

115TH CONGRESS
2D SESSION

S. 3142

To provide for proper oversight of North Korea policy, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 26, 2018

Mr. MENENDEZ (for himself and Mr. GARDNER) introduced the following bill;
which was read twice and referred to the Committee on Foreign Relations

A BILL

To provide for proper oversight of North Korea policy, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “North Korea Policy
5 Oversight Act of 2018”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) APPROPRIATE CONGRESSIONAL COMMIT-
9 TEES.—The term “appropriate congressional com-
10 mittees” means—

1 (A) the Committee on Foreign Relations of
2 the Senate;

3 (B) the Committee on Appropriations of
4 the Senate;

5 (C) the Committee on Foreign Affairs of
6 the House of Representatives; and

7 (D) the Committee on Appropriations of
8 the House of Representatives.

9 (2) NUCLEAR NONPROLIFERATION TREATY.—

10 The term “nuclear nonproliferation treaty” means
11 the Treaty on the Non-Proliferation of Nuclear
12 Weapons, done at Washington, London, and Moscow
13 July 1, 1968 (21 UST 483).

14 **SEC. 3. FINDINGS.**

15 Congress makes the following findings:

16 (1) The world faces a greater risk of nuclear
17 conflict today than at any time since the height of
18 the Cold War, due to Kim Jong-un’s relentless pur-
19 suit of nuclear weapons and ballistic missiles in the
20 face of global condemnation and unprecedented eco-
21 nomic sanctions from the international community.

22 (2) The North Korean nuclear program did not
23 arise instantaneously, but is the culmination of the
24 rogue regime’s illegal efforts over 6 decades to ac-
25 quire a viable deterrent that threatens both the

1 United States and our critical allies in the Pacific
2 region.

3 (3) North Korea has conducted 6 nuclear tests
4 since 2006, with each test increasing in explosive
5 strength.

6 (4) North Korea's latest nuclear test, occurring
7 on September 3, 2017, was its largest nuclear explo-
8 sion to date, registering a 6.3 magnitude earthquake
9 according to the United States Geological Survey
10 with an estimated yield of 140 kilotons.

11 (5) According to open source analysis, North
12 Korea has produced enough fissile material for at
13 least 30 to 60 nuclear weapons.

14 (6) North Korea maintains a robust ballistic
15 missile portfolio that includes a diverse array of de-
16 livery systems capable of striking targets throughout
17 the region, including short-range Scuds, medium-
18 range No-Dong missiles, and intercontinental bal-
19 listic missiles that are potentially capable of tar-
20 geting the United States mainland.

21 (7) The Department of Defense estimates that
22 North Korea currently wields approximately 200
23 launchers capable of firing short and medium range
24 ballistic missiles.

1 (8) Increasingly rigorous international economic
2 sanctions applied since the passage of the North
3 Korea Sanctions and Policy Enhancement Act of
4 2016 (Public Law 114–122), including by the
5 United States and the United Nations Security
6 Council, have clearly intensified pressure on the re-
7 gime and focused international attention on the ur-
8 gency of the challenge posed by the Kim regime in
9 Pyongyang.

10 (9) The Government of the Democratic People’s
11 Republic of Korea has flagrantly defied the inter-
12 national community by illicitly developing its nuclear
13 and ballistic missile programs, in violation of United
14 Nations Security Council Resolutions 1718 (2006),
15 1874 (2009), 2087 (2013), 2094 (2013), 2270
16 (2016), 2321 (2016), 2371 (2017), 2375 (2017),
17 and 2397 (2017).

18 (10) The Government of the Democratic Peo-
19 ple’s Republic of Korea engages in gross human
20 rights abuses against its own people and citizens of
21 other countries, including the United States, the Re-
22 public of Korea, and Japan.

23 (11) Kim Jong-un appears to have signaled an
24 interest in undertaking diplomatic talks that could
25 provide an opening for re-initiating negotiations re-

1 garding the regime’s nuclear program and peace and
2 stability on the Korean Peninsula.

3 (12) The stakes for the security of the United
4 States and United States allies are such that all
5 credible diplomatic options must be prioritized,
6 resourced, and fully pursued.

7 (13) Economic pressure and sanctions provide
8 critical leverage in any such diplomatic negotiations
9 and must be maintained and strengthened until the
10 North Korean regime takes meaningful and
11 verifiable actions toward denuclearization.

12 (14) The North Korean regime has a record of
13 failing to live up to its diplomatic commitments, re-
14 jecting good faith efforts by United States and inter-
15 national negotiators, and leveraging talks to extract
16 concessions such as sanctions relief.

17 (15) The United States Government should
18 continue a campaign of economic pressure and sanc-
19 tions, counter-proliferation, containment, and deter-
20 rence to prevent the regime from further developing,
21 using, or disseminating nuclear or ballistic weapons,
22 technology, and related material until North Korea
23 takes significant, meaningful, and verifiable steps to
24 complete, verifiable, and irreversible denucleariza-
25 tion.

