

# TO REAUTHORIZE THE NORTH KOREAN HUMAN RIGHTS ACT OF 2004, AND FOR OTHER PURPOSES

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## MARKUP BEFORE THE COMMITTEE ON FOREIGN AFFAIRS HOUSE OF REPRESENTATIVES ONE HUNDRED TWELFTH CONGRESS

SECOND SESSION

ON

**H.R. 4240**

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MARCH 28, 2012

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**Serial No. 112-136**

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**TO REAUTHORIZE THE NORTH KOREAN  
HUMAN RIGHTS ACT OF 2004, AND FOR  
OTHER PURPOSES**

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**WEDNESDAY, MARCH 28, 2012**

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON FOREIGN AFFAIRS,  
*Washington, DC.*

The committee met, pursuant to notice, at 10 o'clock a.m., in room 2172 Rayburn House Office Building, Hon. Ileana Ros-Lehtinen (chairman of the committee) presiding.

Chairman ROS-LEHTINEN. The committee will come to order.

Before starting the hearing, pursuant to notice, we meet to mark up H.R. 4240, the Ambassador James R. Lilley and Congressman Stephen J. Solarz North Korea Human Rights Reauthorization Act of 2012. All of you were provided with the text of that strongly bipartisan bill that Mr. Berman and I introduced last week, along with 18 of our committee colleagues and the co-chairs of the Tom Lantos Human Rights Commission.

Without objection, H.R. 4240 is considered read and open for amendment at any point.

[H.R. 4240 follows:]

112TH CONGRESS  
2D SESSION

# H. R. 4240

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

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## 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. FALBOMAVAEGA, 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

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## 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(e)(1) of the North Korean Human  
 4 Rights Act of 2004 (22 U.S.C. 7833(e)(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”.

○

Chairman ROS-LEHTINEN. As indicated to all of your offices earlier this week, so that we can proceed directly to a vote, I intend to place my own statement on the bill into the record, and without objection all members may have 5 days to place statements on H.R. 4240 into the record.

I will recognize Mr. Berman for remarks that he would like to make.

Mr. BERMAN. Thank you very much, Madam Chairman, for introducing the bill, for scheduling it for its markup.

I strongly support the reauthorization and will take advantage of your leave that was granted to include my statement in the record.

Chairman ROS-LEHTINEN. Thank you so much, Mr. Berman. And hearing no amendments to this measure, the question occurs on agreeing to H.R. 4240 as amended.

All those in favor, say aye.

[Chorus of ayes.]

Chairman ROS-LEHTINEN. All those opposed, no.

[No response.]

Chairman ROS-LEHTINEN. In the opinion of the Chair, the ayes have it and the bill is agreed to.

Without objection, H.R. 4240 is ordered favorably reported, and staff is directed to make any technical and conforming changes. The markup is adjourned.

[Whereupon, a 10:06 a.m., the committee proceeded to other business.]

## A P P E N D I X

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MATERIAL SUBMITTED FOR THE RECORD

**FULL COMMITTEE MARKUP NOTICE**  
**COMMITTEE ON FOREIGN AFFAIRS**  
U.S. HOUSE OF REPRESENTATIVES  
WASHINGTON, D.C. 20515-0128

**Ileana Ros-Lehtinen (R-FL), Chairman**

March 26, 2012

You are respectfully requested to attend an OPEN hearing and markup of the Committee on Foreign Affairs, to be held in Room 2172 of the Rayburn House Office Building **(and available live, via the WEBCAST link on the Committee website at <http://www.hcfa.house.gov>)**:

**DATE:** March 28, 2012

**TIME:** 10:00 a.m.

**MARKUP OF:** H.R. 4240, To reauthorize the North Korean Human Rights Act of 2004, and for other purposes.

**By Direction of the Chairman**

*The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202-225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.*



**COMMITTEE ON FOREIGN AFFAIRS**  
MINUTES OF FULL COMMITTEE MARKUP

Day Wednesday Date 3/28/12 Room 2172 RHOB

Starting Time 10:00 a.m. Ending Time 10:06 a.m.

