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NORTH KOREA POLICY
ONE YEAR AFTER HANOI

HEARING

BEFORE THE

SUBCOMMITTEE ON EAST ASIA, THE PACIFIC, AND INTERNATIONAL CYBERSECURITY POLICY

OF THE

COMMITTEE ON FOREIGN RELATIONS UNITED STATES SENATE

ONE HUNDRED SIXTEENTH CONGRESS

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NORTH KOREA POLICY
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TUESDAY, FEBRUARY 25, 2020

U.S. SENATE,
SUBCOMMITTEE ON EAST ASIA, THE PACIFIC, AND
INTERNATIONAL CYBERSECURITY POLICY,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:21 p.m. in room SD–419, Dirksen Senate Office Building, Hon. Cory Gardner, chairman of the subcommittee, presiding.

Present: Senators Gardner [presiding], Perdue, Young, and Markey.

OPENING STATEMENT OF HON. CORY GARDNER, U.S. SENATOR FROM COLORADO

Senator GARDNER. I call this hearing to order.

Let me welcome all of you to the sixth hearing of the Senate Foreign Relations Subcommittee on East Asia, The Pacific, and International Cybersecurity Policy in the 116th Congress.

This is our second subcommittee hearing on North Korea in this Congress, demonstrating the importance the subcommittee places on this critical national security issue.

Let me begin by noting my sincere disappointment by the Administration's decision to not provide a witness for today's hearing despite repeated requests. This committee has the lead oversight role on the conduct of our nation's foreign policy, and the Administration is obligated to testify in a public setting in order for us to effectively fulfill our constitutional duties as a co-equal branch of government. Rest assured, I will continue raising this issue with our administration colleagues.

It should now be abundantly clear to even the casual observer that summit diplomacy over the past 18 months has failed to convince Kim Jong-un to abide by international law, but has only lessened the pressure on Pyongyang to denuclearize. Our sanctions policy has been inconsistent, which has left significant enforcement gaps that North Korea and its enablers continue to exploit. The cancellation and downgrading of our military exercises have weakened our defense posture in East Asia, which has only emboldened the mad man in Pyongyang.

Time is not on our side to deter the growing threat from Kim Jong-un. It is time to go back to plan A on North Korea. The successful policy of maximum pressure that was adopted early in the Trump administration but since abandoned in an earnest effort of

diplomatic engagement with Pyongyang. We need renewed focus to achieve the complete, verifiable, and irreversible denuclearization of the Kim regime to enhance our military presence to deter future aggression and to strengthen key U.S. alliances in East Asia.

First, we must immediately enforce sanctions against Pyongyang and its enablers. These are sanctions that are already legislated under U.S. law. The administration should be prepared to seek a new United Nations Security Council resolution in the event of another ICBM launch. President Trump stated in June 2018 that he was holding off on imposing 300 sanctions on entities in hopes of diplomacy succeeding. The Treasury Department should roll out these designations without delay.

Congress should pass the Gardner-Markey Leverage to Enhance Effective Diplomacy, or LEED, Act which is a comprehensive bipartisan bill to economically and diplomatically pressure North Korea and its enablers through the imposition of sanctions and other policy measures. The legislation also calls on North Korea to immediately return the USS Pueblo, a U.S. Navy research ship illegally seized in international waters in January 1968 and is currently displayed in Pyongyang as an anti-American propaganda attraction.

Second, we must immediately enhance our military posture in East Asia. The United States and the Republic of Korea should resume full-scale bilateral military exercises similar in size and scope to those before summit diplomacy began in 2018. We should swiftly conclude negotiations on the U.S.-ROK special measures agreement, the SMA, which would provide strategic stability on the Korean Peninsula and strengthen the U.S.-ROK alliance. Now is not the time for excessive demands that only serve to exacerbate tensions and uncertainty within the alliance which only benefits our adversaries.

The Administration should redouble efforts to promote trilateral security cooperation between the United States, the Republic of Korea, and Japan which has suffered badly due to renewed tensions over historical disagreements. We should continue to make clear to Seoul and Tokyo that painful events of the past should not preclude cooperation on shared threats, most prominently the threat from North Korea.

Third, we must double down on diplomacy to isolate Pyongyang internationally. The Administration should reengage in intense global diplomatic efforts to persuade other nations to diplomatically and economically pressure North Korea to comply with international law, including downgrading U.S. diplomatic and economic relations with any country that fails to take appropriate measures with regard to North Korea and reducing or terminating U.S. assistance to any country that fails to take appropriate measures with regard to North Korea, consistent with international law.

And finally, the Administration should intensify, not downplay efforts to highlight Pyongyang's human rights abuses at the United Nations and other appropriate international fora.

The administration should also belatedly appoint a dedicated special envoy on North Korean human rights issues at the State Department as authorized by U.S. law.

The Congress will stand with the Administration to achieve the goal of a denuclearized North Korea that is prosperous, is no longer a threat to its neighbors, and does not abuse the human rights of its own people. But, unfortunately, we remain very far from that goal today.

It is time we finally wised up to the Kim family playbook of mendacity and deception that has spanned generations. United States law with regard to North Korea established through section 402 of the North Korea Sanctions and Policy Enhancement Act of 2016 is clear that there can be no sanctions relief for North Korea unless the regime makes significant progress toward completely, verifiably, and irreversibly dismantling all of its nuclear, chemical, biological, and radiological weapons programs, including all programs for the development of systems designed in whole or in part for the delivery of such weapons. Any comprehensive deal with North Korea must ultimately meet this high bar established in law.

