

112TH CONGRESS
2D SESSION

H. R. 4240

IN THE SENATE OF THE UNITED STATES

MAY 16, 2012

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

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Ambassador James
3 R. Lilley and Congressman Stephen J. Solarz North
4 Korea Human Rights Reauthorization Act of 2012”.

5 **SEC. 2. FINDINGS.**

6 Congress finds the following:

7 (1) The North Korean Human Rights Act of
8 2004 (Public Law 108–333; 22 U.S.C. 7801 et seq.)
9 and the North Korean Human Rights Reauthoriza-
10 tion Act of 2008 (Public Law 110–346) were the
11 product of broad, bipartisan consensus regarding the
12 promotion of human rights, transparency in the de-
13 livery of humanitarian assistance, and the impor-
14 tance of refugee protection.

15 (2) In addition to the longstanding commitment
16 of the United States to refugee and human rights
17 advocacy, the United States is home to the largest
18 Korean population outside of northeast Asia, and
19 many in the two-million strong Korean-American
20 community have family ties to North Korea.

21 (3) Although the transition to the leadership of
22 Kim Jong-Un after the death of Kim Jong-Il has in-
23 troduced new uncertainties and possibilities, the fun-
24 damental human rights and humanitarian conditions
25 inside North Korea remain deplorable, North Ko-
26 rean refugees remain acutely vulnerable, and the

1 findings in the 2004 Act and 2008 Reauthorization
2 remain substantially accurate today.

3 (4) Media and nongovernmental organizations
4 have reported a crackdown on unauthorized border
5 crossing during the North Korean leadership transi-
6 tion, including authorization for on-the-spot execu-
7 tion of attempted defectors, as well as an increase
8 in punishments during the 100-day official mourning
9 period after the death of Kim Jong-Il.

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

17 (6) The United States, which has the largest
18 international refugee resettlement program in the
19 world, has resettled 128 North Koreans since pas-
20 sage of the 2004 Act, including 23 North Koreans
21 in fiscal year 2011.

22 (7) In a career of Asia-focused public service
23 that spanned more than half a century, including
24 service as a senior United States diplomat in times
25 and places where there were significant challenges to

1 human rights, Ambassador James R. Lilley also
2 served as a director of the Committee for Human
3 Rights in North Korea until his death in 2009.

4 (8) Following his 18 years of service in the
5 House of Representatives, including as Chairman of
6 the Foreign Affairs Subcommittee on East Asian
7 and Pacific Affairs, Stephen J. Solarz committed
8 himself to, in his words, highlighting “the plight of
9 ordinary North Koreans who are denied even the
10 most basic human rights, and the dramatic and
11 heart-rending stories of those who risk their lives in
12 the struggle to escape what is certainly the world’s
13 worst nightmare”, and served as co-chairman of the
14 Committee for Human Rights in North Korea until
15 his death in 2010.

16 **SEC. 3. SENSE OF CONGRESS.**

17 It is the sense of Congress that—

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

1 (2) because there are genuine refugees among
2 North Koreans fleeing into China who face severe
3 punishments upon their forcible return, the United
4 States should urge the People’s Republic of China
5 to—

6 (A) immediately halt its forcible repatri-
7 ation of North Koreans;

8 (B) fulfill its obligations pursuant to the
9 1951 United Nations Convention Relating to
10 the Status of Refugees, the 1967 Protocol Re-
11 lating to the Status of Refugees, and the 1995
12 Agreement on the Upgrading of the UNHCR
13 Mission in the People’s Republic of China to
14 UNHCR Branch Office in the People’s Repub-
15 lic of China; and

16 (C) allow the United Nations High Com-
17 missioner for Refugees (UNHCR) unimpeded
18 access to North Koreans inside China to deter-
19 mine whether such North Koreans are refugees
20 requiring protection.

21 **SEC. 4. SUPPORT FOR HUMAN RIGHTS AND DEMOCRACY**
22 **PROGRAMS.**

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

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

2 Not later than 120 days after the date of the enact-
3 ment of this Act, the Broadcasting Board of Governors
4 (BBG) shall submit to the appropriate congressional com-
5 mittees, as defined in section 5(1) of the North Korean
6 Human Rights Act of 2004 (22 U.S.C. 7803(1)), a report
7 that describes the status and content of current United
8 States broadcasting to North Korea and the extent to
9 which the BBG has achieved the goal of 12-hour-per-day
10 broadcasting to North Korea pursuant to section 103 of
11 such Act (22 U.S.C. 7813).

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

14 Subsections (b)(1) and (c) of section 104 of the
15 North Korean Human Rights Act of 2004 (22 U.S.C.
16 7814) is amended by striking “2012” and inserting
17 “2017” each place it appears.

18 **SEC. 7. SPECIAL ENVOY ON NORTH KOREAN HUMAN**
19 **RIGHTS ISSUES.**

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

23 **SEC. 8. REPORT ON UNITED STATES HUMANITARIAN AS-**
24 **SISTANCE.**

25 Section 201(a) of the North Korean Human Rights
26 Act of 2004 (22 U.S.C. 7831(a)) is amended, in the mat-

1 ter preceding paragraph (1), by striking “2012” and in-
2 serting “2017”.

3 **SEC. 9. ASSISTANCE PROVIDED OUTSIDE OF NORTH**
4 **KOREA.**

5 Section 203(c)(1) of the North Korean Human
6 Rights Act of 2004 (22 U.S.C. 7833(c)(1)) is amended—

7 (1) by striking “\$20,000,000” and inserting
8 “\$5,000,000”; and

9 (2) by striking “2005 through 2012” and in-
10 serting “2013 through 2017”.

11 **SEC. 10. ANNUAL REPORTS.**

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

Passed the House of Representatives May 15, 2012.

Attest:

KAREN L. HAAS,

Clerk.