

casts by Radio Free Asia and Voice of America; and

(2) expand funding for nongovernmental organization broadcasting efforts, prioritizing organizations that engage North Korean defectors in programming and broadcast services.

(b) Report

Not later than 120 days after October 18, 2004, the Broadcasting Board of Governors shall submit to the appropriate congressional committees a report that—

(1) describes the status of current United States broadcasting to North Korea; and

(2) outlines a plan for increasing such broadcasts to 12 hours per day, including a detailed description of the technical and fiscal requirements necessary to implement the plan.

(Pub. L. 108–333, title I, §103, Oct. 18, 2004, 118 Stat. 1291; Pub. L. 115–198, §4, July 20, 2018, 132 Stat. 1521.)

Editorial Notes

AMENDMENTS

2018—Subsec. (a). Pub. L. 115–198, §4(1), (3), substituted “United States should—” for “United States should”, inserted par. (1) designation before “facilitate”, and added par. (2).

Subsec. (a)(1). Pub. L. 115–198, §4(2), substituted “broadcasting, including news rebroadcasting,” for “radio broadcasting”, “increase such broadcasts, including news rebroadcasts,” for “increase broadcasts”, and “Voice of America; and” for “Voice of America.”

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Broadcasting Board of Governors renamed United States Agency for Global Media pursuant to section 6204(a)(21) of this title. The renaming was effectuated by notice to congressional appropriations committees dated May 24, 2018, and became effective Aug. 22, 2018.

§ 7814. Actions to promote freedom of information

(a) Actions

(1) In general

The President is authorized to take such actions as may be necessary to increase the availability of information inside North Korea by increasing the availability of sources of information not controlled by the Government of North Korea, including sources such as radios capable of receiving broadcasting from outside North Korea, USB drives, micro SD cards, audio players, video players, cell phones, wi-fi, wireless internet, web pages, internet, wireless telecommunications, and other electronic media that shares information.

(2) Distribution

In accordance with the sense of Congress described in section 7813 of this title, the President, acting through the Secretary of State, is authorized to distribute or provide grants to distribute information receiving devices, electronically readable devices, and other informational sources into North Korea, including devices and informational sources specified in paragraph (1). To carry out this paragraph, the

President is authorized to issue regulations to facilitate the free-flow of information into North Korea.

(3) Research and development grant program

In accordance with the authorization described in paragraphs (1) and (2) to increase the availability and distribution of sources of information inside North Korea, the President, acting through the Secretary of State, is authorized to establish a grant program to make grants to eligible entities to develop or distribute (or both) new products or methods to allow North Koreans easier access to outside information. Such program may involve public-private partnerships.

(4) Culture

In accordance with the sense of Congress described in section 7813 of this title, the Broadcasting Board of Governors may broadcast American, Korean, Chinese, and other popular music, television, movies, and popular cultural references as part of its programming.

(5) Rights and laws

In accordance with the sense of Congress described in section 7813 of this title, the Broadcasting Board of Governors should broadcast to North Korea in the Korean language information on rights, laws, and freedoms afforded through the North Korean Constitution, the Universal Declaration of Human Rights, the United Nations Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea, and any other applicable treaties or international agreements to which North Korea is bound.

(6) Religious minorities

Efforts to improve information access under this subsection should include religious communities and should be coordinated with the Office of International Religious Freedom to ensure maximum impact in improving the rights of religious persons in North Korea.

(7) Broadcasting report

Not later than—

(A) 180 days after July 20, 2018, the Secretary of State, in consultation with the Broadcasting Board of Governors, shall submit to the appropriate congressional committees a report that sets forth a detailed plan for improving broadcasting content for the purpose of targeting new audiences and increasing listenership; and

(B) September 30, 2022, and annually thereafter for each of the next 5 years, the Secretary of State, in consultation with the Chief Executive Officer of the United States Agency for Global Media, shall submit to the appropriate congressional committees a report including—

(i) a description of the effectiveness of actions taken pursuant to this section and sections 5583 and 5584 of the Otto Warmbier Countering North Korean Censorship and Surveillance Act of 2022, including data reflecting audience and listenership, device distribution and usage, and technological development and advancement usage;

(ii) the amount of funds expended by the United States Government pursuant to section 403;¹ and

(iii) other appropriate information necessary to fully inform Congress of efforts related to this section.

(b) Authorization of appropriations

(1) In general

There are authorized to be appropriated to the President \$3,000,000 for each of the fiscal years 2005 through 2022 to carry out subsection (a).

(2) Availability

Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

(c) Report

Not later than 1 year after October 18, 2004, and annually through 2022, the Secretary of State, after consultation with the heads of other appropriate Federal departments and agencies, shall submit to the appropriate congressional committees a report, in classified form, on actions taken pursuant to this section.

