

117TH CONGRESS
2D SESSION

S. 4216

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. FINDINGS.**

5 Congress makes the following findings:

6 (1) The North Korean Human Rights Act of
7 2004 (Public Law 108–333; 22 U.S.C. 7801 et seq.)
8 and subsequent reauthorizations of such Act were
9 the product of broad, bipartisan consensus regarding
10 the promotion of human rights, documentation of
11 human rights violations, transparency in the delivery
12 of humanitarian assistance, and the importance of
13 refugee protection.

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

20 (3) According to a 2014 report released by the
21 United Nations Human Rights Council’s Commis-
22 sion of Inquiry on Human Rights in the Democratic
23 People’s Republic of Korea, between 80,000 and
24 120,000 children, women, and men were being held
25 in political prison camps in North Korea, where they
26 were subjected to deliberate starvation, forced labor,

1 executions, torture, rape, forced abortion, and infan-
2 ticide.

3 (4) North Korea continues to hold a number of
4 South Koreans and Japanese abducted after the
5 signing of the Agreement Concerning a Military Ar-
6 mistice in Korea, signed at Panmunjom July 27,
7 1953 (commonly referred to as the “Korean War
8 Armistice Agreement”) and refuses to acknowledge
9 the abduction of more than 100,000 South Koreans
10 during the Korean War in violation of the Geneva
11 Convention.

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

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

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

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

6 (B) at least 1 South Korean citizen in Sep-
7 tember 2020.

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

14 (9) The forcible repatriation of North Korean
15 refugees violates the People’s Republic of China’s
16 freely undertaken obligation to uphold the principle
17 of non-refoulement, under the Convention Relating
18 to the Status of Refugees, done at Geneva July 28,
19 1951 (and made applicable by the Protocol Relating
20 to the Status of Refugees, done at New York Janu-
21 ary 31, 1967 (19 UST 6223)).

22 (10) North Korea continues to bar freedom of
23 religion and persecute religious minorities, especially
24 Christians. Eyewitnesses report that Christians in
25 North Korea have been tortured, forcibly detained,

1 and even executed for possessing a Bible or pro-
2 fessing Christianity.

3 (11) United States and international broad-
4 casting operations into North Korea—

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

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

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

17 **SEC. 3. SENSE OF CONGRESS.**

18 It is the sense of Congress that—

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

22 (2) the United States Government should con-
23 tinue to support efforts described in paragraph (1),
24 including by enacting and implementing the Otto
25 Warmbier North Korean Censorship and Surveil-

1 lance Act of 2021, which was introduced by Senator
2 Portman on June 17, 2021;

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

7 (A) to immediately halt its forcible repatri-
8 ation of North Koreans;

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

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

1 (D) to address the concerns of the United
2 Nations Committee Against Torture by incor-
3 porating into domestic legislation the principle
4 of non-refoulement; and

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

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

20 (5) the Department of State should continue to
21 take steps to increase public awareness about the
22 risks and dangers of travel by United States citizens
23 to North Korea, including by continuing its policy of
24 blocking United States passports from being used to

1 travel to North Korea without a special validation
2 from the Department of State;

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

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

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

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

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

24 (9) the United States should urge North Korea
25 to ensure that any restrictions on addressing the

1 COVID–19 pandemic are necessary, proportionate,
2 nondiscriminatory, time-bound, transparent, and
3 allow international staff to operate inside the North
4 Korea to provide international assistance based on
5 independent needs assessments;

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

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

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

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

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

1 **SEC. 4. REAUTHORIZATIONS.**

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

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

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

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

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

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

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

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

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

7 Title I of the North Korean Human Rights Act of
 8 2004 (22 U.S.C. 7811 et seq.) is amended—

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

12 (2) in section 104(a)—

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

17 (B) in paragraph (7)(B)—

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

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

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

1 “(i) an update of the plan required
2 under subparagraph (A);” and
3 (iv) in clause (iii), as redesignated, by
4 striking “pursuant to section 403” and in-
5 serting “to carry out this section”.

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

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

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

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

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

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

7 (c) MECHANISMS.—The guidelines and information
 8 described in subsection (b)—

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

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

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

16 **SEC. 8. AUTHORIZATION OF SANCTIONS FOR FORCED RE-**
 17 **PATRIATION OF NORTH KOREAN REFUGEES.**

18 (a) DISCRETIONARY DESIGNATIONS.—Section
 19 104(b)(1) of the North Korea Sanctions and Policy En-
 20 hancement Act of 2016 (22 U.S.C. 9214) is amended—

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

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

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

1 “(O) knowingly, directly or indirectly,
 2 forced the repatriation of North Korean refu-
 3 gees 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 Repub-
 7 lic 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 Con-
 12 gress that—

13 (1) the continued pursuit by the North Korean
 14 regime of weapons of mass destruction (including
 15 nuclear, chemical, and biological weapons), in addi-
 16 tion to its ballistic missile program, along with the
 17 regime’s gross violations of human rights, have led
 18 the international community to impose sanctions
 19 with respect to North Korea, including sanctions im-
 20 posed by 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 Coun-
 24 cil 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
4 Korean regime to benefit the military or elites of
5 North 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 pe-
11 riod beginning on January 1, 2018, and ending
12 on the date that is 90 days after the date of the
13 enactment of this Act; and

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

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

23 (A) describes—

24 (i) how the North Korean regime has
25 previously exploited humanitarian assist-

1 ance from the international community to
2 benefit elites and the military in North
3 Korea;

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

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

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

22 (B) details any action by a foreign govern-
23 ment during the covered period that has de-
24 layed or impeded humanitarian assistance that

1 was approved by the 1718 Sanctions Com-
2 mittee.

Passed the Senate December 8, 2022.

Attest:

Secretary.

117TH CONGRESS
2^D SESSION

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Act of 2004, and for other purposes.