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2D SESSION

S. 4824

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

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 13, 2022

Mr. MENENDEZ (for himself and Mr. HAGERTY) 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 2022”.

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 Russia’s threatened use of nu-
19 clear weapons during its invasion of Ukraine, Chi-
20 na’s pursuing a rapid expansion of its nuclear arse-
21 nal, Iran’s continued efforts to pursue nuclear weap-
22 ons, and Kim Jong-un’s relentless pursuit of nuclear
23 weapons and ballistic missiles in the face of global
24 condemnation and severe economic sanctions by the
25 international community.

1 (2) The North Korean nuclear program did not
2 arise instantaneously, but is the culmination of the
3 rogue regime’s illegal efforts over 7 decades to ac-
4 quire a viable deterrent that threatens both the
5 United States and our critical allies in the Indo-Pa-
6 cific region.

7 (3) North Korea has conducted 6 nuclear tests
8 since 2006, with each test increasing in explosive
9 strength and sophistication.

10 (4) North Korea’s last nuclear test, occurring
11 on September 3, 2017, was its largest nuclear explo-
12 sion to date, registering a 6.3 magnitude earthquake
13 according to the United States Geological Survey
14 with an estimated yield of 140 kilotons.

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

18 (6) North Korea maintains a robust ballistic
19 missile portfolio that includes a diverse array of de-
20 livery systems capable of striking targets throughout
21 the region, including short-range Scuds, medium-
22 range No-Dong missiles, an increasingly capable
23 cruise missile program, and intercontinental ballistic
24 missiles that are potentially capable of targeting the
25 United States homeland.

1 (7) The Department of Defense estimates that
2 North Korea currently wields approximately 200
3 launchers capable of firing short and medium range
4 ballistic missiles.

5 (8) Since January 2022, North Korea has con-
6 ducted 13 ballistic missile tests, including at least
7 three assessed in open source analysis to be inter-
8 continental ballistic missiles.

9 (9) Rigorous international economic sanctions
10 applied since the passage of the North Korea Sanc-
11 tions and Policy Enhancement Act of 2016 (Public
12 Law 114–122), including by the United States and
13 the United Nations Security Council, intensified
14 pressure on the regime and focused international at-
15 tention on the urgency of the challenge posed by the
16 Kim regime in Pyongyang.

17 (10) The Government of the Democratic Peo-
18 ple’s Republic of Korea has flagrantly defied the
19 international community by illicitly developing its
20 nuclear and ballistic missile programs, in violation of
21 United Nations Security Council Resolutions 1718
22 (2006), 1874 (2009), 2087 (2013), 2094 (2013),
23 2270 (2016), 2321 (2016), 2371 (2017), 2375
24 (2017), and 2397 (2017).

1 (11) The Government of the Democratic Peo-
2 ple’s Republic of Korea engages in gross human
3 rights abuses against its own people and citizens of
4 other countries, including the United States, the Re-
5 public of Korea, and Japan.

6 (12) In 2018 and 2019, the United States and
7 North Korea engaged in intensive diplomacy, includ-
8 ing three leader-level summits between Donald
9 Trump and Kim Jong-Un, resulting in the first lead-
10 er-level commitment from North Korea to
11 denuclearize, as stated in the 2018 Singapore Joint
12 Statement.

13 (13) The stakes for the security of the United
14 States and United States allies are such that all
15 credible diplomatic options must be prioritized,
16 resourced, and fully pursued, in addition to main-
17 taining robust and credible deterrence.

18 (14) Economic pressure and sanctions provide
19 critical leverage in any such diplomatic negotiations
20 and must be maintained and strengthened until the
21 North Korean regime takes meaningful and
22 verifiable actions toward denuclearization.

23 (15) The North Korean regime has a record of
24 failing to live up to its diplomatic commitments, re-
25 jecting good faith efforts by United States and inter-

1 national negotiators, and leveraging talks to extract
2 concessions such as sanctions relief.

3 (16) In order to prevent the North Korean re-
4 gime from further developing, using, or dissemi-
5 nating nuclear or ballistic weapons, technology, and
6 related material, the United States Government
7 should continue a campaign of economic pressure
8 and sanctions, counter-proliferation, containment,
9 and deterrence until North Korea completely,
10 verifiably, and irreversibly denuclearizes.

