

Calendar No. 457

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

JULY 21, 2022

Reported by Mr. MENENDEZ, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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:

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 were
4 the product of broad, bipartisan consensus regarding
5 the promotion of human rights; documentation of
6 human rights violations; transparency in the delivery
7 of humanitarian assistance; and the importance of
8 refugee protection.

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

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

24 (4) North Korea continues to hold a number of
25 South Koreans and Japanese abducted after the

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

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

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

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

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

3 (B) at least 1 South Korean citizen in Sep-
4 tember 2020.

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

11 (9) 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, under the Convention Relating
15 to the Status of Refugees, done at Geneva July 28,
16 1951 (and made applicable by the Protocol Relating
17 to the Status of Refugees, done at New York Janu-
18 ary 31, 1967 (19 UST 6223)).

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

1 (11) United States and international broad-
2 casting operations into North Korea—

3 (A) serve as a critical source of outside
4 news and information for the North Korean
5 people; and

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

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

15 **SEC. 3. SENSE OF CONGRESS.**

16 It is the sense of Congress that—

17 (1) promoting information access in North
18 Korea continues to be a successful method of coun-
19 tering North Korean propaganda;

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

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

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

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

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

23 (D) to address the concerns of the United
24 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 Government should con-
11 tinue to promote the effective and transparent deliv-
12 ery and distribution of any humanitarian aid pro-
13 vided in North Korea to ensure that such aid
14 reaches its intended recipients to the point of con-
15 sumption or utilization by cooperating closely with
16 the Government of the Republic of Korea and inter-
17 national and nongovernmental organizations;

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

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

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

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

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

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

22 (9) the United States should urge North Korea
23 to ensure that any restrictions on addressing the
24 COVID-19 pandemic are necessary, proportionate,
25 nondiscriminatory, time-bound, transparent, and

1 allow international staff to operate inside the North
2 Korea to provide international assistance based on
3 independent needs assessments;

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

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

11 (A) to allow the UNHCR access to process
12 North Korean refugees overseas for resettle-
13 ment; and

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

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

23 **SEC. 4. REAUTHORIZATIONS.**

24 (a) **SUPPORT FOR HUMAN RIGHTS AND DEMOCRACY**
25 **PROGRAMS.**—Section 102(b)(1) of the North Korean

1 Human Rights Act of 2004 (~~22 U.S.C. 7812(b)(1)~~) is
 2 amended by striking “2022” and inserting “2027”.

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

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

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

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

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

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

24 (f) ANNUAL REPORTS.—Section 305(a) of the North
 25 Korean Human Rights Act of 2004 (~~22 U.S.C. 7845(a)~~)

1 is amended, in the matter preceding paragraph (1) by
 2 striking “2022” and inserting “2027”.

3 **SEC. 5. ACTIONS TO PROMOTE FREEDOM OF INFORMA-**
 4 **TION.**

5 Title I of the North Korean Human Rights Act of
 6 2004 (22 U.S.C. 7811 et seq.) is amended—

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

10 (2) in section 104(a)—

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

15 (B) in paragraph (7)(B)—

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

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

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

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

1 (iv) in clause (iii), as redesignated, by
 2 striking “pursuant to section 403” and in-
 3 serting “to carry out this section”.

4 **SEC. 6. SPECIAL ENVOY FOR NORTH KOREAN HUMAN**
 5 **RIGHTS ISSUES.**

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

9 “(e) **REPORT ON APPOINTMENT OF SPECIAL**
 10 **ENVOY.**—Not later than 180 days after the date of the
 11 enactment of this subsection and annually thereafter
 12 through 2027 if the position of Special Envoy remains va-
 13 cant, the Secretary of State shall submit a report to the
 14 appropriate congressional committees that describes the
 15 efforts being taken to appoint the Special Envoy.”.

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

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

24 (b) **RESETTLEMENT OFFICE FOR NORTH KOREAN**
 25 **REFUGEES.**—The Secretary of State shall ensure that a

1 program officer in the Bureau of Population, Refugees,
2 and Migration of the Department of State—

3 (1) is stationed in a country in Southeast Asia
4 or East Asia; and

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

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

15 (d) MECHANISMS.—The guidelines and information
16 described in subsection (c)—

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

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

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

1 **SEC. 8. AUTHORIZATION OF SANCTIONS FOR FORCED RE-**
 2 **PATRIATION OF NORTH KOREAN REFUGEES.**

3 (a) **DISCRETIONARY DESIGNATIONS.**—Section
 4 104(b)(1) of the North Korea Sanctions and Policy En-
 5 hancement Act of 2016 (22 U.S.C. 9214) is amended—

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

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

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

11 “(O) knowingly, directly or indirectly,
 12 forced the repatriation of North Korean refu-
 13 gees to North Korea.”.

14 (b) **EXEMPTIONS.**—Section 208(a)(1) of the North
 15 Korea Sanctions and Policy Enhancement Act of 2016 (22
 16 U.S.C. 9228(a)(1)) is amended by inserting “; the Repub-
 17 lie of Korea, and Japan” before the period at the end.

