

Calendar No. 458

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

JULY 18, 2012

Reported by Mr. KERRY, without amendment

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,*

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:

9 (1) The North Korean Human Rights Act of
10 2004 (Public Law 108–333; 22 U.S.C. 7801 et seq.)

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

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

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

21 (4) Media and nongovernmental organizations
22 have reported a crackdown on unauthorized border
23 crossing during the North Korean leadership transi-
24 tion, including authorization for on-the-spot execu-
25 tion of attempted defectors, as well as an increase

1 in punishments during the 100-day official mourning
2 period after the death of Kim Jong-Il.

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

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

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

22 (8) Following his 18 years of service in the
23 House of Representatives, including as Chairman of
24 the Foreign Affairs Subcommittee on East Asian
25 and Pacific Affairs, Stephen J. Solarz committed

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

9 **SEC. 3. SENSE OF CONGRESS.**

10 It is the sense of Congress that—

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

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

24 (A) immediately halt its forcible repatri-
25 ation of North Koreans;

(B) 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

(C) allow the United Nations High Commissioner for Refugees (UNHCR) unimpeded access to North Koreans inside China to determine whether such North Koreans are refugees requiring protection.

SEC. 4. SUPPORT FOR HUMAN RIGHTS AND DEMOCRACY PROGRAMS.

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

SEC. 5. RADIO BROADCASTING TO NORTH KOREA.

Not later than 120 days after the date of the enactment of this Act, the Broadcasting Board of Governors (BBG) shall submit to the appropriate congressional committees, as defined in section 5(1) of the North Korean Human Rights Act of 2004 (22 U.S.C. 7803(1)), a report that describes the status and content of current United

1 States broadcasting to North Korea and the extent to
2 which the BBG has achieved the goal of 12-hour-per-day
3 broadcasting to North Korea pursuant to section 103 of
4 such Act (22 U.S.C. 7813).

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

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

11 **SEC. 7. SPECIAL ENVOY ON NORTH KOREAN HUMAN**
12 **RIGHTS ISSUES.**

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

16 **SEC. 8. REPORT ON UNITED STATES HUMANITARIAN AS-**
17 **SISTANCE.**

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

22 **SEC. 9. ASSISTANCE PROVIDED OUTSIDE OF NORTH**
23 **KOREA.**

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

1 (1) by striking “\$20,000,000” and inserting
2 “\$5,000,000”; and

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

5 **SEC. 10. ANNUAL REPORTS.**

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

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