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117TH CONGRESS
1ST SESSION

S. 2129

To promote freedom of information and counter censorship and surveillance
in North Korea, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 17, 2021

Mr. PORTMAN (for himself, Mr. BROWN, Mr. COONS, and Mr. TILLIS) intro-
duced the following bill; which was read twice and referred to the Com-
mittee on Foreign Relations

OCTOBER 28, 2021

Reported by Mr. MENENDEZ, with an amendment

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

A BILL

To promote freedom of information and counter censorship
and surveillance in North Korea, 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 “Otto Warmbier Coun-
5 tering North Korean Censorship and Surveillance Act of
6 2021”.

1 **SEC. 2. FINDINGS; SENSE OF CONGRESS.**

2 (a) FINDINGS.—Congress makes the following find-
3 ings:

4 (1) The information landscape in North Korea
5 is the most repressive in the world, consistently
6 ranking last or near-last in the annual World Press
7 Freedom Index.

8 (2) Under the brutal rule of Kim Jung Un, the
9 country's leader since 2012, the North Korean re-
10 gime has tightened controls on access to informa-
11 tion, as well as enacted harsh punishments for con-
12 sumers of outside media, including sentencing to
13 time in a concentration camp and a maximum pen-
14 alty of death.

15 (3) Such repressive and unjust laws sur-
16 rounding information in North Korea resulted in the
17 death of 22-year-old United States citizen and uni-
18 versity student Otto Warmbier, who had traveled to
19 North Korea in December 2015 as part of a guided
20 tour.

21 (4) Otto Warmbier was unjustly arrested, sen-
22 tenced to 15 years of hard labor, and severely mis-
23 treated at the hands of North Korean officials.
24 While in captivity, Otto Warmbier suffered a serious
25 medical emergency that placed him into a comatose

1 state. Otto Warmbier was comatose upon his release
 2 in June 2017 and died 6 days later.

3 (5) Despite increased penalties for possession
 4 and viewership of foreign media, the people of North
 5 Korean have increased their desire for foreign media
 6 content, according to a survey of 200 defectors con-
 7 cluding that 90 percent had watched South Korean
 8 or other foreign media before defecting.

9 (6) On March 23, 2021, in an annual resolu-
 10 tion, the United Nations General Assembly con-
 11 demned “the long-standing and ongoing systematic,
 12 widespread and gross violations of human rights in
 13 the Democratic People’s Republic of Korea” and ex-
 14 pressed grave concern at, among other things, “the
 15 denial of the right to freedom of thought, conscience,
 16 and religion : : : and of the rights to freedom of
 17 opinion, expression, and association, both online and
 18 offline, which is enforced through an absolute mo-
 19 nopoly on information and total control over orga-
 20 nized social life, and arbitrary and unlawful state
 21 surveillance that permeates the private lives of all
 22 citizens”.

23 (7) In 2018, Typhoon Yutu caused extensive
 24 damage to 15 broadcast antennas used by the
 25 United States Agency for Global Media in Asia, re-

1 sulting in reduced programming to North Korea.
 2 The United States Agency for Global Media has re-
 3 built 5 of the 15 antenna systems as of June 2021.

4 (b) SENSE OF CONGRESS.—It is the sense of Con-
 5 gress that—

6 (1) in the event of a crisis situation, particu-
 7 larly where information pertaining to the crisis is
 8 being actively censored or a false narrative is being
 9 put forward, the United States should be able to
 10 quickly increase its broadcasting capability to deliver
 11 fact-based information to audiences, including those
 12 in North Korea; and

13 (2) the United States International Broad-
 14 casting Surge Capacity Fund is already authorized
 15 under section 316 of the United States International
 16 Broadcasting Act of 1994 (22 U.S.C. 6216); and ex-
 17 panded authority to transfer unobligated balances
 18 from expired accounts of the United States Agency
 19 for Global Media would enable the Agency to more
 20 nimble respond to crises.

