

that is vulnerable to decryption by quantum computers, prioritized using the criteria described in subparagraph (B);

(B) criteria to allow agencies to prioritize their inventory efforts; and

(C) a description of the information required to be reported pursuant to subsection (b).

(2) **ADDITIONAL CONTENT IN GUIDANCE.**—In the guidance established by paragraph (1), the Director of OMB shall include, in addition to the requirements described in that paragraph—

(A) a description of information technology to be prioritized for migration to post-quantum cryptography; and

(B) a process for evaluating progress on migrating information technology to post-quantum cryptography, which shall be automated to the greatest extent practicable.

(3) **PERIODIC UPDATES.**—The Director of OMB shall update the guidance required under paragraph (1) as the Director of OMB determines necessary, in coordination with the National Cyber Director and in consultation with the Director of CISA.

(b) **AGENCY REPORTS.**—Not later than 1 year after the date of enactment of this Act, and on an ongoing basis thereafter, the head of each agency shall provide to the Director of OMB, the Director of CISA, and the National Cyber Director—

(1) the inventory described in subsection (a)(1); and

(2) any other information required to be reported under subsection (a)(1)(C).

(c) **MIGRATION AND ASSESSMENT.**—Not later than 1 year after the date on which the Director of NIST has issued post-quantum cryptography standards, the Director of OMB shall issue guidance requiring each agency to—

(1) prioritize information technology described under subsection (a)(2)(A) for migration to post-quantum cryptography; and

(2) develop a plan to migrate information technology of the agency to post-quantum cryptography consistent with the prioritization under paragraph (1).

(d) **INTEROPERABILITY.**—The Director of OMB shall ensure that the prioritizations made under subsection (c)(1) are assessed and coordinated to ensure interoperability.

(e) **OFFICE OF MANAGEMENT AND BUDGET REPORTS.**—

(1) **REPORT ON POST-QUANTUM CRYPTOGRAPHY.**—Not later than 15 months after the date of enactment of this Act, the Director of OMB, in coordination with the National Cyber Director and in consultation with the Director of CISA, shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives a report on the following:

(A) A strategy to address the risk posed by the vulnerabilities of information technology of agencies to weakened encryption due to the potential and possible capability of a quantum computer to breach that encryption.

(B) An estimate of the amount of funding needed by agencies to secure the information technology described in subsection (a)(1)(A) from the risk posed by an adversary of the United States using a quantum computer to breach the encryption of the information technology.

(C) A description of Federal civilian executive branch coordination efforts led by the National Institute of Standards and Technology, including timelines, to develop standards for post-quantum cryptography, including any Federal Information Processing Standards developed under chapter 35 of title 44, United States Code, as well as standards developed through voluntary, con-

sensus standards bodies such as the International Organization for Standardization.

(2) **REPORT ON MIGRATION TO POST-QUANTUM CRYPTOGRAPHY IN INFORMATION TECHNOLOGY.**—Not later than 1 year after the date on which the Director of OMB issues guidance under subsection (c)(2), and thereafter until the date that is 5 years after the date on which post-quantum cryptographic standards are issued, the Director of OMB, in coordination with the National Cyber Director and in consultation with the Director of CISA, shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives, with the report submitted pursuant to section 3553(c) of title 44, United States Code, a report on the progress of agencies in adopting post-quantum cryptography standards.

SEC. 5. EXEMPTION OF NATIONAL SECURITY SYSTEMS.

This Act shall not apply to any national security system.

SEC. 6. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 7535), as amended, was passed.

ORDERS FOR MONDAY, DECEMBER 12, 2022

Mr. CARDIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourns until 3 p.m. on Monday, December 12, and that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; that upon the conclusion of morning business, the Senate proceed to executive session to resume consideration of the Montgomery-Reeves nomination postcloture; further, at 5:30 p.m. all postcloture time be considered expired and the Senate vote on confirmation of the Montgomery-Reeves nomination; finally, if any nominations are confirmed during Monday’s session, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate’s action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maryland.

NORTH KOREAN HUMAN RIGHTS REAUTHORIZATION ACT OF 2022

Mr. CARDIN. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of Calendar No. 457, S. 4216.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 4216) to reauthorize the North Korean Human Rights Act of 2004, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Foreign Relations, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

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 conditions within North Korea remain deplorable and have been intentionally perpetuated against the people 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 Commission 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 infanticide.*

(4) *North Korea continues to hold a number of South Koreans and Japanese abducted after the signing of the Agreement Concerning a Military Armistice 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.*

(9) *The forcible repatriation of North Korean refugees violates the People’s Republic of China’s freely undertaken obligation to uphold the principle of non-refoulement, 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)).