1 (16) On June 13, 2018, Secretary of State
2 Mike Pompeo said, “President Trump has been in-
3 credibly clear about the sequencing of denucleariza-
4 tion and relief from the sanctions. We are going to
5 get complete denuclearization; only then will there be
6 relief from the sanctions.”.

7 (17) The North Korea Sanctions and Policy
8 Enhancement Act of 2016 states that there can be
9 no sanctions relief unless North Korea has “made
10 significant progress toward completely, verifiably,
11 and irreversibly dismantling all of its nuclear, chem-
12 ical, biological, and radiological weapons programs,
13 including all programs for the development of sys-
14 tems designed in whole or in part for the delivery of
15 such weapons”.

16 (18) The United States Government has suc-
17 cessfully pursued a policy of deterrence, which has
18 kept the American people safe from a nuclear attack
19 from the Russian Federation, China, and other
20 states with nuclear weapons, which have a combined
21 nuclear arsenal of more than 7,000 warheads.

22 (19) Over time, the United States policy of de-
23 terrence, containment, and diplomacy to reduce nu-
24 clear weapons risks protected the American people

1 and contributed to the peaceful dissolution of the
2 Soviet Union.

3 (20) The United States, the Republic of Korea,
4 and Japan are all free societies that are committed
5 to the principles of inclusive democracy, respect for
6 human potential and individual character, and the
7 belief that the peaceful spread of these principles
8 will result in a safer and brighter future for all of
9 mankind.

10 (21) The Governments and people of the United
11 States, the Republic of Korea, and Japan can help
12 realize this future through further strengthening
13 their economic, political, social, cultural, and secu-
14 rity relationships.

15 (22) The Governments and people of the United
16 States, the Republic of Korea, and Japan share a
17 commitment to free and open markets, high stand-
18 ards for the free flow of commerce and trade, and
19 the establishment of an inclusive architecture for re-
20 gional and global trade and development.

21 (23) The United States-Japan and United
22 States-Republic of Korea security alliances have
23 evolved considerably over many decades and will con-
24 tinue to transform as genuine partnerships, sharing

1 greater responsibilities and dedicated to ensuring a
2 secure and prosperous region and world.

3 (24) Robust military posture, including regular
4 training and exercises, by the United States, the Re-
5 public of Korea, and Japan, is critical to ensuring
6 peace and stability in Northeast Asia.

7 (25) Kim Jong-un, who is operating as a ruth-
8 less and cruel despot in pursuit of his own ambi-
9 tions, has demonstrated an overwhelming interest in
10 regime survival, such that the preponderance of ex-
11 perts believe with confidence that he can be deterred
12 from initiating a nuclear attack on the United
13 States or its allies that would lead to the certain de-
14 struction of his regime.

15 (26) In the absence of an imminent threat to
16 the United States or its allies, a preventive war
17 against North Korea would pose extraordinary risks
18 to the United States and security in Northeast Asia
19 and would require consent of Congress under article
20 I of the Constitution.

21 (27) An effective policy of deterrence requires—

22 (A) clear, consistent, and credible mes-
23 saging of costs to an adversary such that they
24 recognize that their use of nuclear weapons
25 would result in massive retaliation; and

1 (B) the vigorous use of diplomatic, eco-
2 nomic, military, and other coercive tools to en-
3 sure stable deterrence and prevent an adversary
4 from proliferating material or technology.

5 (28) The Panmunjom Declaration and the June
6 12, 2018, summit in Singapore between President
7 Trump and Kim Jong-un (“U.S.-DPRK Summit”),
8 where it was reaffirmed that the DPRK “commits to
9 working toward the complete denuclearization of the
10 Korean Peninsula” are welcome steps toward alle-
11 viating tensions on the Korean Peninsula, but fur-
12 ther progress must be made to ensure and verify the
13 complete denuclearization of the Korean Peninsula.

14 (29) The joint statement issued by the United
15 States and the DPRK after the Singapore Summit
16 stated, “the United States and the DPRK commit to
17 hold follow-on negotiations, led by the U.S. Sec-
18 retary of State, Mike Pompeo, and a relevant high-
19 level DPRK official, at the earliest possible date, to
20 implement the outcomes of the U.S.-DPRK sum-
21 mit.”.

22 (30) The May 10, 2018, release of Tony Kim,
23 Kim Hak-song, and Kim Dong-chul, who had been
24 held hostage by the Government of the Democratic
25 People’s Republic of Korea, is a positive sign for the

1 possibility of a diplomatic pathway to denucleariza-
2 tion, peace, and stability on the Korean Peninsula.

3 (31) On April 22, 2018, Kim Jong-un asserted
4 that North Korea had completed its quest for nu-
5 clear weapons, stating that “under the proven condi-
6 tion of complete nuclear weapons, we no longer need
7 any nuclear tests, mid-range and intercontinental
8 ballistic rocket tests, and that the nuclear test site
9 in northern area has also completed its mission”.