21 **SEC. 3. STATEMENT OF POLICY.**

22 It is the policy of the United States—

23 (1) to provide the people of North Korea with
 24 access to a diverse range of fact-based information;

1 (2) to develop and implement novel means of
 2 communication and information sharing to ensure
 3 that audiences in North Korea can safely create, ac-
 4 cess, and share digital and non-digital news without
 5 fear of repressive censorship, surveillance, or pen-
 6 alties under law; and

7 (3) to foster and innovate new technologies to
 8 counter North Korea's state-sponsored repressive
 9 surveillance and censorship by advancing internet
 10 freedom tools, technologies, and new approaches.

11 **SEC. 4. UNITED STATES STRATEGY TO COMBAT NORTH KO-**
 12 **REA'S REPRESSIVE INFORMATION ENVIRON-**
 13 **MENT.**

14 (a) IN GENERAL.—Not later than 180 days after the
 15 date of the enactment of this Act, the President shall de-
 16 velop and submit to Congress a strategy on combating
 17 North Korea's repressive information environment.

18 (b) ELEMENTS.—The strategy required by subsection
 19 (a) shall include the following:

20 (1) An assessment of the challenges to the free
 21 flow of information into North Korea created by the
 22 censorship and surveillance technology apparatus of
 23 the Government of North Korea.

24 (2) A detailed description of the agencies and
 25 other government entities, key officials, and security

1 services responsible for the implementation of North
2 Korea's repressive laws regarding foreign media con-
3 sumption.

4 (3) A detailed description of the agencies and
5 other government entities and key officials of foreign
6 governments that assist, facilitate, or aid North Ko-
7 rea's repressive censorship and surveillance state.

8 (4) An assessment of the feasibility of new pub-
9 lic-private sponsorships to increase free expression,
10 circumvent censorship, and obstruct repressive sur-
11 veillance in North Korea.

12 (5) A description of and funding levels required
13 for current United States Government programs and
14 activities to provide access for the people of North
15 Korea to a diverse range of fact-based information.

16 (6) Guidance for the relevant Federal agencies,
17 including the Department of State, on how agencies
18 should work together and with other federally fund-
19 ed entities like the United States Agency for Global
20 Media, to combat North Korea's repressive censor-
21 ship and surveillance apparatus by utilizing all avail-
22 able means.

23 (7) A detailed assessment of how the United
24 States International Broadcasting Surge Capacity
25 Fund authorized under section 316 of the United

1 States International Broadcasting Act of 1994 (22
 2 U.S.C. 6216) has operated to respond to crisis situa-
 3 tions in the past, and how authority to transfer un-
 4 obligated balances from expired accounts would help
 5 the United States Agency for Global Media in crisis
 6 situations in the future.

7 (8) A detailed plan for how the authorization of
 8 appropriations under section 6 will operate alongside
 9 and augment existing programming from the rel-
 10 evant Federal agencies and facilitate the develop-
 11 ment of new tools to assist that programming.

12 (c) FORM OF STRATEGY.—The strategy required by
 13 subsection (a) shall be submitted in unclassified form, but
 14 may include the matters required by paragraphs (2) and
 15 (3) of subsection (b) in a classified annex.

16 **SEC. 5. IMPOSITION OF SANCTIONS WITH RESPECT TO PER-**
 17 **SONS RESPONSIBLE FOR NORTH KOREA'S RE-**
 18 **PRESSIVE CENSORSHIP AND SURVEILLANCE**
 19 **STATE.**

20 (a) IN GENERAL.—The President may impose the
 21 following sanctions with respect to each person identified
 22 under paragraph (2) or (3) of section 4(b):

23 (1) BLOCKING OF PROPERTY.—The exercise of
 24 all powers granted to the President by the Inter-
 25 national Emergency Economic Powers Act (50

U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in all property and interests in property of the person if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(2) INELIGIBILITY FOR VISAS, ADMISSION, OR PAROLE.—

(A) VISAS, ADMISSION, OR PAROLE.—In the case of an alien, the alien may be—

(i) inadmissible to the United States;

(ii) ineligible to receive a visa or other documentation to enter the United States; and

(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(B) CURRENT VISAS REVOKED.—

(i) IN GENERAL.—An alien described in subparagraph (A) may be subject to revocation of any visa or other entry documentation regardless of when the visa or

other entry documentation is or was issued.

