

117TH CONGRESS
2D SESSION

S. 4216

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

IN THE SENATE OF THE UNITED STATES

MAY 12, 2022

Mr. RUBIO (for himself and Mr. KAINE) introduced the following bill; which
was read twice and referred to the Committee on Foreign Relations

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 2022”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

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

1 the product of broad, bipartisan consensus regarding
2 the promotion of human rights, documentation of
3 human rights violations, transparency in the delivery
4 of humanitarian assistance, and the importance of
5 refugee protection.

6 (2) The human rights and humanitarian condi-
7 tions within North Korea remain deplorable and
8 have been intentionally perpetuated against the peo-
9 ple of North Korea through policies endorsed and
10 implemented by Kim Jong-un and the Workers'
11 Party of Korea.

12 (3) According to a 2014 report released by the
13 United Nations Human Rights Council's Commis-
14 sion of Inquiry on Human Rights in the Democratic
15 People's Republic of Korea, between 80,000 and
16 120,000 children, women, and men were being held
17 in political prison camps in North Korea, where they
18 were subjected to deliberate starvation, forced labor,
19 executions, torture, rape, forced abortion, and infan-
20 ticide.

21 (4) North Korea continues to hold a number of
22 South Koreans and Japanese abducted after the
23 signing of the Agreement Concerning a Military Ar-
24 mistice in Korea, signed at Panmunjom July 27,
25 1953 (commonly referred to as the "Korean War

1 Armistice Agreement”), and refuses to acknowledge
2 the abduction of more than 100,000 South Koreans
3 during the Korean War in violation of the Geneva
4 Convention.

5 (5) Human rights violations in North Korea,
6 which include forced starvation, sexual violence
7 against women and children, restrictions on freedom
8 of movement, arbitrary detention, torture, execu-
9 tions, and enforced disappearances, amount to
10 crimes against humanity according to the United
11 Nations Commission of Inquiry on Human Rights in
12 the Democratic People’s Republic of Korea.

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

19 (7) North Korea’s COVID–19 border lockdown
20 measures also include shoot-to-kill orders that have
21 resulted in the killing of—

22 (A) North Koreans attempting to cross the
23 border; and

24 (B) at least 1 South Korean citizen in Sep-
25 tember 2020.

1 (8) The Chinese Communist Party and the
2 Government of the People's Republic of China are
3 aiding and abetting in crimes against humanity by
4 forcibly repatriating North Korean refugees to
5 North Korea where they are sent to prison camps,
6 harshly interrogated, and tortured or executed.

7 (9) The forcible repatriation of North Korean
8 refugees violates the People's Republic of China's
9 freely undertaken obligation to uphold the principle
10 of non-refoulement, under the Convention Relating
11 to the Status of Refugees, done at Geneva July 28,
12 1951 (and made applicable by the Protocol Relating
13 to the Status of Refugees, done at New York Janu-
14 ary 31, 1967 (19 UST 6223)).

15 (10) North Korea continues to bar freedom of
16 religion and persecute religious minorities, especially
17 Christians. Eyewitnesses report that Christians in
18 North Korea have been tortured, forcibly detained,
19 and even executed for possessing a Bible or pro-
20 fessing Christianity.

21 (11) United States and international broad-
22 casting operations into North Korea—

23 (A) serve as a critical source of outside
24 news and information for the North Korean
25 people; and

1 (B) provide a valuable service for coun-
2 tering regime propaganda and false narratives.

3 (12) The position of Special Envoy on North
4 Korean Human Rights Issues has been vacant since
5 January 2017, even though the President is required
6 to appoint a Senate-confirmed Special Envoy to fill
7 this position in accordance with section 107 of the
8 North Korean Human Rights Act of 2004 (22
9 U.S.C. 7817).

