

**Suspend the Rules and Pass the Bill, H.R. 3012, With an Amendment**

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

118TH CONGRESS  
1ST SESSION

# H. R. 3012

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

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IN THE HOUSE OF REPRESENTATIVES

APRIL 28, 2023

Mrs. KIM of California (for herself and Mr. BERA) 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 “North Korean Human  
5 Rights Reauthorization Act of 2023”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1           (1) The North Korean Human Rights Act of  
2           2004 (Public Law 108–333; 22 U.S.C. 7801 et seq.)  
3           and subsequent reauthorizations of such Act aimed  
4           to promote the protection of human rights, docu-  
5           mentation of human rights violations, transparency  
6           in the delivery of humanitarian assistance, and the  
7           importance of refugee protection.

8           (2) According to the State Department’s 2023  
9           Country Reports on Human Rights Practices, there  
10          are “widespread reports of political prisoners and  
11          detainees. . . most external estimates were between  
12          80,000 and 120,000; some NGOs placed the figure  
13          as high as 200,000.”

14          (3) North Korea continues to hold a number of  
15          South Koreans and Japanese abducted after the  
16          signing of the Agreement Concerning a Military Ar-  
17          mistice in Korea, signed at Panmunjom July 27,  
18          1953 (commonly referred to as the “Korean War  
19          Armistice Agreement”) and refuses to acknowledge  
20          the abduction of more than 100,000 South Koreans  
21          during the Korean War in violation of the Geneva  
22          Convention.

23          (4) According to the State Department’s 2023  
24          Country Reports on Human Rights Practices, there  
25          are significant human rights violations in North

1 Korea, which include “arbitrary or unlawful killings,  
2 including extrajudicial killings; enforced disappear-  
3 ance; torture or cruel, inhuman, or degrading treat-  
4 ment;. . . and extensive gender based-violence.”

5 (5) The effects of the COVID–19 pandemic and  
6 North Korea’s strict lockdown of its borders and  
7 crackdowns on informal market activities and small  
8 entrepreneurship have drastically increased food in-  
9 security for its people and given rise to famine con-  
10 ditions in parts of the country.

11 (6) North Korea’s COVID–19 border lockdown  
12 measures also include shoot-to-kill orders that have  
13 resulted in the killing of—

14 (A) North Koreans attempting to cross the  
15 border; and

16 (B) at least 1 South Korean official in  
17 September 2020.

18 (7) The Government of the People’s Republic of  
19 China is aiding and abetting North Korea’s human  
20 rights violations by forcibly repatriating North Ko-  
21 rean refugees to North Korea where they are sent to  
22 prison camps, harshly interrogated, and tortured or  
23 executed.

24 (8) The forcible repatriation of North Korean  
25 refugees violates the People’s Republic of China’s

1 freely undertaken obligation to uphold the principle  
2 of non-refoulement, as a state party to the the Con-  
3 vention Relating to the Status of Refugees, done at  
4 Geneva July 28, 1951 (and made applicable by the  
5 Protocol Relating to the Status of Refugees, done at  
6 New York January 31, 1967 (19 UST 6223)).

7 (9) North Korea continues to deny freedom of  
8 religion and persecute religious minorities, especially  
9 Christians and followers of Shaminism. Eyewitnesses  
10 report that Christians in North Korea have been tor-  
11 tured, forcibly detained, and even executed for pos-  
12 sessed a Bible or professing Christianity.

13 (10) The position of Special Envoy on North  
14 Korean Human Rights Issues was vacant from Jan-  
15 uary 2017 to December 2022, even though the  
16 President is required to appoint a Senate-confirmed  
17 Special Envoy to fill this position in accordance with  
18 section 107 of the North Korean Human Rights Act  
19 of 2004 (22 U.S.C. 7817). In January 2023 Presi-  
20 dent Biden nominated Julie Turner as Special  
21 Envoy on North Korean Human Rights and Issues  
22 She was confirmed in July 2023.

23 **SEC. 3. SENSE OF CONGRESS.**

24 It is the sense of Congress that—

1           (1) The human rights and humanitarian condi-  
2           tions within North Korea remain deplorable and  
3           have been intentionally perpetuated against the peo-  
4           ple of North Korea through policies endorsed and  
5           implemented by Kim Jong-un and the Government  
6           of North Korea.