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

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

1 (19) Over time, the United States policy of de-
2 terrence, containment, and diplomacy to reduce nu-
3 clear weapons risks protected the American people
4 and contributed to the peaceful dissolution of the
5 Soviet Union.

6 (20) The United States, the Republic of Korea,
7 and Japan are all free societies that are committed
8 to the principles of inclusive democracy, respect for
9 human potential and individual freedom, and the be-
10 lief that the peaceful spread of these principles will
11 result in a safer and brighter future for all of man-
12 kind.

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

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

24 (23) The United States-Japan and United
25 States-Republic of Korea security alliances have

1 evolved considerably over many decades and will con-
2 tinue to share greater responsibilities and dedicate
3 themselves to a secure and prosperous region and
4 world.

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

9 (25) In the absence of an imminent threat to
10 the United States or its allies, a preventive war
11 against North Korea would pose extraordinary risks
12 to the United States and security in Northeast Asia
13 and would require consent of Congress under article
14 I of the Constitution.

15 (26) With China engaging in a “strategic
16 breakout”, as noted by United States Strategic
17 Commander Admiral Charles Richard in August
18 2021, the United States faces an unprecedented
19 strategic challenge in the Indo-Pacific region as Chi-
20 na’s nuclear weapons program will alter the nuclear
21 balance in the Indo-Pacific, including Northeast
22 Asia.

23 (27) An effective policy of deterrence requires—
24 (A) clear, consistent, and credible mes-
25 saging of costs to an adversary such that it rec-

1 ognizes that its use of nuclear weapons would
2 result in massive retaliation; and

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

7 (28) The United States requires a comprehen-
8 sive diplomatic strategy that outlines the funda-
9 mental principles, actions, and verification and com-
10 pliance mechanisms necessary to properly engage the
11 Government of the Democratic People’s Republic of
12 Korea on the full denuclearization of North Korea.

13 **SEC. 4. STATEMENTS OF POLICY.**

14 (a) IN GENERAL.—It is the policy of the United
15 States—

16 (1) to pursue all credible diplomatic means to
17 achieve the complete and verifiable dismantlement of
18 North Korean nuclear weapons and ballistic and
19 cruise missile programs;

20 (2) until such time as denuclearization is
21 achieved—

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

1 (B) to contain attempts by North Korea to
2 proliferate such weapons and technologies;

3 (C) to ensure that the United States and
4 allies maintain credible deterrence against
5 North Korea, including the presence of United
6 States military troops in the Korean Peninsula
7 and Japan, as well as the development and de-
8 ployment of new military capabilities; and

9 (D) to continue the maximum pressure
10 campaign against North Korea and its enablers,
11 in cooperation with the United Nations and the
12 international community;

13 (3) should diplomacy and deterrence fail to re-
14 sult in the complete, verifiable denuclearization of
15 North Korea, to reserve the right to utilize all avail-
16 able options to protect and defend United States na-
17 tional security interests and meet United States
18 treaty obligations; and

19 (4) to uphold the Nuclear Nonproliferation
20 Treaty and not recognize North Korea as a legiti-
21 mate nuclear weapons state.

22 (b) DIPLOMACY.—It is the policy of the United
23 States—

24 (1) to pursue diplomatic engagement, as appro-
25 priate and consistent with United States national se-

1 security interests, with the North Korean regime for
2 the purposes of—

3 (A) advancing meaningful negotiations re-
4 garding denuclearization, including the Govern-
5 ment of North Korea abandoning and disman-
6 tling its unlawful missile and nuclear weapons
7 programs, ceasing its proliferation activities,
8 and coming into compliance with all relevant
9 international agreements and United Nations
10 Security Council resolutions;

11 (B) reducing the risks of military mis-
12 calculation; and

13 (C) creating opportunities for the develop-
14 ment of confidence building measures as part of
15 a broader effort to denuclearize North Korea;

16 (2) to formulate and carry out policy affecting
17 the Korean Peninsula in close cooperation with
18 United States allies, particularly the Republic of
19 Korea;