(ii) EFFECT.—A revocation under clause (i) shall—

(I) take effect consistent with section 221 of the Immigration and Nationality Act (8 U.S.C. 1201); and

(II) cancel any other valid visa or entry documentation that is in the alien's possession.

(b) IMPLEMENTATION; PENALTIES.—

(1) IMPLEMENTATION.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.

(2) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of subsection (a)(1) or any regulation, license, or order issued to carry out that subsection shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that

1 commits an unlawful act described in subsection (a)
2 of that section.

3 ~~(c) NATIONAL SECURITY WAIVER.—~~The President
4 may waive the imposition of sanctions under subsection
5 (a) with respect to a person if the President—

6 ~~(1) determines that such a waiver is in the na-~~
7 ~~tional security interests of the United States; and~~

8 ~~(2) submits to the appropriate congressional~~
9 ~~committees a notification of the waiver and the rea-~~
10 ~~sons for the waiver.~~

11 ~~(d) EXCEPTIONS.—~~

12 ~~(1) INTELLIGENCE ACTIVITIES.—~~This section
13 shall not apply with respect to activities subject to
14 the reporting requirements under title V of the Na-
15 tional Security Act of 1947 (50 U.S.C. 3091 et seq.)
16 or any authorized intelligence activities of the United
17 States.

18 ~~(2) LAW ENFORCEMENT ACTIVITIES.—~~Sane-
19 tions under this section shall not apply with respect
20 to any authorized law enforcement activities of the
21 United States.

22 ~~(3) EXCEPTION TO COMPLY WITH INTER-~~
23 ~~NATIONAL AGREEMENTS.—~~Subsection (a)(2) shall
24 not apply with respect to the admission of an alien
25 to the United States if such admission is necessary

1 to comply with the obligations of the United States
 2 under the Agreement regarding the Headquarters of
 3 the United Nations, signed at Lake Success June
 4 26, 1947, and entered into force November 21,
 5 1947, between the United Nations and the United
 6 States, under the Convention on Consular Relations,
 7 done at Vienna April 24, 1963, and entered into
 8 force March 19, 1967, or under other international
 9 agreements.

10 (4) EXCEPTION RELATING TO IMPORTATION OF
 11 GOODS.—

12 (A) IN GENERAL.—The authority or a re-
 13 quirement to impose sanctions under this sec-
 14 tion shall not include the authority or a require-
 15 ment to impose sanctions on the importation of
 16 goods.

17 (B) GOOD DEFINED.—In this paragraph,
 18 the term “good” means any article, natural or
 19 manmade substance, material, supply, or manu-
 20 factured product, including inspection and test
 21 equipment, and excluding technical data.

22 (c) DEFINITIONS.—In this section:

23 (1) ADMISSION; ADMITTED; ALIEN.—The terms
 24 “admission”, “admitted”, and “alien” have the

1 meanings given those terms in section 101 of the
 2 Immigration and Nationality Act (8 U.S.C. 1101).

3 ~~(2) APPROPRIATE CONGRESSIONAL COMMIT-~~
 4 ~~TEES.—~~The term “appropriate congressional com-
 5 mittees” means—

6 ~~(A) the Committee on Foreign Relations,~~
 7 ~~the Committee on Banking, Housing, and~~
 8 ~~Urban Affairs, and the Select Committee on In-~~
 9 ~~telligence of the Senate; and~~

10 ~~(B) the Committee on Foreign Affairs, the~~
 11 ~~Committee on Financial Services, and the Per-~~
 12 ~~manent Select Committee on Intelligence of the~~
 13 ~~House of Representatives.~~