Recesses ☐ (\_\_\_\_ to \_\_\_\_) (\_\_\_\_ to \_\_\_\_) (\_\_\_\_ to \_\_\_\_) (\_\_\_\_ to \_\_\_\_) (\_\_\_\_ to \_\_\_\_) (\_\_\_\_ to \_\_\_\_)

Presiding Member(s)

*Rep. Ileana Ros-Lehtinen*

Check all of the following that apply:

Open Session ☐

Executive (closed) Session ☐

Televised ☐

Electronically Recorded (taped) ☐

Stenographic Record ☐

**BILLS FOR MARKUP:** (Include bill number(s) and title(s) of legislation.)

*H.R. 4240, To Reauthorize the North Korean Human Rights Act of 2004, and for other purposes.*

**COMMITTEE MEMBERS PRESENT:**

*Attendance sheet attached.*

**NON-COMMITTEE MEMBERS PRESENT:**

**STATEMENTS FOR THE RECORD:** (List any statements submitted for the record.)

*Rep. Berman*

**ACTIONS TAKEN DURING THE MARKUP:** (Attach copies of legislation and amendments.)

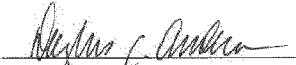
**RECORDED VOTES TAKEN (FOR MARKUP):** (Attach final vote tally sheet listing each member.)

| <u>Subject</u> | <u>Yeas</u> | <u>Nays</u> | <u>Present</u> | <u>Not Voting</u> |
|----------------|-------------|-------------|----------------|-------------------|
|----------------|-------------|-------------|----------------|-------------------|

TIME SCHEDULED TO RECONVENE \_\_\_\_\_

or

TIME ADJOURNED 10:06 a.m.

  
Doug Anderson, General Counsel

Hearing/Briefing Title: H.R. 4240, To reauthorize the North Korean Human Rights Act of 2004Date: 3/28/12

| Present | Member                  |
|---------|-------------------------|
| X       | Ileana Ros-Lehtinen, FL |
| X       | Christopher Smith, NJ   |
| X       | Dan Burton, IN          |
| X       | Elton Gallegly, CA      |
| X       | Dana Rohrabacher, CA    |
| X       | Donald Manzullo, IL     |
| X       | Edward R. Royce, CA     |
| X       | Steve Chabot, OH        |
|         | Ron Paul, TX            |
|         | Mike Pence, IN          |
|         | Joe Wilson, SC          |
|         | Connie Mack, FL         |
| X       | Jeff Fortenberry, NE    |
|         | Michael McCaul, TX      |
| X       | Ted Poe, TX             |
|         | Gus M. Bilirakis, FL    |
| X       | Jean Schmidt, OH        |
|         | Bill Johnson, OH        |
|         | David Rivera, FL        |
| X       | Mike Kelly, PA          |
|         | Tim Griffin, AK         |
|         | Tom Marino, PA          |
|         | Jeff Duncan, SC         |
|         | Ann Marie Buerkle, NY   |
|         | Renee Ellmers, NC       |
| X       | Robert Turner, NY       |

| Present | Member                    |
|---------|---------------------------|
| X       | Howard L. Berman, CA      |
|         | Gary L. Ackerman, NY      |
|         | Eni F.H. Faleomavaega, AS |
|         | Donald M. Payne, NJ       |
| X       | Brad Sherman, CA          |
|         | Eliot Engel, NY           |
|         | Gregory Meeks, NY         |
|         | Russ Carnahan, MO         |
| X       | Albio Sires, NJ           |
| X       | Gerry Connolly, VA        |
|         | Ted Deutch, FL            |
|         | Dennis Cardoza, CA        |
|         | Ben Chandler, KY          |
|         | Brian Higgins, NY         |
|         | Allyson Schwartz, PA      |
|         | Chris Murphy, CT          |
|         | Frederica Wilson, FL      |
| X       | Karen Bass, CA            |
| X       | William Keating, MA       |
|         | David Cicilline, RI       |



Ranking Member Howard L. Berman  
Statement for the Record on H.R. 4240, "The Ambassador James R. Lilley and  
Congressman Stephen J. Solarz North Korea Human Rights Reauthorization Act of 2012"  
March 28, 2012

The human rights situation in North Korea—one of the bleakest on the planet—remains a vital concern of Congress, and H.R. 4240 exemplifies our country's continued commitment to helping the North Korean people. I am very pleased to be the chief Democratic cosponsor of this bipartisan bill, the second reauthorization of the North Korea Human Rights Act.

Millions of innocent North Korean citizens live in desperate conditions, while political, economic and religious freedoms are nonexistent. The United States must continue to work with our close ally South Korea, other friends in the region, and the human rights community to expose the horrendous human rights abuses committed by the regime in Pyongyang and provide assistance to those who have managed to escape the North's brutality.

This important legislation continues support for human rights and democracy programs in North Korea, continues efforts to promote freedom of information there, and extends the Special Envoy for North Korean Human Rights Issues. It also calls on China to halt its forcible repatriation of North Koreans and provide the United Nations High Commissioner for Refugees unimpeded access to North Koreans inside China to determine whether they require protection.

I commend Chairman Ileana Ros-Lehtinen for her continued focus on the human rights situation in North Korea and for working with me in a bipartisan fashion to move this bill through the legislative process.