20 (3) to encourage all nations to deny North
21 Korea the ability to maintain diplomatic missions on
22 foreign soil until such time as the Government of the
23 Democratic People's Republic of Korea takes cred-
24 ible and verifiable steps toward denuclearization;

1 (4) to encourage all nations to fully implement
2 and enforce United Nations sanctions with respect
3 to North Korea, including sanctions related to end-
4 ing the practice of hosting overseas North Korean
5 workers;

6 (5) to increase the effectiveness of United
7 States sanctions by seeking to work through the
8 United Nations and with other like-minded countries
9 to ensure a multilateral approach to sanctions;

10 (6) to provide unmistakable assurance to Japan
11 and the Republic of Korea, including through ex-
12 tended deterrence commitments and the presence of
13 forward-deployed United States military forces, that
14 the United States is committed to fulfilling its treaty
15 obligations if they are attacked;

16 (7) to resist actions by the People's Republic of
17 China (PRC) to use North Korea issues as a way to
18 draw the attention of the United States Government
19 away from other important regional issues and chal-
20 lenges;

21 (8) to provide support for North Korean refu-
22 gees and asylum seekers in accordance with United
23 States law;

24 (9) to promote the human rights and dignity of
25 the North Korean people, including through the

1 United Nations and other multilateral institutions;
2 and

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

6 (c) ECONOMIC PRESSURE.—It is the policy of the
7 United States to sustain and calibrate economic pressure
8 on North Korea until the regime undertakes meaningful
9 and verifiable actions toward denuclearization, including
10 by—

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

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

20 (3) encouraging all nations, consistent with
21 United Nations Security Council resolutions, to end
22 the practice of hosting North Korean citizens as
23 guest workers, recognizing that such workers are
24 demonstrated to constitute an illicit source of rev-
25 enue for the Kim regime and its nuclear ambitions;

1 (4) working with the international community
2 on rigorous interdiction of shipments to and from
3 North Korea, including ship-to-ship transfers, con-
4 sistent with United Nations Security Council resolu-
5 tions that have banned nearly every major export
6 from North Korea; and

7 (5) strictly implementing and enforcing United
8 States laws with respect to sanctioning entities, in-
9 cluding Russian and Chinese entities, that knowingly
10 engage with sanctioned entities from North Korea or
11 trade in items prohibited under United Nations Se-
12 curity Council resolutions.

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

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

18 (2) to support the efforts of the international
19 community to detect, interdict, and prevent the
20 transfers of nuclear or missile technology or related
21 items to or from North Korea;

22 (3) to prioritize close coordination with global
23 partners, including through technical assistance and
24 capacity building, to enhance the ability of the global
25 community to monitor, interdict, and prosecute enti-

1 ties that engage in transfer of nuclear weapons, mis-
2 sile technology, or related material to or from North
3 Korea; and

4 (4) consistent with United States obligations
5 under the Nuclear Nonproliferation Treaty to en-
6 courage all countries that are party to such treaty
7 and International Atomic Energy Agency agree-
8 ments to abide by their obligations and commit-
9 ments.

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

12 (1) to reaffirm the importance of the United
13 States-Japan and United States-Republic of Korea
14 alliances for maintaining peace and stability in the
15 Indo-Pacific region and beyond;

16 (2) to reaffirm United States extended deter-
17 rence commitments to Japan and the Republic of
18 Korea, and to back up such commitments with con-
19 crete actions such as prioritizing nuclear moderniza-
20 tion to sustain credible deterrence;

21 (3) to reaffirm the importance of the forward-
22 deployed presence of United States military forces in
23 Japan and Korea, and affirm close alliance coordina-
24 tion on any adjustment of United States military
25 posture in the region;

1 (4) to strengthen United States efforts to con-
2 front emerging or asymmetric challenges, including
3 cyber and space;

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

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

10 (f) MILITARY MEASURES.—It is the policy of the
11 United States—

12 (1) to keep United States security commitments
13 to United States allies in the face of North Korea’s
14 continuing threat, including taking necessary actions
15 for United States self-defense and the defense of
16 United States allies, including joint military exer-
17 cises, modernization of weapons systems deployed in
18 the region, and robust counter-provocation planning
19 by the United States and Republic of Korea Com-
20 bined Forces Command;

