

117<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 4216

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## 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 resettle-  
15 ment; 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.*

117<sup>TH</sup> CONGRESS  
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