(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 mothers and children are granted resident status and access to education and other public services in accordance with Chinese law and international standards;

(4) the United States Government should continue to promote the effective and transparent delivery and distribution of any humanitarian aid provided in North Korea to ensure that such aid reaches its intended recipients to the point of consumption or utilization by cooperating closely with the Government of the Republic of Korea and international 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 Korean officials who can provide evidence of crimes against humanity being committed by North Korean officials;

(11) the United States should continue to seek cooperation 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 ambassadors to Asia-Pacific countries, and in close cooperation with South Korea, should make every effort to promote the protection of North Korean refugees, 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 INFORMATION.—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

(2) 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.

SEC. 9. REPORT ON HUMANITARIAN EXEMPTIONS TO SANCTIONS IMPOSED WITH RESPECT TO NORTH KOREA.

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

(1) the continued pursuit by the North Korean regime of weapons of mass destruction (including nuclear, chemical, and biological weapons), in addition to its ballistic missile program, along with the regime's gross violations of human rights, have led the international community to impose sanctions with respect to North Korea, including sanctions imposed by the United Nations Security Council;

(2) authorities should grant exemptions for humanitarian assistance to the people of North Korea consistent with past United Nations Security Council resolutions; and

(3) humanitarian assistance intended to provide humanitarian relief to the people of North Korea must not be exploited or misdirected by the North Korean regime to benefit the military or elites of North Korea.

(b) **REPORTS REQUIRED.**—

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

(A) in the case of the first report required to be submitted under paragraph (2), the period beginning on January 1, 2018, and ending on the date that is 90 days after the date of the enactment of this Act; and

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

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

(A) describes—

(i) how the North Korean regime has previously exploited humanitarian assistance from the international community to benefit elites and the military in North Korea;

(ii) the most effective methods to provide humanitarian relief, including mechanisms to facilitate humanitarian assistance, to the people of North Korea, who are in dire need of such assistance;

(iii) any requests to the Committee of the United Nations Security Council established by United Nations Security Council Resolution 1718 (2006) (referred to in this section as the “1718 Sanctions Committee”) for humanitarian exemptions from sanctions known to have been denied during the covered period or known to have been in process for more than 30 days as of the date of the report; and

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

(B) details any action by a foreign government during the covered period that has delayed or impeded humanitarian assistance that was approved by the 1718 Sanctions Committee.

Mr. CARDIN. I further ask unanimous consent that the committee-reported substitute amendment be withdrawn; that the Rubio substitute amendment at the desk be considered and agreed to; and the bill, as amended, be considered read a third time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendment, in the nature of a substitute, was withdrawn.

The amendment (No. 6511), in the nature of a substitute, was agreed to.

(The amendment is printed in today's RECORD under “Text of Amendments.”)

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. CARDIN. I know of no further debate on the bill.

The PRESIDING OFFICER. Is there further debate on the bill?

Hearing none, the bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 4216), as amended, was passed.

Mr. CARDIN. I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL MONDAY,
DECEMBER 12, 2022, AT 3 P.M.

Mr. CARDIN. Mr. President, if there is no further business to come before the Senate, I ask that it stand adjourned under the previous order.

There being no objection, the Senate, at 5:41 p.m., adjourned until Monday, December 12, 2022, at 3 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 08, 2022:

DEPARTMENT OF TRANSPORTATION

SHAILEN P. BHATT, OF MICHIGAN, TO BE ADMINISTRATOR OF THE FEDERAL HIGHWAY ADMINISTRATION.

THE JUDICIARY

JEFFERY PAUL HOPKINS, OF OHIO, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF OHIO.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 2121(E):

To be rear admiral (lower half)

CAPT. RICHARD E. BATSON
CAPT. MICHAEL E. CAMPBELL
CAPT. RUSSELL E. DASH
CAPT. AMY B. GRABLE
CAPT. MATTHEW W. LAKE
CAPT. RALPH R. LITTLE
CAPT. JEFFREY K. RANDALL
CAPT. WILBORNE E. WATSON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 2121(D):

To be rear admiral

MARY M. DEAN
CHARLES E. FOSSE
CHAD L. JACOBY
CAROLA J. LIST
MICHAEL W. RAYMOND

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 2121(E):

To be rear admiral (lower half)

CAPT. WILLIAM G. DWYER

COAST GUARD NOMINATIONS BEGINNING WITH WILLIAM C. ADAMS AND ENDING WITH YVONNE C. YANG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 29, 2022.

COAST GUARD NOMINATIONS BEGINNING WITH CRAIG H. ALLEN, JR. AND ENDING WITH NICHOLAS S. WORST, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 29, 2022.

COAST GUARD NOMINATIONS BEGINNING WITH BRIAN J. MAGGI AND ENDING WITH LISA M. THOMPSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 11, 2022.

COAST GUARD NOMINATIONS BEGINNING WITH TROY E. FRYAR AND ENDING WITH JOHN D. HUGHES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 15, 2022.

COAST GUARD NOMINATIONS BEGINNING WITH AMBER S. WARD AND ENDING WITH CHRISTOPHER ANDERSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 17, 2022.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATION OF RYAN GIRALT BEDFORD.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH GARY P. ANTHONY AND ENDING WITH STEPHANIE A. BUNCE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 15, 2022.