(d) Information technology study

Not later than 180 days after the date of the enactment of the North Korea Sanctions and Policy Enhancement Act of 2015,¹ the President shall submit to the appropriate congressional committees a classified report that sets forth a detailed plan for making unrestricted, unmonitored, and inexpensive electronic mass communications available to the people of North Korea.

(Pub. L. 108-333, title I, § 104, Oct. 18, 2004, 118 Stat. 1291; Pub. L. 110-346, § 7, Oct. 7, 2008, 122 Stat. 3941; Pub. L. 112-172, § 6, Aug. 16, 2012, 126 Stat. 1309; Pub. L. 114-122, title III, § 301, Feb. 18, 2016, 130 Stat. 112; Pub. L. 115-198, §§ 5, 7(b), July 20, 2018, 132 Stat. 1521, 1523; Pub. L. 117-263, div. E, title LV, § 5584(b), Dec. 23, 2022, 136 Stat. 3373.)

Editorial Notes

REFERENCES IN TEXT

Sections 5583 and 5584 of the Otto Warmbier Countering North Korean Censorship and Surveillance Act of 2022, referred to in subsec. (a)(7)(B)(i), are sections 5583 and 5584 of subtitle F of title LV of div. E of Pub. L. 117-263, Dec. 23, 2022, 136 Stat. 3372, 3373. Sections 5583 and 5584(a) of the Act are not classified to the Code. Section 5584(b) of the Act amended this section.

Section 403, referred to in subsec. (a)(7)(B)(ii), may mean section 403 of the North Korea Sanctions and Policy Enhancement Act of 2016, Pub. L. 114-122, which authorized appropriations to carry out various provisions in this chapter and was classified to section 9253 of this title, prior to repeal by Pub. L. 115-198, § 9, July 20, 2018, 132 Stat. 1525. There is no section 403 of Pub. L. 108-333, of which this section is a part.

The date of the enactment of the North Korea Sanctions and Policy Enhancement Act of 2015, referred to in subsec. (d), probably means the date of enactment of the North Korea Sanctions and Policy Enhancement Act of 2016, Pub. L. 114-122, which was approved Feb. 18, 2016.

AMENDMENTS

2022—Subsec. (a)(7)(B). Pub. L. 117-263, § 5584(b)(1), in introductory provisions, substituted “September 30,

2022” for “1 year after July 20, 2018” and “Chief Executive Officer of the United States Agency for Global Media” for “Broadcasting Board of Governors”.

Subsec. (a)(7)(B)(i). Pub. L. 117-263, § 5584(b)(2), inserted “and sections 5583 and 5584 of the Otto Warmbier Countering North Korean Censorship and Surveillance Act of 2022” after “this section”.

2018—Subsec. (a). Pub. L. 115-198, § 5, designated existing provisions as par. (1), inserted heading, inserted “; USB drives, micro SD cards, audio players, video players, cell phones, wi-fi, wireless internet, web pages, internet, wireless telecommunications, and other electronic media that shares information” before period at end, and added pars. (2) to (7).

Subsec. (b)(1). Pub. L. 115-198, § 7(b)(1), substituted “\$3,000,000” for “\$2,000,000” and “2022” for “2017”.

Subsec. (c). Pub. L. 115-198, § 7(b)(2), substituted “2022” for “2017”.

2016—Subsec. (d). Pub. L. 114-122 added subsec. (d).

2012—Subsecs. (b)(1), (c). Pub. L. 112-172 substituted “2017” for “2012”.

2008—Subsec. (b)(1). Pub. L. 110-346, § 7(1), substituted “2012” for “2008”.

Subsec. (c). Pub. L. 110-346, § 7(2), substituted “annually through 2012” for “in each of the 3 years thereafter”.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Broadcasting Board of Governors renamed United States Agency for Global Media pursuant to section 6204(a)(21) of this title. The renaming was effectuated by notice to congressional appropriations committees dated May 24, 2018, and became effective Aug. 22, 2018.

FINDINGS; SENSE OF CONGRESS

Pub. L. 117-263, div. E, title LV, § 5581, Dec. 23, 2022, 136 Stat. 3371, provided that:

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

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

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

“(3) Such repressive and unjust laws surrounding information in North Korea resulted in the death of 22-year-old United States citizen and university student Otto Warmbier, who had traveled to North Korea in December 2015 as part of a guided tour.

“(4) Otto Warmbier was unjustly arrested, sentenced to 15 years of hard labor, and severely mistreated at the hands of North Korean officials. While in captivity, Otto Warmbier suffered a serious medical emergency that placed him into a comatose state. Otto Warmbier was comatose upon his release in June 2017 and died 6 days later.

