

retary of State Condoleezza Rice ‘to express [their] deep concern for the lack of progress in funding and implementing the key provisions of the North Korean Human Rights Act’, particularly the lack of North Korean refugee admissions to the United States.

“(9) Although the United States refugee resettlement program remains the largest in the world by far, the United States has resettled only 37 North Koreans in the period from 2004 through 2007.

“(10) From the end of 2004 through 2007, the Republic of Korea resettled 5,961 North Koreans.

“(11) Extensive delays in assessment and processing have led numerous North Korean refugees to abandon their quest for United States resettlement, and long waits (of more than a year in some cases) have been the source of considerable discouragement and frustration among refugees, many of whom are awaiting United States resettlement in circumstances that are unsafe and insecure.

“(12) From 2000 through 2006, the United States granted asylum to 15 North Koreans, as compared to 60 North Korean asylum grantees in the United Kingdom, and 135 in Germany during that same period.”

SENSE OF CONGRESS

Pub. L. 110-346, § 3, Oct. 7, 2008, 122 Stat. 3940, provided that: “It is the sense of Congress that—

“(1) the United States should continue to make it a priority to seek broader permission and greater cooperation from foreign governments to allow the United States to process North Korean refugees overseas for resettlement in the United States, through persistent diplomacy by senior officials of the United States, including United States ambassadors to Asia-Pacific nations;

“(2) at the same time that careful screening of intending refugees is important, the United States also should make every effort to ensure that its screening, processing, and resettlement of North Korean refugees are as efficient and expeditious as possible;

“(3) the Special Envoy for North Korean Human Rights Issues should be a full-time position within the Department of State in order to properly promote and coordinate North Korean human rights and humanitarian issues, and to participate in policy planning and implementation with respect to refugee issues, as intended by the North Korean Human Rights Act of 2004 (Public Law 108-333; 22 U.S.C. 7801 et seq.);

“(4) in an effort to more efficiently and actively participate in humanitarian burden-sharing, the United States should approach our ally, the Republic of Korea, to revisit and explore new opportunities for coordinating efforts to screen and resettle North Koreans who have expressed a wish to pursue resettlement in the United States and have not yet availed themselves of any right to citizenship they may enjoy under the Constitution of the Republic of Korea; and

“(5) because there are genuine refugees among North Koreans fleeing into China who face severe punishments upon their forcible return, the United States should urge the Government of China to—

“(A) immediately halt its forcible repatriation of North Koreans;

“(B) fulfill its obligations pursuant to the 1951 United Nations Convention Relating to the Status of Refugees, the 1967 Protocol Relating to the Status of Refugees, and the 1995 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; and

“(C) allow the United Nations High Commissioner for Refugees (UNHCR) unimpeded access to North Koreans inside China to determine whether they are refugees and whether they require assistance.”

§ 7802. Purposes

The purposes of this chapter are—

(1) to promote respect for and protection of fundamental human rights in North Korea;

(2) to promote a more durable humanitarian solution to the plight of North Korean refugees;

(3) to promote increased monitoring, access, and transparency in the provision of humanitarian assistance inside North Korea;

(4) to promote the free flow of information into and out of North Korea; and

(5) to promote progress toward the peaceful reunification of the Korean peninsula under a democratic system of government.

(Pub. L. 108-333, § 4, Oct. 18, 2004, 118 Stat. 1290.)

§ 7803. Definitions

In this chapter:

(1) Appropriate congressional committees

The term “appropriate congressional committees” means—

(A) the Committee on Foreign Affairs of the House of Representatives; and

(B) the Committee on Foreign Relations of the Senate.

(2) China

The term “China” means the People’s Republic of China.

(3) Humanitarian assistance

The term “humanitarian assistance” means assistance to meet humanitarian needs, including needs for food, medicine, medical supplies, clothing, and shelter.

(4) North Korea

The term “North Korea” means the Democratic People’s Republic of Korea.

(5) North Koreans

The term “North Koreans” means persons who are citizens or nationals of North Korea.

(6) South Korea

The term “South Korea” means the Republic of Korea.

(Pub. L. 108-333, § 5, Oct. 18, 2004, 118 Stat. 1290; Pub. L. 110-346, § 4, Oct. 7, 2008, 122 Stat. 3941.)

AMENDMENTS

2008—Par. (1)(A). Pub. L. 110-346 substituted “Foreign Affairs” for “International Relations”.

SUBCHAPTER I—PROMOTING THE HUMAN RIGHTS OF NORTH KOREANS

§ 7811. Sense of Congress regarding negotiations with North Korea

It is the sense of Congress that the human rights of North Koreans should remain a key element in future negotiations between the United States, North Korea, and other concerned parties in Northeast Asia.

(Pub. L. 108-333, title I, § 101, Oct. 18, 2004, 118 Stat. 1290.)

§ 7812. Support for human rights and democracy programs

(a) Support

The President is authorized to provide grants to private, nonprofit organizations to support programs that promote human rights, democ-

racy, rule of law, and the development of a market economy in North Korea. Such programs may include appropriate educational and cultural exchange programs with North Korean participants, to the extent not otherwise prohibited by law.

(b) Authorization of appropriations

(1) In general

There are authorized to be appropriated to the President \$2,000,000 for each of the fiscal years 2005 through 2008 and \$2,000,000 for each of fiscal years 2009 through 2017 to carry out this section.

(2) Availability

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

(Pub. L. 108–333, title I, §102, Oct. 18, 2004, 118 Stat. 1290; Pub. L. 110–346, §5, Oct. 7, 2008, 122 Stat. 3941; Pub. L. 112–172, §4, Aug. 16, 2012, 126 Stat. 1308.)

AMENDMENTS

2012—Subsec. (b)(1). Pub. L. 112–172 substituted “2017” for “2012”.

2008—Subsec. (b)(1). Pub. L. 110–346 inserted “and \$2,000,000 for each of fiscal years 2009 through 2012” after “2008”.

§ 7813. Radio broadcasting to North Korea

(a) Sense of Congress

It is the sense of Congress that the United States should facilitate the unhindered dissemination of information in North Korea by increasing its support for radio broadcasting to North Korea, and that the Broadcasting Board of Governors should increase broadcasts to North Korea from current levels, with a goal of providing 12-hour-per-day broadcasting to North Korea, including broadcasts by Radio Free Asia and Voice of America.

(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.)

§ 7814. Actions to promote freedom of information

(a) Actions

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.

(b) Authorization of appropriations

(1) In general

There are authorized to be appropriated to the President \$2,000,000 for each of the fiscal years 2005 through 2017 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 2017, 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.)

REFERENCES IN TEXT

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

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”.

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

¹ See References in Text note below.