10 (32) Secretary of State Mike Pompeo, in his
11 prepared remarks during his confirmation hearing to
12 the Committee on Foreign Relations of the Senate
13 on April 12, 2018, stated, “There is no higher diplo-
14 matic task for the State Department team than solv-
15 ing this decades-in-the-making threat to our nation”
16 when discussing North Korea.

17 (33) President Donald J. Trump outlined his
18 belief that Kim Jong-un is being forthright in his
19 desire to agree to a nuclear deal with the United
20 States, when he said, “Chairman Kim and I just
21 signed a joint statement in which he reaffirmed his
22 unwavering commitment to complete denucleariza-
23 tion of the Korean Peninsula.”.

24 (34) The United States requires a comprehen-
25 sive diplomatic strategy that outlines the funda-

1 mental principles, actions, and verification and com-
2 pliance mechanisms necessary to properly engage the
3 Government of the Democratic People’s Republic of
4 Korea on the full denuclearization of the Korean Pe-
5 ninsula.

6 **SEC. 4. STATEMENTS OF POLICY.**

7 (a) IN GENERAL.—It is the policy of the United
8 States—

9 (1) to pursue all credible diplomatic means to
10 achieve the complete, verifiable, and irreversible dis-
11 mantlement of North Korean nuclear weapons and
12 ballistic missile programs;

13 (2) until such time as denuclearization is
14 achieved—

15 (A) to deter North Korea from using weap-
16 ons of mass destruction or leveraging those
17 weapons to coerce United States allies;

18 (B) to contain attempts by North Korea to
19 proliferate such weapons and technologies;

20 (C) to sustain United States and multilat-
21 eral efforts to reduce the risk of conflict on the
22 Korean Peninsula; and

23 (D) to continue the maximum pressure
24 campaign against North Korea and its enablers,

1 in cooperation with the United Nations and the
2 international community;

3 (3) should diplomacy and deterrence fail to re-
4 sult in the complete, verifiable denuclearization of
5 North Korea, to reserve the right to utilize all avail-
6 able options to protect and defend United States na-
7 tional security interests and meet United States
8 treaty obligations; and

9 (4) to uphold the nuclear nonproliferation trea-
10 ty and not recognize North Korea as a legitimate
11 nuclear weapons state.

12 (b) DIPLOMACY.—It is the policy of the United
13 States—

14 (1) to pursue diplomatic engagement with the
15 North Korean regime for the purposes of—

16 (A) advancing meaningful negotiations re-
17 garding denuclearization, including the Govern-
18 ment of North Korea abandoning and disman-
19 tling its provocative missile and nuclear weap-
20 ons programs, ceasing its proliferation activi-
21 ties, and coming into compliance with all rel-
22 evant international agreements and United Na-
23 tions Security Council resolutions;

24 (B) reducing the risks of military mis-
25 calculation; and

1 (C) creating opportunities for the develop-
2 ment of confidence building measures;

3 (2) to formulate and carry out policy affecting
4 the Korean Peninsula in close cooperation with
5 United States allies, particularly the Republic of
6 Korea;

7 (3) to encourage all nations to deny North
8 Korea the right to maintain diplomatic missions on
9 foreign soil until such time as the Government of the
10 Democratic People's Republic of Korea takes cred-
11 ible and verifiable steps toward denuclearization;

12 (4) to encourage all nations to fully implement
13 and enforce United Nations sanctions commitments
14 with respect to North Korea, including ending the
15 practice of hosting overseas North Korean workers;

16 (5) to increase the effectiveness of United
17 States sanctions by seeking to work through the
18 United Nations and with other like-minded countries
19 to ensure a multilateral approach to sanctions;

20 (6) to provide unmistakable assurance to Japan
21 and the Republic of Korea, including through ex-
22 tended deterrence commitments and the presence of
23 forward-deployed United States military forces, that
24 the United States is committed to fulfilling its treaty
25 obligations if they are attacked;

1 (7) to provide support for North Korean refu-
2 gees and asylum seekers in accordance with United
3 States law;

4 (8) to promote the human rights and dignity of
5 the North Korean people, including through the
6 United Nations and other multilateral institutions;
7 and

8 (9) to seek opportunities for humanitarian ac-
9 tions, such as family reunification and the return of
10 human remains.

11 (c) ECONOMIC PRESSURE.—It is the policy of the
12 United States to sustain and calibrate economic pressure
13 on North Korea until the regime undertakes meaningful
14 and verifiable actions toward denuclearization, including
15 by—

16 (1) encouraging all nations to robustly imple-
17 ment and enforce existing United Nations sanctions;

18 (2) leveraging the strength of the United States
19 financial system to deny access by the Government
20 of the Democratic People’s Republic of Korea and
21 those with whom such government facilitates illicit
22 financial transactions to the United States and glob-
23 al markets, including through the use of secondary
24 sanctions;

1 (3) encouraging all nations, in accordance with
2 United Nations Security Council resolutions, to end
3 the practice of hosting North Korean citizens as
4 guest workers, recognizing that such workers are
5 demonstrated to constitute an illicit source of rev-
6 enue for the Kim regime and its nuclear ambitions;

7 (4) working with the international community
8 on rigorous interdiction of shipments to and from
9 North Korea, including ship-to-ship transfers, con-
10 sistent with United Nations Security Council resolu-
11 tions that have banned nearly every major export
12 from North Korea; and

13 (5) strictly enforcing United States laws with
14 respect to sanctioning entities, including Russian
15 and Chinese entities, that knowingly engage with
16 sanctioned entities from North Korea or trade in
17 items prohibited under United Nations Security
18 Council resolutions.