21 (2) consistent with longstanding United States
22 interests in maintaining stability in Asia, to develop
23 and deploy effective and reliable anti-ballistic missile
24 capabilities to defend the United States homeland,

1 United States forces in the region, and United
2 States allies Japan and South Korea;

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

7 (4) to deter North Korea in a manner that bol-
8 sters the force posture and military strength of our
9 alliance and partner networks in the broader Asia-
10 Pacific region; and

11 (5) to maintain, as necessary and appropriate,
12 credible and overwhelming military options against
13 the Government of the Democratic People’s Republic
14 of Korea, consistent with efforts to deter the regime
15 from use of nuclear weapons, ballistic missiles, and
16 related technology.

17 (g) HUMAN RIGHTS.—It is the policy of the United
18 States—

19 (1) to continue to make it a priority to improve
20 information access in North Korea by exploring the
21 use of new and emerging technologies and expanding
22 nongovernmental radio broadcasting to North Korea,
23 including news and information, to increase informa-
24 tion dissemination in the Democratic People’s Re-
25 public of Korea (“DPRK”);

1 (2) to commit to exploring appropriate opportu-
2 nities for coordinating efforts to plan for humani-
3 tarian needs in the DPRK;

4 (3) to press for non-choreographed access for
5 the Special Rapporteur on the situation of human
6 rights in the DPRK and the United Nations High
7 Commissioner for Human Rights;

8 (4) to continue to seek cooperation from foreign
9 governments to allow the United States to process
10 North Korean refugees overseas for United States
11 resettlement;

12 (5) to urge the Government of the People's Re-
13 public of China to halt forcible repatriation of North
14 Koreans;

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

17 (7) to increase the availability of nongovern-
18 mental controlled information inside North Korea;
19 and

20 (8) to uphold the North Korean regime to re-
21 solve the issue of Japanese citizens abducted by the
22 North Korean regime and to emphasize the need for
23 their safe return.

24 (h) INFORMATION DISSEMINATION EFFORTS.—It is
25 the policy of the United States—

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

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

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

15 (i) STRATEGY REQUIRED.—

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

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

1 (A) the Committee on Armed Services, the
2 Select Committee on Intelligence, and the Com-
3 mittee on Foreign Relations of the Senate; and

4 (B) the Committee on Armed Services, the
5 Permanent Select Committee on Intelligence,
6 and the Committee on Foreign Affairs of the
7 House of Representatives.

8 **SEC. 5. DIPLOMATIC STRATEGY.**

9 (a) DIPLOMATIC STRATEGY REPORT.—

10 (1) IN GENERAL.—Not later than 180 days
11 after the date of the enactment of this Act, and
12 every 180 days thereafter for a period of two years,
13 the President shall submit to the appropriate con-
14 gressional committees a report that describes—

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

18 (B) actions taken by the United States
19 Government to address the threats posed by,
20 and the capabilities of, the Democratic People’s
21 Republic of Korea.

22 (2) ELEMENTS.—Each report required under
23 paragraph (1) shall include—

24 (A) an overview of ongoing efforts by the
25 United States Government to develop diplo-

1 matic strategies to ensure that North Korea re-
2 turns to negotiations with the United States, as
3 well as a negotiation strategy for the United
4 States Government in the event that North
5 Korea returns to negotiations with the United
6 States, including an assessment of strategies—

7 (i) to achieve peaceful
8 denuclearization of North Korea;

9 (ii) to eliminate the threat posed by
10 the ballistic and cruise missile programs of
11 the Democratic People’s Republic of
12 Korea; and

13 (iii) to continue the maximum pres-
14 sure campaign, in coordination with United
15 States allies;

16 (B) an assessment of—

17 (i) the roadmap toward peaceful
18 denuclearization of North Korea and the
19 elimination of the nuclear, ballistic, and
20 cruise missile threats posed by the Demo-
21 cratic People’s Republic of Korea;

