

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”.

(6) review strategies for improving protection of human rights in North Korea, including technical training and exchange programs; and

(7) develop an action plan for supporting implementation of the United Nations Commission on Human Rights Resolution 2004/13.

(d) Report on activities

Not later than 180 days after October 18, 2004, and annually thereafter through 2022, the Special Envoy shall submit to the appropriate congressional committees a report on the activities undertaken in the preceding 12 months under subsection (c).

(Pub. L. 108-333, title I, §107, Oct. 18, 2004, 118 Stat. 1292; Pub. L. 110-346, §8, Oct. 7, 2008, 122 Stat. 3941; Pub. L. 112-172, §7, Aug. 16, 2012, 126 Stat. 1309; Pub. L. 115-198, §7(c), July 20, 2018, 132 Stat. 1523.)

Editorial Notes

AMENDMENTS

2018—Subsec. (d). Pub. L. 115-198 substituted “2022” for “2017”.

2012—Subsec. (d). Pub. L. 112-172 substituted “2017” for “2012”.

2008—Pub. L. 110-346, §8(1), substituted “North Korean human rights issues” for “human rights in North Korea” in section catchline.

Subsec. (a). Pub. L. 110-346, §8(2), in first sentence, substituted “North Korean human rights issues” for “human rights in North Korea” and inserted “, by and with the advice and consent of the Senate” before period at end and, in second sentence, inserted “who shall have the rank of ambassador and shall hold the office at the pleasure of the President” before period at end.

Subsec. (b). Pub. L. 110-346, §8(3), inserted “, including, in coordination with the Bureau of Population, Refugees, and Migration, the protection of those people who have fled as refugees” after “North Korea”.

Subsec. (c). Pub. L. 110-346, §8(4), added par. (1), redesignated former pars. (1) to (6) as (2) to (7), respectively, and substituted “sections 7812 and 7814” for “section 7812” in par. (5).

Subsec. (d). Pub. L. 110-346, §8(5), substituted “thereafter through 2012” for “for the subsequent 5 year-period”.

Statutory Notes and Related Subsidiaries

CONSULTATIONS ON REUNITING KOREAN AMERICANS WITH FAMILY MEMBERS IN NORTH KOREA

Pub. L. 117-263, div. E, title LV, §5599B, Dec. 23, 2022, 136 Stat. 3400, provided that:

“(a) CONSULTATIONS.—

“(1) CONSULTATIONS WITH SOUTH KOREA.—The Secretary of State, or a designee of the Secretary, should consult with officials of South Korea, as appropriate, on potential opportunities to reunite Korean American families with family members in North Korea from which such Korean American families were divided after the signing of the Korean War Armistice Agreement, including potential opportunities for video reunions for Korean Americans with such family members.

“(2) CONSULTATIONS WITH KOREAN AMERICANS.—The Special Envoy on North Korean Human Rights Issues of the Department of State should regularly consult with representatives of Korean Americans who have family members in North Korea with respect to efforts to reunite families divided after the signing of the Korean War Armistice Agreement, including potential opportunities for video reunions for Korean Americans with such family members.

“(b) REPORT.—Not later than 120 days after the date of the enactment of this Act [Dec. 23, 2022], and annually thereafter for three years, the Secretary of State, acting through the Special Envoy on North Korean Human Rights Issues or other appropriate designee, shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the consultations conducted pursuant to this section during the preceding year.”

SUBCHAPTER II—ASSISTING NORTH KOREANS IN NEED

§ 7831. Report on United States humanitarian assistance

(a) Report

Not later than 180 days after October 18, 2004, and annually thereafter through 2022, the Administrator of the United States Agency for International Development, in conjunction with the Secretary of State, shall submit to the appropriate congressional committees a report that describes—

(1) all activities to provide humanitarian assistance inside North Korea, and to North Koreans outside of North Korea, that receive United States funding;

(2) any improvements in humanitarian transparency, monitoring, and access inside North Korea during the previous 1-year period, including progress toward meeting the conditions identified in subparagraphs (A) through (D) of section 7832(b)(1) of this title; and

(3) specific efforts to secure improved humanitarian transparency, monitoring, and access inside North Korea made by the United States and United States grantees, including the World Food Program, during the previous 1-year period.

(b) Needs assessment

The report shall include a needs assessment to inform the distribution of humanitarian assistance inside North Korea.

(c) Form

The information required by subsection (a)(1) may be provided in classified form if necessary.

(Pub. L. 108-333, title II, §201, Oct. 18, 2004, 118 Stat. 1293; Pub. L. 108-447, div. D, title V, §534(j), Dec. 8, 2004, 118 Stat. 3007; Pub. L. 110-346, §9, Oct. 7, 2008, 122 Stat. 3942; Pub. L. 112-172, §8, Aug. 16, 2012, 126 Stat. 1309; Pub. L. 115-198, §7(d), July 20, 2018, 132 Stat. 1523.)

Editorial Notes

AMENDMENTS

2018—Subsec. (a). Pub. L. 115-198, §7(d)(1), substituted “2022” for “2017” in introductory provisions.

Subsecs. (b), (c). Pub. L. 115-198, §7(d)(2), (3), added subsec. (b) and redesignated former subsec. (b) as (c).

2012—Subsec. (a). Pub. L. 112-172 substituted “2017” for “2012” in introductory provisions.

2008—Subsec. (a). Pub. L. 110-346 substituted “annually thereafter through 2012” for “in each of the 2 years thereafter” in introductory provisions.

2004—Subsec. (a)(2). Pub. L. 108-447 substituted “subparagraphs (A) through (D) of section 7832(b)(1) of this title” for “paragraphs (1) through (4) of section 7832(b) of this title”.