19 (d) PROLIFERATION OF NUCLEAR AND MISSILE
20 TECHNOLOGY.—It is the policy of the United States—

21 (1) to prevent the transfer of nuclear weapons,
22 missile technology or related material to or from
23 North Korea and other states or non-state actors;

24 (2) to support the efforts of the international
25 community to detect, interdict, and prevent the

1 transfers of nuclear or missile technology or related
2 items to or from North Korea;

3 (3) to prioritize close coordination with global
4 partners, including through technical assistance and
5 capacity building, to enhance the ability of the global
6 community to monitor, interdict, and prosecute enti-
7 ties that engage in transfer of nuclear weapons, mis-
8 sile technology, or related material to or from North
9 Korea; and

10 (4) consistent with United States obligations
11 under the nuclear nonproliferation treaty—

12 (A) to not assist any country, including
13 Japan and the Republic of Korea, in the devel-
14 opment of nuclear weapons; and

15 (B) to encourage all countries to abide by
16 their commitments under such treaty and Inter-
17 national Atomic Energy Agency agreements.

18 (e) ALLIANCES AND MILITARY POSTURE.—It is the
19 policy of the United States—

20 (1) to reaffirm the importance of the United
21 States-Japan and United States-Republic of Korea
22 alliances for maintaining peace and stability in the
23 Indo-Pacific region and beyond;

1 (2) to reaffirm United States extended deter-
2 rence commitments to Japan and the Republic of
3 Korea;

4 (3) to reaffirm the importance of the forward-
5 deployed presence of United States military forces in
6 Japan and Korea, and affirm close alliance coordina-
7 tion on any adjustment of United States military
8 posture in the region; and

9 (4) to strengthen United States efforts to con-
10 front emerging or asymmetric challenges, including
11 cyber and space;

12 (5) to safeguard maritime security and ensure
13 freedom of navigation, commerce, and overflight in
14 the Indo-Pacific region; and

15 (6) to cooperate with allies and partners in the
16 provision of public goods to the region, including hu-
17 manitarian relief and disaster response.

18 (f) **MILITARY MEASURES.**—It is the policy of the
19 United States—

20 (1) to keep United States security commitments
21 to United States allies in the face of North Korea’s
22 continuing threat, including taking necessary actions
23 for United States self-defense and the defense of
24 United States allies, including joint military exer-
25 cises, modernization of weapons systems deployed in

1 the region, and robust counter-provocation planning
2 by the United States and Republic of Korea Com-
3 bined Forces Command;

4 (2) consistent with longstanding United States
5 interests in attenuating strategic competition in
6 Asia, to develop and deploy effective and reliable
7 anti-ballistic missile capabilities to defend the United
8 States homeland, United States forces in the region,
9 and United States allies Japan and South Korea;

10 (3) to formulate and carry out military plan-
11 ning and operations impacting the Korean Peninsula
12 in close cooperation with United States allies, par-
13 ticularly the Republic of Korea and Japan;

14 (4) to deter North Korea in a manner that bol-
15 sters the force posture and military strength of our
16 alliance and partner networks in the broader Asia-
17 Pacific region; and

18 (5) to maintain, as necessary and appropriate,
19 credible and overwhelming military options against
20 the Government of the Democratic People's Republic
21 of Korea, consistent with efforts to deter the regime
22 from use of nuclear weapons, ballistic missiles, and
23 related technology.

24 (g) HUMAN RIGHTS.—It is the policy of the United
25 States—

1 (1) to continue to make it a priority to improve
2 information access in North Korea by exploring the
3 use of new and emerging technologies and expanding
4 nongovernmental radio broadcasting to North Korea,
5 including news and information, to increase informa-
6 tion dissemination in the Democratic People’s Re-
7 public of Korea (“DPRK”);

8 (2) to commit to revisit and explore new oppor-
9 tunities for coordinating efforts to plan for humani-
10 tarian needs in the DPRK;

11 (3) to press for access for the Special
12 Rapporteur on the situation of human rights in the
13 DPRK and the United Nations High Commissioner
14 for Human Rights;

15 (4) to continue to seek cooperation from foreign
16 governments to allow the United States to process
17 North Korean refugees overseas for United States
18 resettlement;

19 (5) to urge China to halt forcible repatriation of
20 North Koreans;

21 (6) to promote democracy, human rights, and a
22 market economy in North Korea; and

23 (7) to increase the availability of nongovern-
24 mental controlled information inside North Korea.