10 **SEC. 3. SENSE OF CONGRESS.**

11 It is the sense of Congress that—

12 (1) promoting information access in North
13 Korea continues to be a successful method of coun-
14 tering North Korean propaganda;

15 (2) the United States Government should con-
16 tinue to support efforts described in paragraph (1),
17 including by enacting and implementing the Otto
18 Warmbier North Korean Censorship and Surveil-
19 lance Act of 2021, which was introduced by Senator
20 Portman on June 17, 2021;

21 (3) because refugees among North Koreans
22 fleeing into China face severe punishments upon
23 their forcible return, the United States should urge
24 the Government of the People's Republic of China—

1 (A) to immediately halt its forcible repatri-
2 ation of North Koreans;

3 (B) to allow the United Nations High
4 Commissioner for Refugees (referred to in this
5 section as “UNHCR”) unimpeded access to
6 North Koreans within China to determine
7 whether they are refugees and require assist-
8 ance;

9 (C) to fulfill its obligations under the Con-
10 vention Relating to the Status of Refugees,
11 done at Geneva July 28, 1951 (and made appli-
12 cable by the Protocol Relating to the Status of
13 Refugees, done at New York January 31, 1967
14 (19 UST 6223), and the Agreement on the up-
15 grading of the UNHCR Mission in the People’s
16 Republic of China to UNHCR branch office in
17 the People’s Republic of China, done at Geneva
18 December 1, 1995;

19 (D) to address the concerns of the United
20 Nations Committee Against Torture by incor-
21 porating into domestic legislation the principle
22 of non-refoulement; and

23 (E) to recognize the legal status of North
24 Korean women who marry or have children with
25 Chinese citizens and ensure that all such moth-

1 ers and children are granted resident status
2 and access to education and other public serv-
3 ices in accordance with Chinese law and inter-
4 national standards;

5 (4) the United States Government should con-
6 tinue to promote the effective and transparent deliv-
7 ery and distribution of any humanitarian aid pro-
8 vided in North Korea to ensure that such aid
9 reaches its intended recipients to the point of con-
10 sumption or utilization by cooperating closely with
11 the Government of the Republic of Korea and inter-
12 national and nongovernmental organizations;

13 (5) the Department of State should continue to
14 take steps to increase public awareness about the
15 risks and dangers of travel by United States citizens
16 to North Korea, including by continuing its policy of
17 blocking United States passports from being used to
18 travel to North Korea without a special validation
19 from the Department of State;

20 (6) the United Nations, which has a significant
21 role to play in promoting and improving human
22 rights in North Korea, should press for access for
23 the United Nations Special Rapporteur and the
24 United Nations High Commissioner for Human

1 Rights on the situation of human rights in North
2 Korea;

3 (7) the Special Envoy for North Korean
4 Human Rights Issues should be appointed without
5 delay—

6 (A) to properly promote and coordinate
7 North Korean human rights and humanitarian
8 issues; and

9 (B) to participate in policy planning and
10 implementation with respect to refugee issues;

11 (8) the United States should urge North Korea
12 to repeal the Reactionary Thought and Culture De-
13 nunciation Law and other draconian laws, regula-
14 tions, and decrees that manifestly violate the free-
15 dom of opinion and expression and the freedom of
16 thought, conscience, and religion;

17 (9) the United States should urge North Korea
18 to ensure that any restrictions on addressing the
19 COVID–19 pandemic are necessary, proportionate,
20 nondiscriminatory, time-bound, transparent, and
21 allow international staff to operate inside the North
22 Korea to provide international assistance based on
23 independent needs assessments;

24 (10) the United States should expand the Re-
25 wards for Justice program to be open to North Ko-

1 rean officials who can provide evidence of crimes
 2 against humanity being committed by North Korean
 3 officials;

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

6 (A) to allow the UNHCR access to process
 7 North Korean refugees overseas for resettlement;
 8 and

9 (B) to allow United States officials access
 10 to process refugees for possible resettlement in
 11 the United States; and

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

18 **SEC. 4. REAUTHORIZATIONS.**

19 (a) SUPPORT FOR HUMAN RIGHTS AND DEMOCRACY
 20 PROGRAMS.—Section 102(b)(1) of the North Korean
 21 Human Rights Act of 2004 (22 U.S.C. 7812(b)(1)) is
 22 amended by striking “2022” and inserting “2027”.

23 (b) ACTIONS TO PROMOTE FREEDOM OF INFORMATION.—Section 104 of the North Korean Human Rights
 24 Act of 2004 (22 U.S.C. 7814) is amended—
 25

1 (1) in subsection (b)(1), by striking “2022”
2 and inserting “2027”; and

3 (2) in subsection (c), by striking “2022” and
4 inserting “2027”.