22 (ii) specific actions that the Govern-
23 ment of the Democratic People’s Republic
24 of Korea would need to take for such road-
25 map to become viable;

1 (iii) specific actions that the United
2 States Government could possibly take for
3 such roadmap to become viable;

4 (iv) specific actions that other coun-
5 tries in the Indo-Pacific, including the Re-
6 public of Korea, Japan, China, and Russia,
7 could possibly take for such roadmap to
8 become viable; and

9 (v) specific actions that international
10 and regional institutions could possibly
11 take for such roadmap to become viable;
12 and

13 (C) a summary of the United States strat-
14 egy to increase international coordination and
15 cooperation, whether unilaterally, bilaterally, or
16 multilaterally, including sanctions implementa-
17 tion, enforcement, and interdiction—

18 (i) to encourage credible diplomatic
19 engagement by the DPRK; and

20 (ii) to address any threat posed by the
21 nuclear, ballistic, and cruise missile pro-
22 grams of the Democratic People’s Republic
23 of Korea.

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

4 (4) UPDATES.—Should the United States and
5 North Korea engage in bilateral or multilateral di-
6 plomacy to achieve, implement, or verify that North
7 Korea’s denuclearization is ongoing, the President
8 shall augment the first strategy report submitted
9 with written updates on the negotiation process, to
10 be submitted to the appropriate congressional com-
11 mittees every 45 days thereafter.

12 (b) POLICY OF THE UNITED STATES WITH RESPECT
13 TO SANCTIONS AGAINST THE DEMOCRATIC PEOPLE’S RE-
14 PUBLIC OF KOREA.—Not later than 30 days after termi-
15 nating any sanction with respect to the activities of the
16 Government of the Democratic People’s Republic of
17 Korea, a person acting for or on behalf of that govern-
18 ment, or any other person as provided for in Executive
19 Order 13687 or Executive Order 13722, to the extent rel-
20 evant, the Secretary of State shall submit to the appro-
21 priate congressional committees a report regarding the
22 cessation of any illicit activity, including any implicated
23 by United Nations Security Council Resolution 1718
24 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270

1 (2016), 2321 (2016), 2371 (2017), or 2375 (2017), by
2 that government or person.

3 (c) ALLIANCES AND MILITARY POSTURE AND EX-
4 TENDED DETERRENCE.—

5 (1) REPORT ON UNITED STATES FORCE POS-
6 TURE IN THE UNITED STATES INDO-PACIFIC COM-
7 MAND AREA OF RESPONSIBILITY.—

8 (A) IN GENERAL.—Not later than 90 days
9 after the date of the enactment of this Act, and
10 annually thereafter for a period of two years,
11 the Secretary of Defense shall submit to the ap-
12 propriate congressional committees a report
13 providing an assessment of the effect of any ne-
14 gotiations or agreements with the DPRK on
15 United States security interests and United
16 States military presence and alliance implica-
17 tions in the United States Indo-Pacific Com-
18 mand 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 Indo-Pacific Command
24 area of responsibility;

1 (ii) a review of current United States
2 military force posture and deployment
3 plans of the United States Indo-Pacific
4 Command; and

5 (iii) the views of counterpart govern-
6 ments, including military commanders in
7 the region, of the impact of negotiations or
8 agreements with the DPRK on United
9 States extended deterrence commitments
10 to the Republic of Korea.

11 (2) REPORT ON UNITED STATES FORCE POS-
12 TURE IN THE UNITED STATES FORCES KOREA AREA
13 OF RESPONSIBILITY.—

14 (A) IN GENERAL.—Not later than 90 days
15 after the date of the enactment of this Act, and
16 every year thereafter for a period of two years,
17 the Secretary of Defense shall submit to the ap-
18 propriate congressional committees a report
19 providing an assessment of the effect of any ne-
20 gotiations or agreements with the DPRK on
21 United States security interests and United
22 States military presence and alliance implica-
23 tions in the United States Forces Korea area of
24 responsibility.