14 ~~(3) UNITED STATES PERSON.—~~The term
 15 “United States person” means—

16 ~~(A) a United States citizen or an alien law-~~
 17 ~~fully admitted to the United States for perma-~~
 18 ~~nent residence; or~~

19 ~~(B) an entity organized under the laws of~~
 20 ~~the United States or any jurisdiction within the~~
 21 ~~United States.~~

1 **SEC. 6. PROMOTING FREEDOM OF INFORMATION AND**
 2 **COUNTERING CENSORSHIP AND SURVEIL-**
 3 **LANCE IN NORTH KOREA.**

4 (a) **AUTHORIZATION OF APPROPRIATIONS.**—There
 5 are authorized to be appropriated to the United States
 6 Agency for Global Media \$10,000,000 for each of fiscal
 7 years 2022 through 2026 to provide increased broad-
 8 casting and grants for the following purposes:

9 (1) To promote the development of internet
 10 freedom tools, technologies, and new approaches, in-
 11 cluding both digital and non-digital means of infor-
 12 mation sharing related to North Korea.

13 (2) To explore public-private partnerships to
 14 counter North Korea's repressive censorship and
 15 surveillance state.

16 (3) To develop new means to protect the pri-
 17 vacy and identity of individuals receiving media from
 18 the United States Agency for Global Media and
 19 other outside media outlets from within North
 20 Korea.

21 (4) To bolster existing programming from the
 22 United States Agency for Global Media by restoring
 23 the broadcasting capacity of damaged antennas
 24 caused by Typhoon Yutu in 2018.

25 (b) **ANNUAL REPORTS.**—Not later than one year
 26 after the date of the enactment of this Act, and annually

1 thereafter for the following 4 years, the Secretary of State,
 2 in consultation with the Chief Executive Officer of the
 3 United States Agency for Global Media, shall submit to
 4 Congress a report that describes the activities carried out
 5 using amounts authorized to be appropriated under sub-
 6 section (a) during the year preceding submission of the
 7 report.

8 **SECTION 1. SHORT TITLE.**

9 *This Act may be cited as the “Otto Warmbier Coun-
 10 tering North Korean Censorship and Surveillance Act of
 11 2021”.*

12 **SEC. 2. FINDINGS; SENSE OF CONGRESS.**

13 (a) *FINDINGS.*—Congress makes the following findings:

14 (1) *The information landscape in North Korea is
 15 the most repressive in the world, consistently ranking
 16 last or near-last in the annual World Press Freedom
 17 Index.*

18 (2) *Under the brutal rule of Kim Jung Un, the
 19 country’s leader since 2012, the North Korean regime
 20 has tightened controls on access to information, as
 21 well as enacted harsh punishments for consumers of
 22 outside media, including sentencing to time in a con-
 23 centration camp and a maximum penalty of death.*

24 (3) *Such repressive and unjust laws surrounding
 25 information in North Korea resulted in the death of*

1 *22-year-old United States citizen and university stu-*
2 *dent Otto Warmbier, who had traveled to North Korea*
3 *in December 2015 as part of a guided tour.*

4 *(4) Otto Warmbier was unjustly arrested, sen-*
5 *tenced to 15 years of hard labor, and severely mis-*
6 *treated at the hands of North Korean officials. While*
7 *in captivity, Otto Warmbier suffered a serious med-*
8 *ical emergency that placed him into a comatose state.*
9 *Otto Warmbier was comatose upon his release in*
10 *June 2017 and died 6 days later.*

11 *(5) Despite increased penalties for possession*
12 *and viewership of foreign media, the people of North*
13 *Korean have increased their desire for foreign media*
14 *content, according to a survey of 200 defectors con-*
15 *cluding that 90 percent had watched South Korean or*
16 *other foreign media before defecting.*

17 *(6) On March 23, 2021, in an annual resolution,*
18 *the United Nations General Assembly condemned “the*
19 *long-standing and ongoing systematic, widespread*
20 *and gross violations of human rights in the Demo-*
21 *cratic People’s Republic of Korea” and expressed*
22 *grave concern at, among other things, “the denial of*
23 *the right to freedom of thought, conscience, and reli-*
24 *gion . . . and of the rights to freedom of opinion, ex-*
25 *pression, and association, both online and offline,*

