

117TH CONGRESS  
2D SESSION

# S. 4216

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

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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

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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 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.—  
24 Section 104 of the North Korean Human Rights  
25 Act of 2004 (22 U.S.C. 7814) is amended—

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.

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