

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3012
OFFERED BY MRS. KIM OF CALIFORNIA**

Strike all after the enacting clause and insert the following:

1 SEC. 1. SHORT TITLE.

2 This Act may be cited as the “North Korean Human
3 Rights Reauthorization Act of 2023”.

4 SEC. 2. FINDINGS.

5 Congress makes the following findings:

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

13 (2) According to the State Department’s 2023
14 Country Reports on Human Rights Practices, there
15 are “widespread reports of political prisoners and
16 detainees. . . most external estimates were between
17 80,000 and 120,000; some NGOs placed the figure
18 as high as 200,000.”

1 (3) North Korea continues to hold a number of
2 South Koreans and Japanese abducted after the
3 signing of the Agreement Concerning a Military Ar-
4 mistice in Korea, signed at Panmunjom July 27,
5 1953 (commonly referred to as the “Korean War
6 Armistice Agreement”) and refuses to acknowledge
7 the abduction of more than 100,000 South Koreans
8 during the Korean War in violation of the Geneva
9 Convention.

10 (4) According to the State Department’s 2023
11 Country Reports on Human Rights Practices, there
12 are significant human rights violations in North
13 Korea, which include “arbitrary or unlawful killings,
14 including extrajudicial killings; enforced disappear-
15 ance; torture or cruel, inhuman, or degrading treat-
16 ment;. . . and extensive gender based-violence.”

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

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

1 (A) North Koreans attempting to cross the
2 border; and

3 (B) at least 1 South Korean official in
4 September 2020.

5 (7) The Government of the People's Republic of
6 China is aiding and abetting North Korea's human
7 rights violations by forcibly repatriating North Ko-
8 rean refugees to North Korea where they are sent to
9 prison camps, harshly interrogated, and tortured or
10 executed.

11 (8) The forcible repatriation of North Korean
12 refugees violates the People's Republic of China's
13 freely undertaken obligation to uphold the principle
14 of non-refoulement, as a state party to the the Con-
15 vention Relating to the Status of Refugees, done at
16 Geneva July 28, 1951 (and made applicable by the
17 Protocol Relating to the Status of Refugees, done at
18 New York January 31, 1967 (19 UST 6223)).

19 (9) North Korea continues to deny freedom of
20 religion and persecute religious minorities, especially
21 Christians and followers of Shaminism. Eyewitnesses
22 report that Christians in North Korea have been tor-
23 tured, forcibly detained, and even executed for pos-
24 sessed a Bible or professing Christianity.

1 (10) The position of Special Envoy on North
2 Korean Human Rights Issues was vacant from Jan-
3 uary 2017 to December 2022, even though the
4 President is required to appoint a Senate-confirmed
5 Special Envoy to fill this position in accordance with
6 section 107 of the North Korean Human Rights Act
7 of 2004 (22 U.S.C. 7817). In January 2023 Presi-
8 dent Biden nominated Julie Turner as Special
9 Envoy on North Korean Human Rights and Issues
10 She was confirmed in July 2023.

11 **SEC. 3. SENSE OF CONGRESS.**

12 It is the sense of Congress that—

13 (1) The human rights and humanitarian condi-
14 tions within North Korea remain deplorable and
15 have been intentionally perpetuated against the peo-
16 ple of North Korea through policies endorsed and
17 implemented by Kim Jong-un and the Government
18 of North Korea.

19 (2) promoting information access in North
20 Korea continues to be a successful method of coun-
21 tering DPRK propaganda and the United States
22 Government should continue to support nongovern-
23 mental radio broadcasting to North Korea and pro-
24 mote other emerging methods in this space;

1 (3) because refugees among North Koreans
2 fleeing into the People’s Republic of China face se-
3 vere punishments upon their forcible return, the
4 United States should urge the Government of the
5 People’s Republic of China—

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

8 (B) to allow the United Nations High
9 Commissioner for Refugees (referred to in this
10 section as “UNHCR”) unimpeded access to
11 North Koreans within China to determine
12 whether they are refugees and require assist-
13 ance;

14 (C) to fulfill its obligations as a state party
15 to the Convention Relating to the Status of
16 Refugees, done at Geneva July 28, 1951 (and
17 made applicable by the Protocol Relating to the
18 Status of Refugees, done at New York January
19 31, 1967 (19 UST 6223) and the Agreement
20 on the upgrading of the UNHCR Mission in the
21 People’s Republic of China to UNHCR branch
22 office in the People’s Republic of China, done
23 at Geneva December 1, 1995;

24 (D) to address the concerns of the United
25 Nations Committee Against Torture by incor-