1 *which is enforced through an absolute monopoly on*
 2 *information and total control over organized social*
 3 *life, and arbitrary and unlawful state surveillance*
 4 *that permeates the private lives of all citizens”.*

5 *(7) In 2018, Typhoon Yutu caused extensive*
 6 *damage to 15 broadcast antennas used by the United*
 7 *States Agency for Global Media in Asia, resulting in*
 8 *reduced programming to North Korea. The United*
 9 *States Agency for Global Media has rebuilt 5 of the*
 10 *15 antenna systems as of June 2021.*

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

13 *(1) in the event of a crisis situation, particularly*
 14 *where information pertaining to the crisis is being*
 15 *actively censored or a false narrative is being put for-*
 16 *ward, the United States should be able to quickly in-*
 17 *crease its broadcasting capability to deliver fact-based*
 18 *information to audiences, including those in North*
 19 *Korea; and*

20 *(2) the United States International Broadcasting*
 21 *Surge Capacity Fund is already authorized under*
 22 *section 316 of the United States International Broad-*
 23 *casting Act of 1994 (22 U.S.C. 6216), and expanded*
 24 *authority to transfer unobligated balances from ex-*
 25 *pired accounts of the United States Agency for Global*

1 *Media would enable the Agency to more nimbly re-*
 2 *spond to crises.*

3 **SEC. 3. STATEMENT OF POLICY.**

4 *It is the policy of the United States—*

5 *(1) to provide the people of North Korea with ac-*
 6 *cess to a diverse range of fact-based information;*

7 *(2) to develop and implement novel means of*
 8 *communication and information sharing that in-*
 9 *crease opportunities for audiences in North Korea to*
 10 *safely create, access, and share digital and non-digital*
 11 *news without fear of repressive censorship, surveil-*
 12 *lance, or penalties under law; and*

13 *(3) to foster and innovate new technologies to*
 14 *counter North Korea's state-sponsored repressive sur-*
 15 *veillance and censorship by advancing internet free-*
 16 *dom tools, technologies, and new approaches.*

17 **SEC. 4. UNITED STATES STRATEGY TO COMBAT NORTH KO-**

18 **REA'S REPRESSIVE INFORMATION ENVIRON-**

19 **MENT.**

20 *(a) IN GENERAL.—Not later than 180 days after the*
 21 *date of the enactment of this Act, the President shall develop*
 22 *and submit to Congress a strategy on combating North Ko-*
 23 *rea's repressive information environment.*

24 *(b) ELEMENTS.—The strategy required by subsection*

25 *(a) shall include the following:*

1 (1) *An assessment of the challenges to the free*
2 *flow of information into North Korea created by the*
3 *censorship and surveillance technology apparatus of*
4 *the Government of North Korea.*

5 (2) *A detailed description of the agencies and*
6 *other government entities, key officials, and security*
7 *services responsible for the implementation of North*
8 *Korea's repressive laws regarding foreign media con-*
9 *sumption.*

10 (3) *A detailed description of the agencies and*
11 *other government entities and key officials of foreign*
12 *governments that assist, facilitate, or aid North Ko-*
13 *rea's repressive censorship and surveillance state.*

14 (4) *A review of existing public-private partner-*
15 *ships that provide circumvention technology and an*
16 *assessment of the feasibility and utility of new tools*
17 *to increase free expression, circumvent censorship,*
18 *and obstruct repressive surveillance in North Korea.*

19 (5) *A description of and funding levels required*
20 *for current United States Government programs and*
21 *activities to provide access for the people of North*
22 *Korea to a diverse range of fact-based information.*

23 (6) *An update of the plan required by section*
24 *104(a)(7)(A) of the North Korean Human Rights Act*
25 *of 2004 (22 U.S.C. 7814(a)(7)(A)).*