1 (B) ELEMENTS.—The report required
2 under subparagraph (A) shall include—

3 (i) a review of current and emerging
4 United States national security interests in
5 the United States Forces Korea area of re-
6 sponsibility;

7 (ii) a review of current United States
8 military force posture and deployment
9 plans of the United States Forces Korea;
10 and

11 (iii) the views of counterpart govern-
12 ments, including military commanders in
13 the region, of the impact of negotiations or
14 agreements with the DPRK on United
15 States extended deterrence commitments
16 to the Republic of Korea.

17 (3) REPORT ON UNITED STATES FORCE POS-
18 TURE IN THE UNITED STATES FORCES JAPAN AREA
19 OF RESPONSIBILITY.—

20 (A) IN GENERAL.—Not later than 90 days
21 after the date of the enactment of this Act, and
22 annually thereafter for a period of two years,
23 the Secretary of Defense shall submit to the ap-
24 propriate congressional committees a report
25 providing an assessment of the effect of any ne-

1 negotiations or agreements with the DPRK on
2 United States security interests and United
3 States military presence and alliance implica-
4 tions in the United States Forces Japan area of
5 responsibility.

6 (B) ELEMENTS.—The report required
7 under subparagraph (A) shall include—

8 (i) a review of current and emerging
9 United States national security interests in
10 the United States Forces Japan area of re-
11 sponsibility;

12 (ii) a review of current United States
13 military force posture and deployment
14 plans of the United States Forces Japan;
15 and

16 (iii) the views of counterpart govern-
17 ments, including military commanders in
18 the region, of the impact of negotiations or
19 agreements with the DPRK on United
20 States extended deterrence commitments
21 to Japan.

22 (4) AUTHORITY TO CONSOLIDATE REPORTS.—
23 Any reports required to be submitted under this sub-
24 section to the appropriate congressional committees
25 that are subject to a deadline for submission con-

1 sisting of the same unit of time may be consolidated
2 into a single report. The consolidated report shall
3 contain all information required under this Act with
4 respect to the reports comprising such consolidated
5 report.

6 **SEC. 6. BRIEFINGS.**

7 (a) MEMBER BRIEFINGS.—

8 (1) IN GENERAL.—Following each round of dip-
9 lomatic talks between the United States and North
10 Korea, the Secretary of State and the Director of
11 National Intelligence shall hold, for the appropriate
12 congressional committees and congressional leaders,
13 briefings on the negotiations.

14 (2) CLASSIFICATION.—The briefings required
15 under paragraph shall be held in a classified format.

16 (b) STAFF BRIEFINGS.—

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

23 (2) CLASSIFICATION.—The briefings required
24 under paragraph (1) shall be held in a classified for-
25 mat.

1 **SEC. 7. CONGRESSIONAL HEARINGS.**

2 During each quarterly period that diplomatic talks
3 undertaken between the United States and North Korea
4 continue, the Committee on Foreign Relations of the Sen-
5 ate and the Committee on Foreign Affairs of the House
6 of Representatives shall, as appropriate, hold hearings and
7 otherwise obtain information in order to fully review the
8 negotiations.

9 **SEC. 8. OVERSIGHT OF AGREEMENTS WITH NORTH KOREA.**

10 (a) TRANSMISSION TO CONGRESS OF NUCLEAR
11 AGREEMENTS WITH NORTH KOREA AND VERIFICATION
12 ASSESSMENT WITH RESPECT TO SUCH AGREEMENTS.—

13 (1) TRANSMISSION OF AGREEMENTS.—Not
14 later than 5 days after reaching an agreement with
15 North Korea relating to the nuclear and missile pro-
16 gram of North Korea, the President shall transmit
17 to the appropriate congressional committees, the ma-
18 jority and minority leader of the Senate and the
19 Speaker, majority leader, and minority leader of the
20 House of Representatives—

21 (A) the agreement, including all related
22 materials and annexes; and

23 (B) a verification assessment report pre-
24 pared by the Secretary of State in accordance
25 with paragraph (2).