7           (2) promoting information access in North  
8           Korea continues to be a successful method of coun-  
9           tering DPRK propaganda and the United States  
10          Government should continue to support nongovern-  
11          mental radio broadcasting to North Korea and pro-  
12          mote other emerging methods in this space;

13          (3) because refugees among North Koreans  
14          fleeing into the People's Republic of China face se-  
15          vere punishments upon their forcible return, the  
16          United States should urge the Government of the  
17          People's Republic of China—

18                 (A) to immediately halt its forcible repatri-  
19                 ation of North Koreans;

20                 (B) to allow the United Nations High  
21                 Commissioner for Refugees (referred to in this  
22                 section as “UNHCR”) unimpeded access to  
23                 North Koreans within China to determine  
24                 whether they are refugees and require assist-  
25                 ance;

1 (C) to fulfill its obligations as a state party  
2 to the Convention Relating to the Status of  
3 Refugees, done at Geneva July 28, 1951 (and  
4 made applicable by the Protocol Relating to the  
5 Status of Refugees, done at New York January  
6 31, 1967 (19 UST 6223) and the Agreement  
7 on the upgrading of the UNHCR Mission in the  
8 People's Republic of China to UNHCR branch  
9 office in the People's Republic of China, done  
10 at Geneva December 1, 1995;

11 (D) to address the concerns of the United  
12 Nations Committee Against Torture by incor-  
13 porating into domestic legislation the principle  
14 of non-refoulement; and

15 (E) to recognize the legal status of North  
16 Korean women who marry or have children with  
17 Chinese citizens and ensure that all such moth-  
18 ers and children are granted resident status  
19 and access to education and other public serv-  
20 ices in accordance with Chinese law and inter-  
21 national standards;

22 (4) the United States should continue to pro-  
23 mote the effective and transparent delivery and dis-  
24 tribution of any humanitarian aid provided in North  
25 Korea to ensure that such aid reaches its intended

1 recipients to the point of consumption or utilization  
2 by cooperating closely with the Government of the  
3 Republic of Korea and international and nongovern-  
4 mental organizations;

5 (5) the United States currently blocks United  
6 States passports from being used to travel to North  
7 Korea without a special validation from the Depart-  
8 ment of State, and the Department of State should  
9 continue to take steps to increase public awareness  
10 about the risks and dangers of travel by United  
11 States citizens to North Korea;

12 (6) the United Nations has a significant role to  
13 play in promoting and improving human rights in  
14 North Korea and should press for access for the  
15 Special Rapporteur on the situation of human rights  
16 in North Korea, as well as for the United Nations  
17 High Commissioner for Human Rights;

18 (7) North Korea should repeal the Reactionary  
19 Thought and Culture Denunciation Law and other  
20 draconian laws, regulations, and decrees that mani-  
21 festly violate the freedom of opinion and expression  
22 and the freedom of thought, conscience, and religion;

23 (8) the United States should expand the Re-  
24 wards for Justice program to be open to North Ko-  
25 rean officials who can provide evidence of crimes

1 against humanity being committed by North Korean  
2 officials;

3 (9) the United States should continue to seek  
4 cooperation from all foreign governments—

5 (A) to allow the UNHCR access to process  
6 North Korean refugees overseas for resettlement; and  
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8 (B) to allow United States officials access  
9 to process refugees for possible resettlement in  
10 the United States; and

11 (10) the Secretary of State, through diplomacy  
12 by senior officials, including United States ambassadors to Asia-Pacific countries, and in close cooperation with South Korea, should make every effort to promote the protection of North Korean refugees, escapees, and defectors.

17 **SEC. 4. REAUTHORIZATIONS.**

18 (a) SUPPORT FOR HUMAN RIGHTS AND DEMOCRACY  
19 PROGRAMS.—Section 102(b)(1) of the North Korean  
20 Human Rights Act of 2004 (22 U.S.C. 7812(b)(1)) is  
21 amended by striking “2022” and inserting “2028”.