1 (7) *A description of Department of State pro-*
2 *grams and funding levels for programs that promote*
3 *internet freedom in North Korea, including moni-*
4 *toring and evaluation efforts.*

5 (8) *A description of grantee programs of the*
6 *United States Agency for Global Media in North*
7 *Korea that facilitate circumvention tools and broad-*
8 *casting, including monitoring and evaluation efforts.*

9 (9) *A detailed assessment of how the United*
10 *States International Broadcasting Surge Capacity*
11 *Fund authorized under section 316 of the United*
12 *States International Broadcasting Act of 1994 (22*
13 *U.S.C. 6216) has operated to respond to crisis situa-*
14 *tions in the past, and how authority to transfer unob-*
15 *ligated balances from expired accounts would help the*
16 *United States Agency for Global Media in crisis situ-*
17 *ations in the future.*

18 (10) *A detailed plan for how the authorization of*
19 *appropriations under section 7 will operate alongside*
20 *and augment existing programming from the relevant*
21 *Federal agencies and facilitate the development of*
22 *new tools to assist that programming.*

23 (c) *FORM OF STRATEGY.*—*The strategy required by*
24 *subsection (a) shall be submitted in unclassified form, but*

1 *may include the matters required by paragraphs (2) and*
 2 *(3) of subsection (b) in a classified annex.*

3 **SEC. 5. IMPOSITION OF SANCTIONS WITH RESPECT TO PER-**
 4 **SONS RESPONSIBLE FOR NORTH KOREA'S RE-**
 5 **PRESSIVE CENSORSHIP AND SURVEILLANCE**
 6 **STATE.**

7 *(a) IN GENERAL.—The President may impose the fol-*
 8 *lowing sanctions with respect to any foreign person that*
 9 *the President determines knowingly engaged in, facilitated,*
 10 *or was responsible for censorship by the Government of*
 11 *North Korea or the Workers' Party of Korea identified*
 12 *under paragraph (2) or (3) of section 4(b):*

13 *(1) BLOCKING OF PROPERTY.—The President*
 14 *may exercise all of the powers granted to the Presi-*
 15 *dent under the International Emergency Economic*
 16 *Powers Act (50 U.S.C. 1701 et seq.) to the extent nec-*
 17 *essary to block and prohibit all transactions in prop-*
 18 *erty and interests in property of the foreign person if*
 19 *such property and interests in property are in the*
 20 *United States, come within the United States, or are*
 21 *or come within the possession or control of a United*
 22 *States person.*

23 *(2) INELIGIBILITY FOR VISAS, ADMISSION, OR PA-*
 24 *ROLE.—*

1 (A) *VISAS, ADMISSION, OR PAROLE.*—*In the*
2 *case of an alien, the alien may be—*

3 (i) *inadmissible to the United States;*

4 (ii) *ineligible to receive a visa or other*
5 *documentation to enter the United States;*
6 *and*

7 (iii) *otherwise ineligible to be admitted*
8 *or paroled into the United States or to re-*
9 *ceive any other benefit under the Immigra-*
10 *tion and Nationality Act (8 U.S.C. 1101 et*
11 *seq.).*

12 (B) *CURRENT VISAS REVOKED.*—

13 (i) *IN GENERAL.*—*An alien described*
14 *in subparagraph (A) may be subject to rev-*
15 *ocation of any visa or other entry docu-*
16 *mentation regardless of when the visa or*
17 *other entry documentation is or was issued.*

18 (ii) *EFFECT.*—*A revocation under*
19 *clause (i) shall—*

20 (I) *take effect consistent with sec-*
21 *tion 221 of the Immigration and Na-*
22 *tionality Act (8 U.S.C. 1201); and*

23 (II) *cancel any other valid visa or*
24 *entry documentation that is in the*
25 *alien's possession.*

1 (b) *IMPLEMENTATION; PENALTIES.*—

2 (1) *IMPLEMENTATION.*—*The President may exer-*
 3 *cise all authorities provided under sections 203 and*
 4 *205 of the International Emergency Economic Powers*
 5 *Act (50 U.S.C. 1702 and 1704) to carry out this sec-*
 6 *tion.*

