

**Suspend the Rules and Pass the Bill, H.R. 4240, With an Amendment**

**(The amendment strikes all after the enacting clause and inserts a new text)**

112<sup>TH</sup> CONGRESS  
2<sup>D</sup> 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. FALEOMAVAEGA, Mr. ROHR-ABACHER, 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”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) The North Korean Human Rights Act of  
4 2004 (Public Law 108–333; 22 U.S.C. 7801 et seq.)  
5 and the North Korean Human Rights Reauthoriza-  
6 tion Act of 2008 (Public Law 110–346) were the  
7 product of broad, bipartisan consensus regarding the  
8 promotion of human rights, transparency in the de-  
9 livery of humanitarian assistance, and the impor-  
10 tance of refugee protection.

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

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

25 (4) Media and nongovernmental organizations  
26 have reported a crackdown on unauthorized border

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

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

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

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

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

13 **SEC. 3. SENSE OF CONGRESS.**

14          It is the sense of Congress that—

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

23               (2) because there are genuine refugees among  
24               North Koreans fleeing into China who face severe  
25               punishments upon their forcible return, the United

1 States should urge the People’s Republic of China  
2 to—

3 (A) immediately halt its forcible repatri-  
4 ation of North Koreans;

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

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

18 **SEC. 4. SUPPORT FOR HUMAN RIGHTS AND DEMOCRACY**  
19 **PROGRAMS.**

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

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

24 Not later than 120 days after the date of the enact-  
25 ment of this Act, the Broadcasting Board of Governors

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

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

11 Subsections (b)(1) and (c) of section 104 of the  
12 North Korean Human Rights Act of 2004 (22 U.S.C.  
13 7814) is amended by striking “2012” and inserting  
14 “2017” each place it appears.

15 **SEC. 7. SPECIAL ENVOY ON NORTH KOREAN HUMAN**  
16 **RIGHTS ISSUES.**

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

20 **SEC. 8. REPORT ON UNITED STATES HUMANITARIAN AS-**  
21 **SISTANCE.**

22 Section 201(a) of the North Korean Human Rights  
23 Act of 2004 (22 U.S.C. 7831(a)) is amended, in the mat-  
24 ter preceding paragraph (1), by striking “2012” and in-  
25 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 (1) by striking “\$20,000,000” and inserting  
6 “\$5,000,000”; and

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

9 **SEC. 10. ANNUAL REPORTS.**

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