18 **SECTION 1. SHORT TITLE.**

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

21 **SEC. 2. FINDINGS.**

22 *Congress makes the following findings:*

23 (1) *The North Korean Human Rights Act of*
 24 *2004 (Public Law 108–333; 22 U.S.C. 7801 et seq.)*
 25 *and subsequent reauthorizations of such Act were the*
 26 *product of broad, bipartisan consensus regarding the*

1 *promotion of human rights, documentation of human*
2 *rights violations, transparency in the delivery of hu-*
3 *manitarian assistance, and the importance of refugee*
4 *protection.*

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

11 *(3) According to a 2014 report released by the*
12 *United Nations Human Rights Council's Commission*
13 *of Inquiry on Human Rights in the Democratic Peo-*
14 *ple's Republic of Korea, between 80,000 and 120,000*
15 *children, women, and men were being held in polit-*
16 *ical prison camps in North Korea, where they were*
17 *subjected to deliberate starvation, forced labor, execu-*
18 *tions, torture, rape, forced abortion, and infanticide.*

19 *(4) North Korea continues to hold a number of*
20 *South Koreans and Japanese abducted after the sign-*
21 *ing of the Agreement Concerning a Military Armis-*
22 *tice in Korea, signed at Panmunjom July 27, 1953*
23 *(commonly referred to as the "Korean War Armistice*
24 *Agreement") and refuses to acknowledge the abduction*

1 *of more than 100,000 South Koreans during the Ko-*
2 *rean War in violation of the Geneva Convention.*

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

11 *(6) The effects of the COVID–19 pandemic and*
12 *North Korea's strict lockdown of its borders and*
13 *crackdowns on informal market activities and small*
14 *entrepreneurship have drastically increased food inse-*
15 *curity for its people and given rise to famine condi-*
16 *tions in parts of the country.*

17 *(7) North Korea's COVID–19 border lockdown*
18 *measures also include shoot-to-kill orders that have re-*
19 *sulted in the killing of—*

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

22 *(B) at least 1 South Korean citizen in Sep-*
23 *tember 2020.*

24 *(8) The Chinese Communist Party and the Gov-*
25 *ernment of the People's Republic of China are aiding*

1 *and abetting in crimes against humanity by forcibly*
 2 *repatriating North Korean refugees to North Korea*
 3 *where they are sent to prison camps, harshly interro-*
 4 *gated, and tortured or executed.*

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

13 *(10) North Korea continues to bar freedom of re-*
 14 *ligion and persecute religious minorities, especially*
 15 *Christians. Eyewitnesses report that Christians in*
 16 *North Korea have been tortured, forcibly detained,*
 17 *and even executed for possessing a Bible or professing*
 18 *Christianity.*

19 *(11) United States and international broad-*
 20 *casting operations into North Korea—*

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

24 *(B) provide a valuable service for coun-*
 25 *tering regime propaganda and false narratives.*

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

8 **SEC. 3. SENSE OF CONGRESS.**

9 *It is the sense of Congress that—*

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

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

19 (3) *because refugees among North Koreans fleeing*
 20 *into China face severe punishments upon their forc-*
 21 *ible return, the United States should urge the Govern-*
 22 *ment of the People’s Republic of China—*

23 (A) *to immediately halt its forcible repatri-*
 24 *ation of North Koreans;*

1 (B) to allow the United Nations High Com-
2 missioner for Refugees (referred to in this section
3 as “UNHCR”) unimpeded access to North Kore-
4 ans within China to determine whether they are
5 refugees and require assistance;

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

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

20 (E) to recognize the legal status of North
21 Korean women who marry or have children with
22 Chinese citizens and ensure that all such mothers
23 and children are granted resident status and ac-
24 cess to education and other public services in ac-

1 *cordance with Chinese law and international*
2 *standards;*

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

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

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

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

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

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

6 (8) the United States should urge North Korea to
7 repeal the Reactionary Thought and Culture Denun-
8 ciation Law and other draconian laws, regulations,
9 and decrees that manifestly violate the freedom of
10 opinion and expression and the freedom of thought,
11 conscience, and religion;

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

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

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

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

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

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

13 **SEC. 4. REAUTHORIZATIONS.**

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

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

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

23 (2) in subsection (c), by striking “2022” and in-
 24 serting “2027”.

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

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

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

15 (f) *ANNUAL REPORTS.*—Section 305(a) of the North
 16 Korean Human Rights Act of 2004 (22 U.S.C. 7845(a)) is
 17 amended, in the matter preceding paragraph (1) by striking
 18 “2022” and inserting “2027”.