26 (2) VERIFICATION ASSESSMENT REPORT.—

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

4 (i) the extent to which the United
5 States Government will be able to verify
6 that North Korea is complying with its ob-
7 ligations and commitments under the
8 agreement, including how North Korea
9 might attempt to conceal its program;

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

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

25 (I) sufficient access to—

1 (aa) all nuclear facilities
2 that span the entire nuclear fuel
3 cycle;

4 (bb) facilities associated
5 with the nuclear weaponization
6 program;

7 (cc) facilities associated with
8 its missile program; and

9 (dd) declared and
10 undeclared sites; and

11 (II) the ability to investigate sus-
12 picious sites or allegations of covert
13 nuclear-related activities.

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

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

1 section 2, clause 2 of the Constitution of the United
2 States.

3 **SEC. 9. ADDITIONAL REPORTS.**

4 (a) VERIFICATION AND COMPLIANCE REPORTS.—

5 (1) IN GENERAL.—Not later than 90 days after
6 entering into an agreement with North Korea, the
7 Secretary of State, with the concurrence of the Di-
8 rector of National Intelligence, shall submit to the
9 appropriate congressional committees a report on
10 North Korea's record of verification and compliance.

11 (2) CLASSIFICATION.—The report required
12 under paragraph—

13 (A) may be submitted in classified form;

14 (B) shall contain an unclassified executive
15 summary; and

16 (C) may contain an unclassified annex.

17 (b) SEMI-ANNUAL REPORT.—Not later than 180
18 days after entering into an agreement with North Korea,
19 and not less frequently than once every 180 days there-
20 after for a period of two years, the President shall submit
21 to the appropriate congressional committees and leader-
22 ship a report on North Korea's nuclear and missile pro-
23 gram and the compliance of North Korea with the agree-
24 ment during the period covered by the report, which shall
25 include—

1 (1) a description of any action or failure to act
2 by the Government of the Democratic People's Re-
3 public of Korea that breached the agreement or is
4 in noncompliance with the terms of the agreement;

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

10 (3) a description of the status and activities of
11 any North Korea nuclear facilities related to the
12 North Korean nuclear weaponization program, in-
13 cluding research and development, education and
14 training, and testing;

15 (4) a description of the status and activities of
16 any North Korea missile facilities, including research
17 and development, production, testing, and basing;

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

23 (6) a description of any covert nuclear activities
24 undertaken by the Government of the Democratic
25 People's Republic of Korea, including any covert nu-

1 clear weapons-related, covert fissile material activi-
2 ties, covert missile activities, or research and devel-
3 opment; and

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

8 **SEC. 10. REPORT ON NORTH KOREAN CYBER ACTIVITIES**
9 **TO FUND ITS WEAPONS PROGRAM.**

10 (a) FINDING.—As North Korea continues to be cut
11 off from the international financial system, North Korea
12 increasingly relies on new methods and means—such as
13 cryptocurrency, digital currency, and cyberattacks—to fi-
14 nance its nuclear weapons and ballistic missiles programs.
15 A February 2022 United Nations report found that North
16 Korean hackers stole more than \$50,000,000 in
17 cryptocurrencies between 2020 and mid-2021. The report
18 follows the United Nations’ 2019 findings that North
19 Korea had accumulated an estimated \$2,000,000,000 in
20 stolen assets to facilitate its weapons program through
21 cyberattacks.

22 (b) REPORT.—

23 (1) IN GENERAL.—Not later than 180 days
24 after the date of enactment of this Act, and annually
25 thereafter, the Secretary of State, in coordination

1 with the Secretary of Defense, the Director of Na-
2 tional Intelligence, the Director of the Federal Bu-
3 reau of Investigation, the Secretary of the Treasury,
4 and the Attorney General, shall submit to the appro-
5 priate congressional committees a report on North
6 Korea's use of cyberattacks and cryptocurrency and
7 other digital currency to finance its nuclear weapons
8 and ballistic missiles programs, including through
9 the evasion of sanctions.