“(5) Despite increased penalties for possession and viewership of foreign media, the people of North Korea have increased their desire for foreign media content, according to a survey of 200 defectors concluding that 90 percent had watched South Korean or other foreign media before defecting.

“(6) On March 23, 2021, in an annual resolution, the United Nations General Assembly condemned ‘the long-standing and ongoing systematic, widespread and gross violations of human rights in the Democratic People’s Republic of Korea’ and expressed grave concern at, among other things, ‘the denial of the right to freedom of thought, conscience, and religion . . . and of the rights to freedom of opinion, expression, and association, both online and offline, which is enforced through an absolute monopoly on

¹ See References in Text note below.

information and total control over organized social life, and arbitrary and unlawful state surveillance that permeates the private lives of all citizens’.

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

“(b) SENSE OF CONGRESS.—It is the sense of Congress that—

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

“(2) the United States International Broadcasting Surge Capacity Fund is already authorized under section 316 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6216), and expanded authority to transfer unobligated balances from expired accounts of the United States Agency for Global Media would enable the Agency to more nimbly respond to crises.”

STATEMENT OF POLICY

Pub. L. 117–263, div. E, title LV, § 5582, Dec. 23, 2022, 136 Stat. 3372, provided that: “It is the policy of the United States—

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

“(2) to develop and implement novel means of communication and information sharing that increase opportunities for audiences in North Korea to safely create, access, and share digital and non-digital news without fear of repressive censorship, surveillance, or penalties under law; and

“(3) to foster and innovate new technologies to counter North Korea’s state-sponsored repressive surveillance and censorship by advancing internet freedom tools, technologies, and new approaches.”

Executive Documents

DELEGATION OF FUNCTIONS

Functions of President under section 301 of Pub. L. 114–122 (adding subsec. (d) of this section) delegated to Secretary of State by Memorandum of President of the United States, May 18, 2016, 81 F.R. 37479, set out as a note under section 9212 of this title.

§ 7815. United Nations Commission on Human Rights

It is the sense of Congress that the United Nations has a significant role to play in promoting and improving human rights in North Korea, and that—

(1) the United Nations Commission on Human Rights (UNCHR) has taken positive steps by adopting Resolution 2003/10 and Resolution 2004/13 on the situation of human rights in North Korea, and particularly by requesting the appointment of a Special Rapporteur on the situation of human rights in North Korea; and

(2) the severe human rights violations within North Korea warrant country-specific attention and reporting by the United Nations Working Group on Arbitrary Detention, the Working Group on Enforced and Involuntary Disappearances, the Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions, the Special Rapporteur on the Right to Food, the Special Rapporteur on the Pro-

tection and Protection of the Right to Freedom of Opinion and Expression, the Special Rapporteur on Freedom of Religion or Belief, and the Special Rapporteur on Violence Against Women.

(Pub. L. 108–333, title I, § 105, Oct. 18, 2004, 118 Stat. 1291.)

§ 7816. Establishment of regional framework

(a) Findings

The Congress finds that human rights initiatives can be undertaken on a multilateral basis, such as the Organization for Security and Cooperation in Europe (OSCE), which established a regional framework for discussing human rights, scientific and educational cooperation, and economic and trade issues.

(b) Sense of Congress

It is the sense of Congress that the United States¹ should explore the possibility of a regional human rights dialogue with North Korea that is modeled on the Helsinki process, engaging all countries in the region in a common commitment to respect human rights and fundamental freedoms.

(Pub. L. 108–333, title I, § 106, Oct. 18, 2004, 118 Stat. 1292.)

§ 7817. Special Envoy on North Korean human rights issues

(a) Special Envoy

The President shall appoint a special envoy for North Korean human rights issues within the Department of State (hereafter in this section referred to as the “Special Envoy”), by and with the advice and consent of the Senate. The Special Envoy should be a person of recognized distinction in the field of human rights who shall have the rank of ambassador and shall hold the office at the pleasure of the President.

(b) Central objective

The central objective of the Special Envoy is to coordinate and promote efforts to improve respect for the fundamental human rights of the people of North Korea, including, in coordination with the Bureau of Population, Refugees, and Migration, the protection of those people who have fled as refugees.

(c) Duties and responsibilities

The Special Envoy shall—

(1) participate in the formulation and the implementation of activities carried out pursuant to this chapter;

(2) engage in discussions with North Korean officials regarding human rights;

(3) support international efforts to promote human rights and political freedoms in North Korea, including coordination and dialogue between the United States and the United Nations, the European Union, North Korea, and the other countries in Northeast Asia;

(4) consult with non-governmental organizations who have attempted to address human rights in North Korea;

(5) make recommendations regarding the funding of activities authorized in sections 7812 and 7814 of this title;

¹ So in original. Probably should be “States”.