

112TH CONGRESS
2D SESSION

H. R. 1464

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 12, 2012

Received; read twice and referred to the Committee on Foreign Relations

AN ACT

To develop a strategy for assisting stateless children from
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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “North Korean Refugee
3 Adoption Act of 2012”.

4 **SEC. 2. SENSE OF CONGRESS.**

5 It is the sense of Congress that—

6 (1) thousands of North Korean children do not
7 have families and are threatened with starvation and
8 disease if they remain in North Korea or as stateless
9 refugees in surrounding countries;

10 (2) thousands of United States citizens would
11 welcome the opportunity to adopt North Korean or-
12 phans living outside North Korea as de jure or de
13 facto stateless refugees; and

14 (3) the Secretary of State and the Secretary of
15 Homeland Security should make every effort to fa-
16 cilitate the immediate care, family reunification, and,
17 if necessary and appropriate, the adoption of any eli-
18 gible North Korean children living outside North
19 Korea as de jure or de facto stateless refugees.

20 **SEC. 3. DEFINITIONS.**

21 In this Act:

22 (1) **FOREIGN-SENDING COUNTRY.**—The term
23 “foreign-sending country”—

24 (A) means—

25 (i) the country of the orphan’s citizen-
26 ship; or

1 (ii) if the orphan is not permanently
 2 residing in the country of citizenship, the
 3 country of the orphan's habitual residence;
 4 and

5 (B) excludes any country to which the or-
 6 phan—

7 (i) travels temporarily; or

8 (ii) travels as a prelude to, or in con-
 9 junction with, his or her adoption or immi-
 10 gration to the United States.

11 (2) HAGUE COUNTRY.—The term “Hague
 12 country” means a country that is a signatory of the
 13 Convention on Protection of Children and Coopera-
 14 tion in Respect of Intercountry Adoption, done at
 15 The Hague on May 29, 1993.

16 (3) NON-HAGUE COUNTRY.—The term “non-
 17 Hague country” means a country that is not a sig-
 18 natory of the Convention on Protection of Children
 19 and Cooperation in Respect of Intercountry Adop-
 20 tion, done at The Hague on May 29, 1993.

21 **SEC. 4. STRATEGY ON ADOPTION OF NORTH KOREAN CHIL-**
 22 **DREN BY UNITED STATES CITIZENS.**

23 (a) IN GENERAL.—The Secretary of State, in con-
 24 sultation with the Secretary of Homeland Security, shall

1 develop a comprehensive strategy for facilitating the adop-
2 tion of North Korean children by United States citizens.

3 (b) CONSIDERATIONS.—In developing the strategy
4 under this section, the Secretary shall—

5 (1) consider the challenges that United States
6 citizens would encounter in attempting to adopt chil-
7 dren from North Korea who are currently living in
8 Hague countries and non-Hague countries regard-
9 less of their legal status in such countries;

10 (2) propose solutions to dealing with the situa-
11 tion in which a North Korean refugee child does not
12 have access to a competent authority in the foreign-
13 sending country;

14 (3) propose solutions to dealing with North Ko-
15 rean refugee children who are not considered habit-
16 ual residents of the countries in which they are lo-
17 cated;

18 (4) evaluate alternative mechanisms for foreign-
19 sending countries to prove that North Korean ref-
20 ugee children are orphans when documentation, such
21 as birth certificates, death certificates of birth par-
22 ents, and orphanage documentation, is missing or
23 destroyed;

24 (5) provide suggestions for working with South
25 Korea to establish pilot programs that identify, pro-

1 vide for the immediate care of, assist in the family
2 reunification of, and assist in the international adop-
3 tion of, orphaned North Korean children living with-
4 in South Korea;

5 (6) provide suggestions for working with inter-
6 national adoption agencies and aid organizations in
7 Asia to identify and establish pilot programs for the
8 identification, immediate care, family reunification,
9 and international adoption of North Korean orphans
10 living outside North Korea as de jure or de facto
11 stateless refugees;

12 (7) identify other nations in which large num-
13 bers of stateless, orphaned children are living who
14 might be helped by international adoption; and

15 (8) propose solutions for assisting orphaned
16 children with Chinese fathers and North Korean
17 mothers who are living in China and have no access
18 to Chinese or North Korean resources.

19 (c) REPORTING REQUIREMENT.—Not later than 180
20 days after the date of the enactment of this Act, the Sec-
21 retary of State shall submit a written report to Congress

- 1 that contains the details of the strategy developed under
- 2 this section.

Passed the House of Representatives September 11,
2012.

Attest:

KAREN L. HAAS,

Clerk.