19 **SEC. 5. ACTIONS TO PROMOTE FREEDOM OF INFORMATION.**

20 Title I of the North Korean Human Rights Act of 2004
 21 (22 U.S.C. 7811 *et seq.*) is amended—

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

25 (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

1 *this subsection and annually thereafter through 2027 if the*
 2 *position of Special Envoy remains vacant, the Secretary*
 3 *of State shall submit a report to the appropriate congres-*
 4 *sional committees that describes the efforts being taken to*
 5 *appoint the Special Envoy.”.*

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

7 (a) *IN GENERAL.*—*The Secretary of State and the Sec-*
 8 *retary of Homeland Security should collaborate with faith-*
 9 *based and Korean-American organizations to resettle North*
 10 *Korean participants in the United States Refugee Admis-*
 11 *sions Program in areas with existing Korean-American*
 12 *communities to mitigate trauma and mental health consid-*
 13 *erations of refugees, as appropriate.*

14 (b) *RESETTLEMENT OFFICE FOR NORTH KOREAN*
 15 *REFUGEES.*—*The Secretary of State shall ensure that a*
 16 *program officer in the Bureau of Population, Refugees, and*
 17 *Migration of the Department of State—*

18 (1) *is stationed in a country in Southeast Asia*
 19 *or East Asia; and*

20 (2) *is principally responsible for facilitating the*
 21 *processing and onward relocation of North Koreans*
 22 *eligible for the United States Refugee Admissions Pro-*
 23 *gram or resettlement in South Korea.*

24 (c) *RESETTLEMENT LOCATION ASSISTANCE EDU-*
 25 *CATION.*—*The Secretary of State shall publicly disseminate*

1 *guidelines and information relating to resettlement options*
 2 *in the United States or South Korea for eligible North Ko-*
 3 *rean refugees, with a particular focus on messaging to*
 4 *North Koreans.*

5 (d) *MECHANISMS.—The guidelines and information*
 6 *described in subsection (c)—*

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

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

12 (3) *shall be distributed through brochures or elec-*
 13 *tronic storage devices.*

14 **SEC. 8. AUTHORIZATION OF SANCTIONS FOR FORCED RE-**
 15 **PATRIATION OF NORTH KOREAN REFUGEES.**

16 (a) *DISCRETIONARY DESIGNATIONS.—Section*
 17 *104(b)(1) of the North Korea Sanctions and Policy En-*
 18 *hancement Act of 2016 (22 U.S.C. 9214) is amended—*

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

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

23 (3) *by adding at the end the following:*

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

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

8 **SEC. 9. REPORT ON HUMANITARIAN EXEMPTIONS TO SANC-**
9 **TIONS IMPOSED WITH RESPECT TO NORTH**
10 **KOREA.**

11 (a) *SENSE OF CONGRESS*.—It is the sense of Congress
12 that—

13 (1) *the continued pursuit by the North Korean*
14 *regime of weapons of mass destruction (including nu-*
15 *clear, chemical, and biological weapons), in addition*
16 *to its ballistic missile program, along with the re-*
17 *gime’s gross violations of human rights, have led the*
18 *international community to impose sanctions with re-*
19 *spect to North Korea, including sanctions imposed by*
20 *the United Nations Security Council;*

21 (2) *authorities should grant exemptions for hu-*
22 *manitarian assistance to the people of North Korea*
23 *consistent with past United Nations Security Council*
24 *resolutions; and*

1 (3) *humanitarian assistance intended to provide*
 2 *humanitarian relief to the people of North Korea*
 3 *must not be exploited or misdirected by the North Ko-*
 4 *rean regime to benefit the military or elites of North*
 5 *Korea.*

6 (b) *REPORTS REQUIRED.*—

7 (1) *DEFINED TERM.*—*In this subsection, the*
 8 *term “covered period” means—*

9 (A) *in the case of the first report required*
 10 *to be submitted under paragraph (2), the period*
 11 *beginning on January 1, 2018, and ending on*
 12 *the date that is 90 days after the date of the en-*
 13 *actment of this Act; and*

14 (B) *in the case of each subsequent report re-*
 15 *quired to be submitted under paragraph (2), the*
 16 *1-year period preceding the date by which the re-*
 17 *port is required to be submitted.*

18 (2) *IN GENERAL.*—*Not later than 180 days after*
 19 *the date of the enactment of this Act, and annually*
 20 *thereafter for the following 2 years, the Secretary of*
 21 *State shall submit a report to Congress that—*

22 (A) *describes—*

23 (i) *how the North Korean regime has*
 24 *previously exploited humanitarian assist-*
 25 *ance from the international community to*

1 *benefit elites and the military in North*
 2 *Korea;*

3 (ii) *the most effective methods to pro-*
 4 *vide humanitarian relief, including mecha-*
 5 *nisms to facilitate humanitarian assistance,*
 6 *to the people of North Korea, who are in*
 7 *dire need of such assistance;*

8 (iii) *any requests to the Committee of*
 9 *the United Nations Security Council estab-*
 10 *lished by United Nations Security Council*
 11 *Resolution 1718 (2006) (referred to in this*
 12 *section as the “1718 Sanctions Committee”)*
 13 *for humanitarian exemptions from sanc-*
 14 *tions known to have been denied during the*
 15 *covered period or known to have been in*
 16 *process for more than 30 days as of the date*
 17 *of the report; and*

18 (iv) *any known explanations for the*
 19 *denials and delays referred to in clause*
 20 *(iii); and*

21 (B) *details any action by a foreign govern-*
 22 *ment during the covered period that has delayed*
 23 *or impeded humanitarian assistance that was*
 24 *approved by the 1718 Sanctions Committee.*

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S. 4216

A BILL

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

JULY 21, 2022

Reported with an amendment