7 (2) *PENALTIES.*—*A person that violates, at-*
 8 *tempts to violate, conspires to violate, or causes a vio-*
 9 *lation of subsection (a)(1) or any regulation, license,*
 10 *or order issued to carry out that subsection shall be*
 11 *subject to the penalties set forth in subsections (b) and*
 12 *(c) of section 206 of the International Emergency*
 13 *Economic Powers Act (50 U.S.C. 1705) to the same*
 14 *extent as a person that commits an unlawful act de-*
 15 *scribed in subsection (a) of that section.*

16 (c) *NATIONAL SECURITY WAIVER.*—*The President may*
 17 *waive the imposition of sanctions under subsection (a) with*
 18 *respect to a person if the President—*

19 (1) *determines that such a waiver is in the na-*
 20 *tional security interests of the United States; and*

21 (2) *submits to the appropriate congressional*
 22 *committees a notification of the waiver and the rea-*
 23 *sons for the waiver.*

24 (d) *EXCEPTIONS.*—

1 (1) *INTELLIGENCE ACTIVITIES.*—*This section*
 2 *shall not apply with respect to activities subject to the*
 3 *reporting requirements under title V of the National*
 4 *Security Act of 1947 (50 U.S.C. 3091 et seq.) or any*
 5 *authorized intelligence activities of the United States.*

6 (2) *LAW ENFORCEMENT ACTIVITIES.*—*Sanctions*
 7 *under this section shall not apply with respect to any*
 8 *authorized law enforcement activities of the United*
 9 *States.*

10 (3) *EXCEPTION TO COMPLY WITH INTER-*
 11 *NATIONAL AGREEMENTS.*—*Subsection (a)(2) shall not*
 12 *apply with respect to the admission of an alien to the*
 13 *United States if such admission is necessary to com-*
 14 *ply with the obligations of the United States under*
 15 *the Agreement regarding the Headquarters of the*
 16 *United Nations, signed at Lake Success June 26,*
 17 *1947, and entered into force November 21, 1947, be-*
 18 *tween the United Nations and the United States,*
 19 *under the Convention on Consular Relations, done at*
 20 *Vienna April 24, 1963, and entered into force March*
 21 *19, 1967, or under other international agreements.*

22 (4) *EXCEPTION RELATING TO IMPORTATION OF*
 23 *GOODS.*—

24 (A) *IN GENERAL.*—*The authority or a re-*
 25 *quirement to impose sanctions under this section*

1 *shall not include the authority or a requirement*
 2 *to impose sanctions on the importation of goods.*

3 *(B) GOOD DEFINED.—In this paragraph,*
 4 *the term “good” means any article, natural or*
 5 *manmade substance, material, supply, or manu-*
 6 *factured product, including inspection and test*
 7 *equipment, and excluding technical data.*

8 *(e) DEFINITIONS.—In this section:*

9 *(1) ADMISSION; ADMITTED; ALIEN.—The terms*
 10 *“admission”, “admitted”, and “alien” have the mean-*
 11 *ings given those terms in section 101 of the Immigra-*
 12 *tion and Nationality Act (8 U.S.C. 1101).*

13 *(2) APPROPRIATE CONGRESSIONAL COMMIT-*
 14 *TEES.—The term “appropriate congressional commit-*
 15 *tees” means—*

16 *(A) the Committee on Foreign Relations, the*
 17 *Committee on Banking, Housing, and Urban Af-*
 18 *airs, and the Select Committee on Intelligence of*
 19 *the Senate; and*

20 *(B) the Committee on Foreign Affairs, the*
 21 *Committee on Financial Services, and the Per-*
 22 *manent Select Committee on Intelligence of the*
 23 *House of Representatives.*

1 (3) *FOREIGN PERSON*.—The term “foreign per-
 2 son” means any person that is not a United States
 3 person.