10 (2) ELEMENTS.—The report required under
11 subparagraph (A) shall include—

12 (A) a review of how North Korea uses
13 cyberattacks, including stealing virtual assets,
14 to support its nuclear weapons and ballistic
15 missiles programs;

16 (B) a discussion of how cryptocurrency ex-
17 changes and exchange operators facilitate North
18 Korean theft, and recommendations for sanc-
19 tioning persons and entities linked to illicit
20 cryptocurrency exchange;

21 (C) a review of how the United States Gov-
22 ernment is tracing, disrupting, interdicting, and
23 deterring these attacks, including—

24 (i) efforts to deter telecommunications
25 companies from facilitating North Korean

1 cyberattacks directed at digital financial
2 platforms;

3 (ii) efforts to deter over-the-counter
4 (OTC) brokers and other actors from laun-
5 dering digital assets and converting such
6 assets to fiat currencies;

7 (iii) efforts to coordinate
8 cryptocurrency regulations with partners
9 and allies, including through forums like
10 the United Nations, the Financial Action
11 Task Force, the Group of Seven, and the
12 Group of Twenty; and

13 (iv) efforts to increase intelligence
14 sharing on cyber threats with partners and
15 allies to better trace North Korean
16 cyberattacks and cyber theft of digital as-
17 sets; and

18 (D) a review of how the United States
19 Government is working with its allies and part-
20 ners, as well as international institutions and
21 the private sector, to trace, disrupt, interdict,
22 and deter North Korea's cyberattacks.

1 **SEC. 11. IMPOSITION OF SANCTIONS WITH RESPECT TO**
2 **USE OF CRYPTOCURRENCY TO EVADE SANC-**
3 **TIONS IMPOSED WITH RESPECT TO NORTH**
4 **KOREA AND ABDUCTION BY NORTH KOREAN**
5 **PERSONS OF CITIZENS OF JAPAN.**

6 Section 104(a) of the North Korea Sanctions and
7 Policy Enhancement Act of 2016 (22 U.S.C. 9214(a)) is
8 amended—

9 (1) in paragraph (14), by striking “; or” and
10 inserting a semicolon;

11 (2) by redesignating paragraph (15) as para-
12 graph (17);

13 (3) by inserting after paragraph (14) the fol-
14 lowing:

15 “(15) knowingly uses or has used, or directly
16 facilitates or has directly facilitated the use of,
17 cryptocurrency, a digital currency, or a comparable
18 monetary instrument to evade sanctions with respect
19 to North Korea imposed by the United States or
20 pursuant to an applicable United Nations Security
21 Council resolution;

22 “(16) is a North Korean person and knowingly
23 participated in or facilitated the abduction of a cit-
24 izen of Japan; or”; and

1 (4) in paragraph (17), as redesignated by para-
2 graph (2) of this section, by striking “(14)” and in-
3 serting “(16)”.

4 **SEC. 12. REPORT ON THE POLITICAL, ECONOMIC, SOCIAL**
5 **STABILITY OF NORTH KOREA.**

6 Not later than 180 days after the enactment of this
7 Act, the Secretary of State, the Secretary of Defense, and
8 the Director of National Intelligence shall jointly submit
9 to Congress a classified report on the political, economic,
10 and social stability of North Korea.

11 **SEC. 13. SPECIAL REPRESENTATIVE FOR NORTH KOREA.**

12 (a) IN GENERAL.—There is established, within the
13 Department of State, the Office of the Special Representa-
14 tive for North Korea (in this section referred to as the
15 “Office”). The head of the Office shall have the rank and
16 status of ambassador and shall be appointed by the Presi-
17 dent, by and with the advice and consent of the Senate.
18 The head of the Office shall report directly to the Sec-
19 retary of State.

20 (b) DUTIES.—The head of the Office shall have such
21 duties and exercise such powers as the Secretary of State
22 shall prescribe, including implementing the policy of the
23 United States towards North Korea, preparations for pos-
24 sible negotiations with North Korea, and long-term plan-

1 ning for various scenarios with respect to the Korean Pe-
2 ninsula.

3 (c) INDEPENDENCE OF THE OFFICE.—The Office of
4 the Special Representative for North Korea shall maintain
5 management and budget independence and shall maintain
6 an adequate number of dedicated staff.

7 (d) BRIEFING.—Not later than 180 days after the
8 date of the enactment of this Act, the Department of State
9 shall brief the appropriate congressional committees on
10 the structure and priorities of the Office, including with
11 respect to staffing and management.

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