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

IN THE SENATE OF THE UNITED STATES

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

A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “North Korean Human Rights Reauthorization Act of 2022”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The North Korean Human Rights Act of 2004 (Public Law 108–333; 22 U.S.C. 7801 et seq.) and subsequent reauthorizations of such Act were
the product of broad, bipartisan consensus regarding
the promotion of human rights, documentation of
human rights violations, transparency in the delivery
of humanitarian assistance, and the importance of
refugee protection.

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

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

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

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

(6) The effects of the COVID–19 pandemic and North Korea’s strict lockdown of its borders and crackdowns on informal market activities and small entrepreneurship have drastically increased food insecurity for its people and given rise to famine conditions in parts of the country.

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

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

(B) at least 1 South Korean citizen in September 2020.
(8) The Chinese Communist Party and the Government of the People’s Republic of China are aiding and abetting in crimes against humanity by forcibly repatriating North Korean refugees to North Korea where they are sent to prison camps, harshly interrogated, and tortured or executed.


(10) North Korea continues to bar freedom of religion and persecute religious minorities, especially Christians. Eyewitnesses report that Christians in North Korea have been tortured, forcibly detained, and even executed for possessing a Bible or professing Christianity.

(11) United States and international broadcasting operations into North Korea—

(A) serve as a critical source of outside news and information for the North Korean people; and
(B) provide a valuable service for countering regime propaganda and false narratives.

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

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) promoting information access in North Korea continues to be a successful method of countering North Korean propaganda;

(2) the United States Government should continue to support efforts described in paragraph (1), including by enacting and implementing the Otto Warmbier North Korean Censorship and Surveillance Act of 2021, which was introduced by Senator Portman on June 17, 2021;

(3) because refugees among North Koreans fleeing into China face severe punishments upon their forcible return, the United States should urge the Government of the People’s Republic of China—
(A) to immediately halt its forcible repatriation of North Koreans;

(B) to allow the United Nations High Commissioner for Refugees (referred to in this section as “UNHCR”) unimpeded access to North Koreans within China to determine whether they are refugees and require assistance;

(C) to fulfill its obligations under the Convention Relating to the Status of Refugees, done at Geneva July 28, 1951 (and made applicable by the Protocol Relating to the Status of Refugees, done at New York January 31, 1967 (19 UST 6223) and the Agreement on the upgrading of the UNHCR Mission in the People’s Republic of China to UNHCR branch office in the People’s Republic of China, done at Geneva December 1, 1995;

(D) to address the concerns of the United Nations Committee Against Torture by incorporating into domestic legislation the principle of non-refoulement; and

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

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

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

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

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

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

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

(8) the United States should urge North Korea to repeal the Reactionary Thought and Culture Denunciation Law and other draconian laws, regulations, and decrees that manifestly violate the freedom of opinion and expression and the freedom of thought, conscience, and religion;

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

(10) the United States should expand the Rewards for Justice program to be open to North Ko-
rean officials who can provide evidence of crimes
against humanity being committed by North Korean
officials;

(11) the United States should continue to seek
cooporation from all foreign governments—

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

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

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

SEC. 4. REAUTHORIZATIONS.

(a) Support for Human Rights and Democracy
Programs.—Section 102(b)(1) of the North Korean
Human Rights Act of 2004 (22 U.S.C. 7812(b)(1)) is
amended by striking “2022” and inserting “2027”.

(b) Actions To Promote Freedom of Informa-
tion.—Section 104 of the North Korean Human Rights
Act of 2004 (22 U.S.C. 7814) is amended—
(1) in subsection (b)(1), by striking “2022” and inserting “2027”; and

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

(c) REPORT BY SPECIAL ENVOY ON NORTH KOREAN HUMAN RIGHTS ISSUES.—Section 107(d) of the North Korean Human Rights Act of 2004 (22 U.S.C. 7817(d)) is amended by striking “2022” and inserting “2027”.

(d) REPORT ON UNITED STATES HUMANITARIAN ASSISTANCE.—Section 201(a) of the North Korean Human Rights Act of 2004 (22 U.S.C. 7831(a)) is amended, in the matter preceding paragraph (1), by striking “2022” and inserting “2027”.

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

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

SEC. 5. ACTIONS TO PROMOTE FREEDOM OF INFORMATION.

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

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

(2) in section 104(a)—

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

(B) in paragraph (7)(B)—

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

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

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

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

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

SEC. 6. SPECIAL ENVOY FOR NORTH KOREAN HUMAN RIGHTS ISSUES.

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

“(e) Report on Appointment of Special Envoy.—Not later than 180 days after the date of the enactment of this subsection and annually thereafter through 2027 if the position of Special Envoy remains vacant, the Secretary of State shall submit a report to the appropriate congressional committees that describes the efforts being taken to appoint the Special Envoy.”

SEC. 7. SUPPORT FOR NORTH KOREAN REFUGEES.

(a) In General.—The Secretary of State and the Secretary of Homeland Security should collaborate with faith-based and Korean-American organizations to resettle North Korean participants in the United States Refugee Admissions Program in areas with existing Korean-American communities to mitigate trauma and mental health considerations of refugees, as appropriate.

(b) Resettlement Office for North Korean Refugees.—The Secretary of State shall ensure that a program officer in the Bureau of Population, Refugees, and Migration of the Department of State—

(1) is stationed in a country in Southeast Asia or East Asia; and
is principally responsible for facilitating the processing and onward relocation of North Koreans eligible for the United States Refugee Admissions Program or resettlement in South Korea.

(c) Resettlement Location Assistance Education.—The Secretary of State shall publicly disseminate guidelines and information relating to resettlement options in the United States or South Korea for eligible North Korean refugees, with a particular focus on messaging to North Koreans.

(d) Mechanisms.—The guidelines and information described in subsection (c)—

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

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

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

SEC. 8. AUTHORIZATION OF SANCTIONS FOR FORCED REPATRIATION OF NORTH KOREAN REFUGEES.

(a) Discretionary Designations.—Section 104(b)(1) of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9214) is amended—
(1) in subparagraph (M), by striking “or” after the semicolon;

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

(3) by adding at the end the following:

“(O) knowingly, directly or indirectly, forced the repatriation of North Korean refugees to North Korea.”.

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