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 “2027”.

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 “2027”.

14 (e) ASSISTANCE PROVIDED OUTSIDE OF NORTH
15 KOREA.—Section 203(c)(1) of the North Korean Human
16 Rights Act of 2004 (22 U.S.C. 7833(c)(1)) is amended
17 by striking “2018 through 2022” and inserting “2023
18 through 2027”.

19 (f) ANNUAL REPORTS.—Section 305(a) of the North
20 Korean Human Rights Act of 2004 (22 U.S.C. 7845(a))
21 is amended, in the matter preceding paragraph (1) by
22 striking “2022” and inserting “2027”.

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”; and

13 (B) in paragraph (7)(B)—

14 (i) in the matter preceding clause (i),
15 by striking “5 years” and inserting “10
16 years”;

17 (ii) by redesignating clauses (i)
18 through (iii) as clauses (ii) through (iv),
19 respectively;

20 (iii) by inserting before clause (ii) the
21 following:

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

24 (iv) in clause (iii), as redesignated, by
25 striking “pursuant to section 403” and in-
26 serting “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.—Not later than 180 days after the date of the
8 enactment of this subsection and annually thereafter
9 through 2027 if the position of Special Envoy remains va-
10 cant, the Secretary of State shall submit a report to the
11 appropriate congressional committees that describes the
12 efforts being taken to appoint the Special Envoy.”.

13 **SEC. 7. SUPPORT FOR NORTH KOREAN REFUGEES.**

14 (a) IN GENERAL.—The Secretary of State and the
15 Secretary of Homeland Security should collaborate with
16 faith-based and Korean-American organizations to resettle
17 North Korean participants in the United States Refugee
18 Admissions Program in areas with existing Korean-Amer-
19 ican communities to mitigate trauma and mental health
20 considerations of refugees, as appropriate.

21 (b) RESETTLEMENT OFFICE FOR NORTH KOREAN
22 REFUGEES.—The Secretary of State shall ensure that a
23 program officer in the Bureau of Population, Refugees,
24 and Migration of the Department of State—

25 (1) is stationed in a country in Southeast Asia
26 or East Asia; and

1 (2) is principally responsible for facilitating the
2 processing and onward relocation of North Koreans
3 eligible for the United States Refugee Admissions
4 Program or resettlement in South Korea.

5 (c) RESETTLEMENT LOCATION ASSISTANCE EDU-
6 CATION.—The Secretary of State shall publicly dissemi-
7 nate guidelines and information relating to resettlement
8 options in the United States or South Korea for eligible
9 North Korean refugees, with a particular focus on mes-
10 saging to North Koreans.

11 (d) MECHANISMS.—The guidelines and information
12 described in subsection (c)—

13 (1) shall be published on a publicly available
14 website of the Department of State;

15 (2) shall be broadcast into North Korea
16 through radio broadcasting operations funded or
17 supported by the United States Government; and

18 (3) shall be distributed through brochures or
19 electronic storage devices.

20 **SEC. 8. AUTHORIZATION OF SANCTIONS FOR FORCED RE-**
21 **PATRIATION OF NORTH KOREAN REFUGEES.**

22 (a) DISCRETIONARY DESIGNATIONS.—Section
23 104(b)(1) of the North Korea Sanctions and Policy En-
24 hancement Act of 2016 (22 U.S.C. 9214) is amended—

1 (1) in subparagraph (M), by striking “or” after
2 the semicolon;

3 (2) in subparagraph (N), by striking the period
4 at the end and inserting “; or”; and

5 (3) by adding at the end the following:

6 “(O) knowingly, directly or indirectly,
7 forced the repatriation of North Korean refu-
8 gees to North Korea.”.

9 (b) EXEMPTIONS.—Section 208(a)(1) of the North
10 Korea Sanctions and Policy Enhancement Act of 2016 (22
11 U.S.C. 9228(a)(1)) is amended by inserting “, the Repub-
12 lic of Korea, and Japan” before the period at the end.

○