22 (b) ACTIONS TO PROMOTE FREEDOM OF INFORMATION.—Section 104 of the North Korean Human Rights  
23 Act of 2004 (22 U.S.C. 7814) is amended—  
24



1           (1) in subsection (b)(1), by striking “2022”  
2           and inserting “2028”; and

3           (2) in subsection (c), by striking “2022” and  
4           inserting “2028”.

5           (c) REPORT BY SPECIAL ENVOY ON NORTH KOREAN  
6 HUMAN RIGHTS ISSUES.—Section 107(d) of the North  
7 Korean Human Rights Act of 2004 (22 U.S.C. 7817(d))  
8 is amended by striking “2022” and inserting “2028”.

9           (d) REPORT ON UNITED STATES HUMANITARIAN AS-  
10 SISTANCE.—Section 201(a) of the North Korean Human  
11 Rights Act of 2004 (22 U.S.C. 7831(a)) is amended, in  
12 the matter preceding paragraph (1), by striking “2022”  
13 and inserting “2028”.

14          (e) ASSISTANCE PROVIDED OUTSIDE OF NORTH  
15 KOREA.—Section 203 of the North Korean Human Rights  
16 Act of 2004 (22 U.S.C. 7833) is amended—

17           (1) in subsection (b)(2), by striking “103(15)”  
18           and inserting “103(17)”; and

19           (2) in subsection (c)(1), by striking “2018  
20           through 2022” and inserting “2024 through 2028”.

21          (f) ANNUAL REPORTS.—Section 305(a) of the North  
22 Korean Human Rights Act of 2004 (22 U.S.C. 7845(a))  
23 is amended, in the matter preceding paragraph (1) by  
24 striking “2022” and inserting “2028”.

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

3 Title I of the North Korean Human Rights Act of  
4 2004 (22 U.S.C. 7811 et seq.) is amended—

5 (1) in section 103(a), by striking “Broadcasting  
6 Board of Governors” and inserting “United States  
7 Agency for Global Media”; and

8 (2) in section 104(a)—

9 (A) by striking “Broadcasting Board of  
10 Governors” each place such term appears and  
11 inserting “United States Agency for Global  
12 Media”;

13 (B) in paragraph (7)(B)—

14 (i) by redesignating clauses (i)  
15 through (iii) as clauses (ii) through (iv),  
16 respectively;

17 (ii) by inserting before clause (ii), as  
18 so redesignated the following:

19 “(i) an update of the plan required  
20 under subparagraph (A);”; and

21 (iv) in clause (iii), as so redesignated,  
22 by striking “pursuant to section 403” and  
23 inserting “to carry out this section”.

1 **SEC. 6. SPECIAL ENVOY FOR NORTH KOREAN HUMAN**  
2 **RIGHTS ISSUES.**

3 Section 107 of the North Korean Human Rights Act  
4 of 2004 (22 U.S.C. 7817) is amended by adding at the  
5 end the following:

6 “(e) REPORT ON APPOINTMENT OF SPECIAL  
7 ENVOY.—If the position of Special Envoy will remain va-  
8 cant for 1 year or longer without any presidential nomina-  
9 tion to appoint a new Special Envoy, not later than 90  
10 days before the date on which such position becomes va-  
11 cant for 1 year, the Secretary of State shall submit to  
12 the appropriate congressional committees a report that de-  
13 scribes the efforts being taken to appoint a new Special  
14 Envoy.”.

15 **SEC. 7. SENSE OF CONGRESS REGARDING KOREAN AMER-**  
16 **ICAN DIVIDED FAMILIES.**

17 It is the sense of Congress—

18 (1) the United States and North Korea should  
19 begin the process of reuniting Korean-American di-  
20 vided family members with their immediate relatives  
21 through ways such as—

22 (A) identifying divided families in the  
23 United States and North Korea who are willing  
24 and able to participate in a pilot program for  
25 family reunions;

1                   (B) finding matches for members of such  
2 families through organizations such as the Red  
3 Cross; and

4                   (C) working with the Government of South  
5 Korea to include American citizens in inter-Ko-  
6 rean video reunions;

7                   (2) the institution of family is inalienable and  
8 the restoration of contact between divided families  
9 whether physically, literarily, or virtually is an ur-  
10 gent need; and

11                   (3) the United States and North Korea should  
12 pursue reunions as a humanitarian priority of imme-  
13 diate concern.