1 (h) INFORMATION DISSEMINATION EFFORTS.—It is
2 the policy of the United States—

3 (1) to increase the flow of information, news,
4 and cultural programming into North Korea, includ-
5 ing through radio and television broadcasts, digital
6 media, and other means;

7 (2) to increase the flow of information to North
8 Korean citizens, including through radio and tele-
9 vision broadcasts, digital media, and other means;
10 and

11 (3) to fulfill all requirements under United
12 States law, including the North Korea Sanctions and
13 Policy Enhancement Act of 2016, with regard to
14 providing resources for freedom of information ef-
15 forts into North Korea, and to regularly consult with
16 Congress regarding such efforts.

17 (i) STRATEGY REQUIRED.—

18 (1) IN GENERAL.—The President shall submit
19 to the national security committees a detailed strat-
20 egy, which may include a classified annex, for the
21 implementation of policies outlined in subsections (b)
22 through (h), augmented by briefings to the national
23 security committees on a quarterly basis or as re-
24 quested.

1 (2) NATIONAL SECURITY COMMITTEES DE-
2 FINED.—In this subsection, the term “national secu-
3 rity committees” means—

4 (A) the Committee on Armed Services, the
5 Select Committee on Intelligence, and the Com-
6 mittee on Foreign Relations of the Senate; and

7 (B) the Committee on Armed Services, the
8 Permanent Select Committee on Intelligence,
9 and the Committee on Foreign Affairs of the
10 House of Representatives.

11 **SEC. 5. DIPLOMATIC STRATEGY.**

12 (a) UNITED STATES POLICY.—It is the policy of the
13 United States—

14 (1) to seek the complete and verifiable denucle-
15 arization of North Korea in a peaceful manner, in-
16 cluding—

17 (A) the complete abandonment of all
18 DPRK nuclear weapons, fissile material, and
19 existing nuclear programs; and

20 (B) the DPRK returning, at an early date,
21 to the nuclear nonproliferation treaty and to
22 International Atomic Energy Agency safe-
23 guards;

1 (2) to seek the complete and verifiable dis-
2 mantlement of all DPRK nuclear weapons-related
3 facilities, including for—

4 (A) the production and processing of fissile
5 material; and

6 (B) scientific research related to the pro-
7 duction of nuclear weapons;

8 (3) to seek appropriate inspections, verification,
9 and compliance measures, including full-scope safe-
10 guards, to assure the complete denuclearization of
11 North Korea;

12 (4) to seek the complete and verifiable dis-
13 mantlement of—

14 (A) all DPRK ballistic missiles, of any
15 range; and

16 (B) all infrastructure and facilities related
17 to the production, testing, and fielding or de-
18 ployment of ballistic missiles;

19 (5) to seek the complete and verifiable dis-
20 mantlement of all DPRK programs related to weap-
21 ons of mass destruction, including chemical and bio-
22 logical weapons and the industrial and scientific fa-
23 cilities to support such programs;

24 (6) to affirm that the United States has no in-
25 tention to undertake any military action against the

1 DPRK that is contrary to the United States Con-
2 stitution and international law; and

3 (7) to commit to joint efforts for lasting peace
4 and stability in Northeast Asia, including—

5 (A) facilitating the negotiation between di-
6 rectly related parties of a permanent peace re-
7 gime on the Korean Peninsula at an appro-
8 priate separate forum; and

9 (B) exploring ways and means for pro-
10 moting security cooperation in Northeast Asia,
11 in conjunction with significant, meaningful, and
12 verifiable steps to achieve the complete denucle-
13 arization of North Korea.

14 (b) DIPLOMATIC STRATEGY REPORT.—

15 (1) IN GENERAL.—Not later than 90 days after
16 the date of the enactment of this Act, and every 180
17 days thereafter, the President shall submit to the
18 appropriate congressional committees a report that
19 describes—

20 (A) how the diplomatic negotiations with
21 the Government of the Democratic People’s Re-
22 public of Korea are expected to proceed; and

23 (B) actions taken by the United States
24 Government to address the threats posed by,

1 and the capabilities of, the Democratic People's
2 Republic of Korea.

3 (2) ELEMENTS.—Each report required under
4 paragraph (1) shall include—

5 (A) a summary of ongoing efforts by the
6 United States to identify diplomatic strategies
7 and policies and engage in negotiations, includ-
8 ing an assessment of the strengths and weak-
9 nesses of such strategies, policies and negotia-
10 tions—

11 (i) to achieve peaceful denucleariza-
12 tion of the Korean Peninsula;

13 (ii) to eliminate the threat posed by
14 the ballistic missile program of the Demo-
15 cratic People's Republic of Korea; and

16 (iii) to continue the maximum pres-
17 sure campaign, in coordination with United
18 States allies;

19 (B) an assessment of—

20 (i) the roadmap toward peaceful denu-
21 clearization of the Korean Peninsula and
22 the elimination of the nuclear and ballistic
23 missile threats posed by the Democratic
24 People's Republic of Korea; and

1 (ii) specific actions that the Govern-
2 ment of the Democratic People’s Republic
3 of Korea would need to take for such road-
4 map to become viable; and

5 (C) a summary of the United States strat-
6 egy to increase international coordination and
7 cooperation, whether unilaterally, bilaterally, or
8 multilaterally, including sanctions enforcement
9 and interdiction—

10 (i) to encourage credible diplomatic
11 engagement by the DPRK; and

12 (ii) to address any threat posed by the
13 nuclear and ballistic missile programs of
14 the Democratic People’s Republic of
15 Korea.

