en-  
24 tity of the United States Government may provide human-  
25 itarian assistance to any department, agency, or entity of

1 the Government of North Korea unless such United States  
2 Government department, agency, or entity certifies in  
3 writing to the appropriate congressional committees that  
4 the Government of North Korea has taken steps to ensure  
5 that—

6 (1) such assistance is delivered, distributed, and  
7 monitored according to internationally recognized  
8 humanitarian standards;

9 (2) such assistance is provided on a needs basis,  
10 and is not used as a political reward or tool of coer-  
11 cion;

12 (3) such assistance reaches the intended bene-  
13 ficiaries, who are informed of the source of the as-  
14 sistance; and

15 (4) humanitarian access to all vulnerable  
16 groups in North Korea is allowed, no matter where  
17 in the country they may be located.

18 (b) NONHUMANITARIAN ASSISTANCE TO THE GOV-  
19 ERNMENT OF NORTH KOREA.—No department, agency,  
20 or entity of the United States Government may provide  
21 nonhumanitarian assistance to any department, agency, or  
22 entity of the Government of North Korea unless such  
23 United States Government department, agency, or entity  
24 certifies in writing to the appropriate congressional com-

1 mittees that the Government of North Korea has made  
2 substantial progress toward—

3           (1) respecting and protecting basic human  
4 rights, including freedom of religion of the people of  
5 North Korea;

6           (2) providing for significant family reunification  
7 between North Koreans and their descendants and  
8 relatives in the United States;

9           (3) fully disclosing all information regarding  
10 citizens of Japan and the Republic of Korea ab-  
11 ducted by the Government of North Korea;

12           (4) allowing such abductees, along with their  
13 families, complete and genuine freedom to leave  
14 North Korea and return to the abductees original  
15 home countries;

16           (5) significantly reforming its prison and labor  
17 camp system, and subjecting such reforms to inde-  
18 pendent international monitoring; and

19           (6) decriminalizing political expression and ac-  
20 tivity.

21       (c) WAIVER.—The President may waive the prohibi-  
22 tions contained in subsections (a) and (b) if, prior to exer-  
23 cising such authority, the President provides the appro-  
24 priate congressional committees with written notice of,  
25 and the justification for, taking such action.

1 **SEC. 1033. TASK FORCE ON NORTH KOREAN CRIMINAL AC-**  
2 **TIVITIES.**

3 (a) ESTABLISHMENT.—The President shall establish  
4 an Interagency Task Force to Monitor and Combat North  
5 Korean Criminal Activities (referred to in this section as  
6 the “Task Force”).

7 (b) MEMBERSHIP.—The Task Force shall be com-  
8 posed of—

9 (1) 2 senior staff members of the Department  
10 of Homeland Security appointed by the Secretary of  
11 Homeland Security;

12 (2) 2 senior staff members of the Department  
13 of State appointed by the Secretary of State;

14 (3) 2 senior staff members of the Department  
15 of Justice appointed by the Attorney General;

16 (4) 2 senior staff members of the Department  
17 of Defense appointed by the Secretary of Defense;

18 (5) 2 senior staff members of the Department  
19 of Treasury appointed by the Secretary of the Treas-  
20 ury; and

21 (6) 2 senior staff members of the Central Intel-  
22 ligence Agency appointed by the Director of Central  
23 Intelligence.

24 (c) DUTIES.—The duties of the Task Force shall in-  
25 clude the following:

1           (1) Not later than 180 days after the date of  
2           the enactment of this Act, delivering to the appro-  
3           priate congressional committees a plan for denying  
4           to the North Korean regime and North Korea Gov-  
5           ernment officials financial benefits from the activi-  
6           ties of Division 39 and any similar or successor enti-  
7           ties.

8           (2) Coordinating United States agency activities  
9           regarding crimes committed by North Koreans, in-  
10          cluding by officials and entities of the Government  
11          of North Korea.

12          (3) Coordinating United States agency coopera-  
13          tion with law enforcement, intelligence, and military  
14          services of foreign countries with respect to crimes  
15          committed by North Koreans.

16          (d) REPORT.—The Task Force shall issue an annual  
17          report to the appropriate congressional committees de-  
18          scribing criminal activities conducted by North Koreans  
19          in the previous year and the response by United States  
20          Government agencies.