1 porating into domestic legislation the principle
2 of non-refoulement; and

3 (E) to recognize the legal status of North
4 Korean women who marry or have children with
5 Chinese citizens and ensure that all such moth-
6 ers and children are granted resident status
7 and access to education and other public serv-
8 ices in accordance with Chinese law and inter-
9 national standards;

10 (4) the United States should continue to pro-
11 mote the effective and transparent delivery and dis-
12 tribution of any humanitarian aid provided in North
13 Korea to ensure that such aid reaches its intended
14 recipients to the point of consumption or utilization
15 by cooperating closely with the Government of the
16 Republic of Korea and international and nongovern-
17 mental organizations;

18 (5) the United States currently blocks United
19 States passports from being used to travel to North
20 Korea without a special validation from the Depart-
21 ment of State, and the Department of State should
22 continue to take steps to increase public awareness
23 about the risks and dangers of travel by United
24 States citizens to North Korea;

1 (6) the United Nations has a significant role to
2 play in promoting and improving human rights in
3 North Korea and should press for access for the
4 Special Rapporteur on the situation of human rights
5 in North Korea, as well as for the United Nations
6 High Commissioner for Human Rights;

7 (7) North Korea should repeal the Reactionary
8 Thought and Culture Denunciation Law and other
9 draconian laws, regulations, and decrees that mani-
10 festly violate the freedom of opinion and expression
11 and the freedom of thought, conscience, and religion;

12 (8) the United States should expand the Re-
13 wards for Justice program to be open to North Ko-
14 rean officials who can provide evidence of crimes
15 against humanity being committed by North Korean
16 officials;

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

19 (A) to allow the UNHCR access to process
20 North Korean refugees overseas for resettle-
21 ment; and

22 (B) to allow United States officials access
23 to process refugees for possible resettlement in
24 the United States; and

1 (10) the Secretary of State, through diplomacy
2 by senior officials, including United States ambas-
3 sadors to Asia-Pacific countries, and in close co-
4 operation with South Korea, should make every ef-
5 fort to promote the protection of North Korean refu-
6 gees, escapees, and defectors.

7 **SEC. 4. REAUTHORIZATIONS.**

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

12 (b) ACTIONS TO PROMOTE FREEDOM OF INFORMA-
13 TION.—Section 104 of the North Korean Human Rights
14 Act of 2004 (22 U.S.C. 7814) is amended—

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

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

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

23 (d) REPORT ON UNITED STATES HUMANITARIAN AS-
24 SISTANCE.—Section 201(a) of the North Korean Human
25 Rights Act of 2004 (22 U.S.C. 7831(a)) is amended, in

1 the matter preceding paragraph (1), by striking “2022”
2 and inserting “2028”.

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

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

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

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

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

16 Title I of the North Korean Human Rights Act of
17 2004 (22 U.S.C. 7811 et seq.) is amended—

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

21 (2) in section 104(a)—

22 (A) by striking “Broadcasting Board of
23 Governors” each place such term appears and
24 inserting “United States Agency for Global
25 Media”;

1 (B) in paragraph (7)(B)—

2 (i) by redesignating clauses (i)
3 through (iii) as clauses (ii) through (iv),
4 respectively;

5 (ii) by inserting before clause (ii), as
6 so redesignated the following:

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

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

12 **SEC. 6. SPECIAL ENVOY FOR NORTH KOREAN HUMAN**
13 **RIGHTS ISSUES.**

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

17 “(e) REPORT ON APPOINTMENT OF SPECIAL
18 ENVOY.—If the position of Special Envoy will remain va-
19 cant for 1 year or longer without any presidential nomina-
20 tion to appoint a new Special Envoy, not later than 90
21 days before the date on which such position becomes va-
22 cant for 1 year, the Secretary of State shall submit to
23 the appropriate congressional committees a report that de-
24 scribes the efforts being taken to appoint a new Special
25 Envoy.”.

1 **SEC. 9. SENSE OF CONGRESS REGARDING KOREAN AMER-**
2 **ICAN DIVIDED FAMILIES.**

3 It is the sense of Congress—

4 (1) the United States and North Korea should
5 begin the process of reuniting Korean-American di-
6 vided family members with their immediate relatives
7 through ways such as—

8 (A) identifying divided families in the
9 United States and North Korea who are willing
10 and able to participate in a pilot program for
11 family reunions;

12 (B) finding matches for members of such
13 families through organizations such as the Red
14 Cross; and

15 (C) working with the Government of South
16 Korea to include American citizens in inter-Ko-
17 rean video reunions;

18 (2) the institution of family is inalienable and
19 the restoration of contact between divided families
20 whether physically, literarily, or virtually is an ur-
21 gent need; and

22 (3) the United States and North Korea should
23 pursue reunions as a humanitarian priority of imme-
24 diate concern.