16 (3) FORM.—Each report required under this
17 subsection shall be submitted in unclassified form,
18 but may include a classified annex.

19 (4) UPDATES.—Not later than 30 days after
20 the date the first strategy report is submitted under
21 paragraph (1), and every 30 days thereafter while
22 the United States and North Korea are engaged in
23 bilateral or multilateral diplomacy to achieve, imple-
24 ment, or verify that North Korea’s denuclearization
25 is ongoing, the President shall augment the strategy

1 report with written updates on the negotiation pro-
2 cess.

3 (c) POLICY OF THE UNITED STATES WITH RESPECT
4 TO SANCTIONS AGAINST THE DEMOCRATIC PEOPLE'S RE-
5 PUBLIC OF KOREA.—

6 (1) STATEMENT OF POLICY.—It is the policy of
7 the United States to continue to impose sanctions
8 with respect to activities of the Government of the
9 Democratic People's Republic of Korea, persons act-
10 ing for or on behalf of such government, and other
11 persons in accordance with Executive Order 13687
12 (50 U.S.C. 1701 note; relating to imposing addi-
13 tional sanctions with respect to North Korea), Exec-
14 utive Order 13694 (50 U.S.C. 1701 note; relating to
15 blocking the property of certain persons engaging in
16 significant malicious cyber-enabled activities), Exec-
17 utive Order 13722 (50 U.S.C. 1701 note; relating to
18 blocking the property of the Government of North
19 Korea and the Workers' Party of Korea, and prohib-
20 iting certain transactions with respect to North
21 Korea), and Executive Order 13810 (82 Fed. Reg.
22 44705; relating to imposing additional sanctions
23 with respect to North Korea), as those Executive or-
24 ders are in effect on the day before the date of the

1 enactment of this Act, until the Government of the
2 Democratic People's Republic of Korea—

3 (A) takes meaningful and verifiable action
4 towards denuclearization, as mandated by the
5 North Korea Sanctions and Policy Enhance-
6 ment Act of 2016; and

7 (B) is no longer engaged in any activity
8 described in those Executive orders or in viola-
9 tion of United Nations Security Council Resolu-
10 tion 1718 (2006), 1874 (2009), 2087 (2013),
11 2094 (2013), 2270 (2016), 2321 (2016), 2371
12 (2017), or 2375 (2017).

13 (2) REPORT.—Not later than 30 days after ter-
14 minating any sanction with respect to the activities
15 of the Government of the Democratic People's Re-
16 public of Korea, a person acting for or on behalf of
17 that government, or any other person as provided in
18 an Executive order listed in paragraph (1), the Sec-
19 retary of State shall submit to the appropriate con-
20 gressional committees a report regarding the ces-
21 sation of any illicit activity that violates United Na-
22 tions Security Council Resolution 1718 (2006), 1874
23 (2009), 2087 (2013), 2094 (2013), 2270 (2016),
24 2321 (2016), 2371 (2017), or 2375 (2017) by that
25 government or person.

1 (d) ALLIANCES AND MILITARY POSTURE.—

2 (1) REPORT ON UNITED STATES FORCE POS-
3 TURE IN THE UNITED STATES INDO-PACIFIC COM-
4 MAND AREA OF RESPONSIBILITY.—

5 (A) IN GENERAL.—Not later than 90 days
6 after the date of the enactment of this Act, and
7 every 180 days thereafter, the Secretary of De-
8 fense shall submit to the appropriate congres-
9 sional committees a report providing an assess-
10 ment of the effect of any negotiations or agree-
11 ments with the DPRK on United States secu-
12 rity interests and United States military pres-
13 ence and alliance implications in the United
14 States Indo-Pacific Command area of responsi-
15 bility.

16 (B) ELEMENTS.—The report required
17 under subparagraph (A) shall include—

18 (i) a review of current and emerging
19 United States national security interests in
20 the United States Indo-Pacific Command
21 area of responsibility;

22 (ii) a review of current United States
23 military force posture and deployment
24 plans of the United States Indo-Pacific
25 Command; and

1 (iii) the views of counterpart govern-
2 ments, including military commanders in
3 the region.

4 (2) REPORT ON UNITED STATES FORCE POS-
5 TURE IN THE UNITED STATES FORCES KOREA AREA
6 OF RESPONSIBILITY.—

7 (A) IN GENERAL.—Not later than 90 days
8 after the date of the enactment of this Act, and
9 every 180 days thereafter, the Secretary of De-
10 fense shall submit to the appropriate congress-
11 sional committees a report providing an assess-
12 ment of the effect of any negotiations or agree-
13 ments with the DPRK on United States secu-
14 rity interests and United States military pres-
15 ence and alliance implications in the United
16 States Forces Korea area of responsibility.

