

112TH CONGRESS
2D SESSION

H. R. 4240

To reauthorize the North Korean Human Rights Act of 2004, and for
other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 22, 2012

Ms. ROS-LEHTINEN (for herself, Mr. BERMAN, Mr. SMITH of New Jersey, Mr. ACKERMAN, Mr. BURTON of Indiana, Mr. FALEOMAVAEGA, Mr. ROHRABACHER, Mr. MANZULLO, Mr. SHERMAN, Mr. ROYCE, Mr. SIRES, Mr. WOLF, Mr. DEUTCH, Mr. CHABOT, Mrs. SCHMIDT, Mr. POE of Texas, Mr. TURNER of New York, Mr. MCGOVERN, Mr. KELLY, Mr. FORTENBERRY, Mr. MEEKS, and Mr. ENGEL) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To reauthorize the North Korean Human Rights Act of
2004, 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 “Ambassador James
5 R. Lilley and Congressman Stephen J. Solarz North
6 Korea Human Rights Reauthorization Act of 2012”.

7 **SEC. 2. FINDINGS.**

8 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 and the North Korean Human Rights Reauthoriza-
4 tion Act of 2008 (Public Law 110–346) were the
5 product of broad, bipartisan consensus regarding the
6 promotion of human rights, transparency in the de-
7 livery of humanitarian assistance, and the impor-
8 tance of refugee protection.

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

15 (3) Although the transition to the leadership of
16 Kim Jong-Un after the death of Kim Jong-Il has in-
17 troduced new uncertainties and possibilities, the fun-
18 damental human rights and humanitarian conditions
19 inside North Korea remain deplorable, North Ko-
20 rean refugees remain acutely vulnerable, and the
21 findings in the 2004 Act and 2008 Reauthorization
22 remain substantially accurate today.

23 (4) Media and nongovernmental organizations
24 have reported a crackdown on unauthorized border
25 crossing during the North Korean leadership transi-

1 tion, including authorization for on-the-spot execu-
2 tion of attempted defectors, as well as an increase
3 in punishments during the 100-day official mourning
4 period after the death of Kim Jong-Il.

5 (5) Notwithstanding high-level advocacy by the
6 United States, the Republic of Korea, and the
7 United Nations High Commissioner for Refugees,
8 China has continued to forcibly repatriate North Ko-
9 reans, including dozens of presumed refugees who
10 were the subject of international humanitarian ap-
11 peals during February and March of 2012.

12 (6) The United States, which has the largest
13 international refugee resettlement program in the
14 world, has resettled 128 North Koreans since pas-
15 sage of the 2004 Act, including 23 North Koreans
16 in fiscal year 2011.

17 (7) In a career of Asia-focused public service
18 that spanned more than half a century, including
19 service as a senior United States diplomat in times
20 and places where there were significant challenges to
21 human rights, Ambassador James R. Lilley also
22 served as a director of the Committee for Human
23 Rights in North Korea until his death in 2009.

24 (8) Following his 18 years of service in the
25 House of Representatives, including as Chairman of

1 the Foreign Affairs Subcommittee on East Asian
2 and Pacific Affairs, Stephen J. Solarz committed
3 himself to, in his words, highlighting “the plight of
4 ordinary North Koreans who are denied even the
5 most basic human rights, and the dramatic and
6 heart-rending stories of those who risk their lives in
7 the struggle to escape what is certainly the world’s
8 worst nightmare”, and served as co-chairman of the
9 Committee for Human Rights in North Korea until
10 his death in 2010.

11 **SEC. 3. SENSE OF CONGRESS.**

12 It is the sense of Congress that—

13 (1) the United States should continue to seek
14 cooperation from foreign governments to allow the
15 United States to process North Korean refugees
16 overseas for resettlement in the United States,
17 through persistent diplomacy by senior officials of
18 the United States, including United States ambas-
19 sadors to Asia-Pacific countries, and close coopera-
20 tion with its ally, the Republic of Korea; and

21 (2) because there are genuine refugees among
22 North Koreans fleeing into China who face severe
23 punishments upon their forcible return, the United
24 States should urge the People’s Republic of China
25 to—

1 (A) immediately halt its forcible repatri-
2 ation of North Koreans;

3 (B) fulfill its obligations pursuant to the
4 1951 United Nations Convention Relating to
5 the Status of Refugees, the 1967 Protocol Re-
6 lating to the Status of Refugees, and the 1995
7 Agreement on the Upgrading of the UNHCR
8 Mission in the People's Republic of China to
9 UNHCR Branch Office in the People's Repub-
10 lic of China; and

11 (C) allow the United Nations High Com-
12 missioner for Refugees (UNHCR) unimpeded
13 access to North Koreans inside China to deter-
14 mine whether such North Koreans are refugees
15 requiring protection.

16 **SEC. 4. SUPPORT FOR HUMAN RIGHTS AND DEMOCRACY**
17 **PROGRAMS.**

18 Section 102(b)(1) of the North Korean Human
19 Rights Act of 2004 (22 U.S.C. 7812(b)(1)) is amended
20 by striking “2012” and inserting “2017”.

21 **SEC. 5. RADIO BROADCASTING TO NORTH KOREA.**

22 Not later than 120 days after the date of the enact-
23 ment of this Act, the Broadcasting Board of Governors
24 (BBG) shall submit to the appropriate congressional com-
25 mittees, as defined in section 5(1) of the North Korean

1 Human Rights Act of 2004 (22 U.S.C. 7803(1)), a report
2 that describes the status and content of current United
3 States broadcasting to North Korea and the extent to
4 which the BBG has achieved the goal of 12-hour-per-day
5 broadcasting to North Korea pursuant to section 103 of
6 such Act (22 U.S.C. 7813).

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

9 Subsections (b)(1) and (c) of section 104 of the
10 North Korean Human Rights Act of 2004 (22 U.S.C.
11 7814) is amended by striking “2012” and inserting
12 “2017” each place it appears.

13 **SEC. 7. SPECIAL ENVOY ON NORTH KOREAN HUMAN**
14 **RIGHTS ISSUES.**

15 Section 107(d) of the North Korean Human Rights
16 Act of 2004 (22 U.S.C. 7817(d)) by striking “2012” and
17 inserting “2017”.

18 **SEC. 8. REPORT ON UNITED STATES HUMANITARIAN AS-**
19 **SISTANCE.**

20 Section 201(a) of the North Korean Human Rights
21 Act of 2004 (22 U.S.C. 7831(a)) is amended, in the mat-
22 ter preceding paragraph (1), by striking “2012” and in-
23 serting “2017”.

1 **SEC. 9. ASSISTANCE PROVIDED OUTSIDE OF NORTH**
2 **KOREA.**

3 Section 203(c)(1) of the North Korean Human
4 Rights Act of 2004 (22 U.S.C. 7833(c)(1)) is amended
5 by striking “2012” and inserting “2017”.

6 **SEC. 10. ANNUAL REPORTS.**

7 Section 305(a) of the North Korean Human Rights
8 Act of 2004 (22 U.S.C. 7845(a)) is amended, in the mat-
9 ter preceding paragraph (1) by striking “2012” and in-
10 serting “2017”.

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