4 (4) *UNITED STATES PERSON*.—The term “United
 5 States person” means—

6 (A) a United States citizen or an alien law-
 7 fully admitted to the United States for perma-
 8 nent residence;

9 (B) an entity organized under the laws of
 10 the United States or any jurisdiction within the
 11 United States; or

12 (C) any person in the United States.

13 **SEC. 6. REPORT ON ENFORCEMENT OF SANCTIONS WITH**
 14 **RESPECT TO NORTH KOREA.**

15 (a) *IN GENERAL*.—Not later than 180 days after the
 16 date of the enactment of this Act, and annually thereafter
 17 through 2024, the Secretary of State and the Secretary of
 18 the Treasury shall jointly submit to the appropriate con-
 19 gressional committees (as defined in section 5(e)) a report
 20 on sanctions-related activities and enforcement undertaken
 21 by the United States Government with respect to North
 22 Korea during the period described in subsection (b) that in-
 23 cludes—

24 (1) an assessment of activities conducted by per-
 25 sons in North Korea or the Government of North

1 *Korea that would require mandatory designations*
 2 *pursuant to the North Korea Sanctions and Policy*
 3 *Enhancement Act of 2016 (22 U.S.C. 9201 et seq.);*
 4 *and*

5 *(2) sanctions-related enforcement or other sanc-*
 6 *tions-related actions undertaken by the United States*
 7 *Government pursuant to that Act.*

8 *(b) PERIOD DESCRIBED.—The period described in this*
 9 *subsection is—*

10 *(1) in the case of the first report required by sub-*
 11 *section (a), the period beginning on January 1, 2021,*
 12 *and ending on the date on which the report is re-*
 13 *quired to be submitted; and*

14 *(2) in the case of each subsequent report required*
 15 *by subsection (a), the one-year period preceding sub-*
 16 *mission of the report.*

17 **SEC. 7. PROMOTING FREEDOM OF INFORMATION AND**
 18 **COUNTERING CENSORSHIP AND SURVEIL-**
 19 **LANCE IN NORTH KOREA.**

20 *(a) AUTHORIZATION OF APPROPRIATIONS.—There are*
 21 *authorized to be appropriated to the United States Agency*
 22 *for Global Media \$10,000,000 for each of fiscal years 2022*
 23 *through 2026 to provide increased broadcasting and grants*
 24 *for the following purposes:*

1 (1) *To promote the development of internet free-*
 2 *dom tools, technologies, and new approaches, includ-*
 3 *ing both digital and non-digital means of information*
 4 *sharing related to North Korea.*

5 (2) *To explore public-private partnerships to*
 6 *counter North Korea’s repressive censorship and sur-*
 7 *veillance state.*

8 (3) *To develop new means to protect the privacy*
 9 *and identity of individuals receiving media from the*
 10 *United States Agency for Global Media and other out-*
 11 *side media outlets from within North Korea.*

12 (4) *To bolster existing programming from the*
 13 *United States Agency for Global Media by restoring*
 14 *the broadcasting capacity of damaged antennas*
 15 *caused by Typhoon Yutu in 2018.*

16 (b) *ANNUAL REPORTS.*—Section 104(a)(7)(B) of the
 17 *North Korean Human Rights Act of 2004 (22 U.S.C.*
 18 *7814(a)(7)(B)) is amended—*

19 (1) *in the matter preceding clause (i)—*

20 (A) *by striking “1 year after the date of the*
 21 *enactment of this paragraph” and inserting*
 22 *“September 30, 2022”; and*

23 (B) *by striking “Broadcasting Board of*
 24 *Governors” and inserting “Chief Executive Offi-*

1 *cer of the United States Agency for Global*
2 *Media”;* and
3 *(2) in clause (i), by inserting after “this section”*
4 *the following: “and sections 4 and 7 of the Otto*
5 *Warmbier Countering North Korean Censorship and*
6 *Surveillance Act of 2021”.*

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A BILL

To promote freedom of information and counter censorship and surveillance in North Korea, and for other purposes.

OCTOBER 28, 2021

Reported with an amendment