17 (B) ELEMENTS.—The report required
18 under subparagraph (A) shall include—

19 (i) a review of current and emerging
20 United States national security interests in
21 the United States Forces Korea area of re-
22 sponsibility;

23 (ii) a review of current United States
24 military force posture and deployment

1 plans of the United States Forces Korea;
2 and

3 (iii) the views of counterpart govern-
4 ments, including military commanders in
5 the region.

6 (3) REPORT ON UNITED STATES FORCE POS-
7 TURE IN THE UNITED STATES FORCES JAPAN AREA
8 OF RESPONSIBILITY.—

9 (A) IN GENERAL.—Not later than 90 days
10 after the date of the enactment of this Act, and
11 every 180 days thereafter, the Secretary of De-
12 fense shall submit to the appropriate congres-
13 sional committees a report providing an assess-
14 ment of the effect of any negotiations or agree-
15 ments with the DPRK on United States secu-
16 rity interests and United States military pres-
17 ence and alliance implications in the United
18 States Forces Japan area of responsibility.

19 (B) ELEMENTS.—The report required
20 under subparagraph (A) shall include—

21 (i) a review of current and emerging
22 United States national security interests in
23 the United States Forces Japan area of re-
24 sponsibility;

1 (ii) a review of current United States
2 military force posture and deployment
3 plans of the United States Forces Japan;
4 and

5 (iii) the views of counterpart govern-
6 ments, including military commanders in
7 the region.

8 **SEC. 6. SENSE OF CONGRESS REGARDING UNITED STATES**
9 **TROOPS ON THE KOREAN PENINSULA.**

10 It is the sense of the Congress that—

11 (1) South Korea is a close friend and ally of the
12 United States, and the United States-South Korea
13 alliance is the linchpin of peace and security in the
14 Indo-Pacific region;

15 (2) the presence of United States military
16 forces on the Korean Peninsula and across the Indo-
17 Pacific region continues to play a critical role in
18 safeguarding the peaceful and stable rules-based
19 international order that benefits all countries;

20 (3) South Korea has contributed heavily to its
21 own defense and to the defense of the United States
22 Armed Forces in South Korea, including by pro-
23 viding \$10,000,000,000 of the \$10,800,000,000
24 Camp Humphreys project to build and relocate

1 United States military forces to a new base in South
2 Korea;

3 (4) United States military forces, pursuant to
4 international law, are lawfully deployed on the Ko-
5 rean Peninsula;

6 (5) the nuclear and ballistic missile programs of
7 the Democratic People's Republic of Korea are clear
8 and consistent violations of international law;

9 (6) the long-stated strategic objective of author-
10 itarian states, such as the People's Republic of
11 China, the Russian Federation, and the Democratic
12 People's Republic of Korea, has been the significant
13 removal of United States military forces from the
14 Korean Peninsula;

15 (7) economic sanctions, military pressure, and
16 diplomatic measures undertaken by the United
17 States and its allies and regional partners, have con-
18 tributed to bring Kim Jong-un to the negotiation
19 table; and

20 (8) the removal of United States military forces
21 from the Korean Peninsula is a non-negotiable item
22 as it relates to the complete, verifiable, and irrevers-
23 ible denuclearization of the Democratic People's Re-
24 public of Korea.

1 **SEC. 7. BRIEFINGS.**

2 (a) MEMBER BRIEFINGS.—

3 (1) IN GENERAL.—Following each round of dip-
4 lomatic talks between the United States and North
5 Korea, the Secretary of State and the Director of
6 National Intelligence shall hold, for the appropriate
7 congressional committees and congressional leaders,
8 briefings on the negotiations.

9 (2) CLASSIFICATION.—The briefings required
10 under paragraph (1) shall be held in a classified for-
11 mat.

12 (b) STAFF BRIEFINGS.—

13 (1) IN GENERAL.—Not later than 90 days after
14 the date of the enactment of this Act, the Secretary
15 of State, with the concurrence of the Director of Na-
16 tional Intelligence, shall hold monthly briefings for
17 cleared national security staff members of the appro-
18 priate congressional committees.

19 (2) CLASSIFICATION.—The briefings required
20 under paragraph (1) shall be held in a classified for-
21 mat.

22 **SEC. 8. CONGRESSIONAL HEARINGS.**

23 During each quarterly period that the diplomatic
24 talks between the United States and North Korea con-
25 tinue, the Committee on Foreign Relations of the Senate
26 and the Committee on Foreign Affairs of the House of

1 Representatives shall, as appropriate, hold hearings and
2 otherwise obtain information in order to fully review the
3 negotiations.

4 **SEC. 9. OVERSIGHT OF AGREEMENTS WITH NORTH KOREA.**

5 (a) TRANSMISSION TO CONGRESS OF NUCLEAR
6 AGREEMENTS WITH NORTH KOREA AND VERIFICATION
7 ASSESSMENT WITH RESPECT TO SUCH AGREEMENTS.—

8 (1) TRANSMISSION OF AGREEMENTS.—Not
9 later than 5 days after reaching an agreement with
10 North Korea relating to the nuclear and missile pro-
11 gram of North Korea, the President shall transmit
12 to the appropriate congressional committees, the
13 Majority and Minority Leader of the Senate and the
14 Speaker, Majority Leader, and Minority Leader of
15 the House of Representatives—

16 (A) the agreement, including all related
17 materials and annexes; and

18 (B) a verification assessment report pre-
19 pared by the Secretary of State in accordance
20 with paragraph (2).

21 (2) VERIFICATION ASSESSMENT REPORT.—

22 (A) IN GENERAL.—The Secretary of State
23 shall prepare, with respect to an agreement de-
24 scribed in paragraph (1), a report assessing—

1 (i) the extent to which the Secretary
2 will be able to verify that North Korea is
3 complying with its obligations and commit-
4 ments under the agreement, including how
5 North Korea might attempt to conceal its
6 program;

7 (ii) the adequacy of the safeguards
8 and other control mechanisms and other
9 assurances contained in the agreement
10 with respect to North Korean nuclear and
11 missile programs to ensure North Korea
12 activities are limited to the subset of activi-
13 ties permitted under the agreement; and

14 (iii) the capacity and capability of the
15 United States and international organiza-
16 tions, such as the International Atomic
17 Energy Agency, to effectively implement
18 the verification regime required by or re-
19 lated to the agreement, including whether
20 the United States or international organi-
21 zations will have—

22 (I) sufficient access to—

23 (aa) all nuclear facilities
24 that span the entire nuclear fuel
25 cycle;

1 (bb) facilities associated
2 with the nuclear weaponization
3 program;

4 (cc) facilities associated with
5 its missile program; and

6 (dd) declared and
7 undeclared sites; and

8 (II) the ability to investigate sus-
9 picious sites or allegations of covert
10 nuclear-related activities.

11 (B) CLASSIFIED ANNEX.—The report re-
12 quired under subparagraph (A) shall be trans-
13 mitted in unclassified form, but shall include a
14 classified annex prepared in consultation with
15 the Director of National Intelligence, summa-
16 rizing relevant classified information.

17 (b) SENSE OF CONGRESS ON NORTH KOREA FINAL
18 AGREEMENT.—It is the sense of Congress that any bind-
19 ing agreement between the United States and the Demo-
20 cratic People’s Republic of Korea should be submitted to
21 the United States as a treaty and subject to the advice
22 and consent of the Senate in accordance with article II,
23 section 2, clause 2 of the Constitution of the United
24 States.

1 **SEC. 10. ADDITIONAL REPORTS.**

2 (a) VERIFICATION AND COMPLIANCE REPORTS.—

3 (1) IN GENERAL.—Not later than 90 days after
4 the date of the enactment of this Act, the Secretary
5 of State, with the concurrence of the Director of Na-
6 tional Intelligence, shall submit to the appropriate
7 congressional committees a report on North Korea’s
8 record of verification and compliance.

9 (2) CLASSIFICATION.—The report required
10 under paragraph (1)—

11 (A) may be submitted in classified form;

12 (B) shall contain an unclassified executive
13 summary; and

14 (C) may contain an unclassified annex.

15 (b) SEMI-ANNUAL REPORT.—Not later than 180
16 days after entering into an agreement with North Korea,
17 and not less frequently than once every 180 days there-
18 after, the President shall submit to the appropriate con-
19 gressional committees and leadership a report on North
20 Korea’s nuclear and missile program and the compliance
21 of North Korea with the agreement during the period cov-
22 ered by the report, which shall include—

23 (1) a description of any action or failure to act
24 by the Government of the Democratic People’s Re-
25 public of Korea that breached the agreement or is
26 in noncompliance with the terms of the agreement;

1 (2) a description of the status and activities of
2 any North Korea nuclear facilities related to the nu-
3 clear fuel cycle, including mining and exploration,
4 milling, conversion, enrichment, fuel fabrication, re-
5 actors, reprocessing, and storage;

6 (3) a description of the status and activities of
7 any North Korea nuclear facilities related to the
8 North Korean nuclear weaponization program, in-
9 cluding research and development, education and
10 training, and testing;

11 (4) a description of the status and activities of
12 any North Korea missile facilities, including research
13 and development, production, testing, and basing;

14 (5) a description of any delay by the Govern-
15 ment of the Democratic People's Republic of Korea
16 of more than 1 week in providing inspectors access
17 to facilities, people, and documents in North Korea
18 as required by the agreement;

19 (6) a description of any covert nuclear activities
20 undertaken by the Government of the Democratic
21 People's Republic of Korea, including any covert nu-
22 clear weapons-related, covert fissile material activi-
23 ties, covert missile activities, or research and devel-
24 opment; and

1 (7) a description of any transfer or diversion by
2 the Government of the Democratic People's Republic
3 of Korea of its nuclear materials, components, tech-
4 nology, or equipment to state or non-state actors.

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