[The prepared statement of Chairman Cory Gardner follows:]

PREPARED STATEMENT OF CHAIRMAN CORY GARDNER

This hearing will come to order. Let me welcome you all to the sixth hearing of the Senate Foreign Relations Subcommittee on East Asia, the Pacific, and International Cybersecurity Policy in the 116th Congress. This is our second subcommittee hearing on North Korea in this Congress, demonstrating the importance the subcommittee places on this critical national security issue.

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Time is not on our side to deter the growing threat from Kim Jong Un. It is time to go back to Plan A on North Korea: the successful policy of "maximum pressure" that was adopted early in the Trump administration, but since abandoned in an earnest effort of diplomatic engagement with Pyongyang.

We need renewed focus achieve the complete, verifiable, and irreversible denuclearization of the Kim regime, to enhance our military presence to deter future aggression, and to strengthen key U.S. alliances in East Asia.

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Today, we have a distinguished panel of experts with us to chart a path forward. With that, I will turn it over to Senator Markey.

Senator GARDNER. Today we have a very distinguished panel of experts with us to chart a path forward.

And with that, I will turn it over to Senator Markey for his opening comments.

STATEMENT OF HON. EDWARD J. MARKEY, U.S. SENATOR FROM MASSACHUSETTS

Senator MARKEY. Thank you, Mr. Chairman, and thank you so much for this very important hearing.

Towards the end of last year, we thought we might now be talking about Kim Jong-un's promised Christmas gift in the form of a long-range ballistic missile test or, worse, a nuclear test explosion. We can count our blessings that the Kim regime did not turn to either type of provocation. However, our collective sigh of relief may be short-lived if President Trump and Kim Jong-un, both known for erratic behavior, experience a public breakup in 2020.

In his New Year's address, Chairman Kim kept the doors slightly ajar to diplomacy while warning he would soon unveil a new strategic weapon if talks with the United States do not produce a deal to his liking. The stakes could not be higher.

And that is why I am dismayed that the Trump administration has yet again failed to produce a single official to testify in open

hearing on the North Korea challenge. The Administration's choice to snub this subcommittee, while making a top official available to participate in a think tank event tomorrow, shows open disdain for our oversight role as well as for the American people which we represent.

Nonetheless, I echo the chairman in his praise for our three distinguished witnesses joining us today, two of whom, Dr. Terry and Ambassador King, completed their studies in Massachusetts, the brain state. So we thank you for being here.

Specifically, I look forward to hearing, one, how can we jump start stalled talks with North Korea 1 year after Hanoi to guard against a return to fire and fury?

Two, how can we work to plug the leaks in the multilateral sanctions regime, leaks that fuel North Korea's illicit weapons of mass destruction programs?

And three, how can we give voice to North Korea's oppressed and nearly one in two citizens who go to bed hungry night?

Diplomacy has produced modest gains. Chairman Kim has not fired an intercontinental ballistic missile or conducted a nuclear test for over 2 years. Additionally, the remains of dozens of foreign U.S. Korean War veterans are back home to be put to their final rest, and tensions at the demilitarized zone have, thankfully, cooled.

However, since Hanoi, North Korea has more material for nuclear weapons. Since Hanoi, North Korea has more confidence in their sea- and land-based ballistic missiles that put the continental United States, our allies, and partners in their crosshairs. And since Hanoi, North Korea has rattled our allies by conducting more short-range ballistic missile tests, of which President Trump unacceptably remarked that he has no problem with them.

That is why President Trump must put pen to paper and codify that the United States will not tolerate any ballistic missile tests by North Korea of any range, and he can show he values the contributions of South Koreans rather than knocking their Oscar-winning film "Parasite" by abandoning his attempt to shake down South Korea through a renegotiated special measures agreement.

The President can also position his diplomats for success by calling for Senate consideration of the LEED Act, reintroduced by Senator Gardner and myself last June. The LEED Act will strengthen our diplomatic negotiating position by targeting those entities that have aided North Korean sanctions evasion.

And we must not return to the charged rhetoric of fire and fury. A war, much less a nuclear war, would lead to unfathomable loss of life. Threats are not an alternative to a negotiated agreement.

And that is why I plan to reintroduce my No Unconstitutional War Against North Korea Act in the coming weeks. Congress must stand up and speak out against President Trump taking any action against North Korea that mirrors his unauthorized assassination of Iran's Qassem Soleimani. In war and peace and in all things, the President is not above the law. The United States Congress must play a role in these issues because they affect every single person who we represent.

So I thank you, Mr. Chairman, again for this very important hearing, and I yield back.

[The prepared statement of Senator Edward J. Markey follows:]

PREPARED STATEMENT OF SENATOR EDWARD J. MARKEY

Thank you, Mr. Chairman. Towards the end of last year, we thought we might now be talking about Kim Jong-un's promised "Christmas gift," in the form of a long-range ballistic missile test, or worse, a nuclear-test explosion.

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Thank you Mr. Chairman.

Senator GARDNER. Thank you, Senator Markey.

Ambassador King, I will begin with you.

But, Senator Markey, I will just point out not everybody can get into Colorado State University. So I understand what happened here. So thank you.

[Laughter.]

Senator GARDNER. Ambassador King, we will begin with you, our first witness, obviously, the Honorable Bob King who currently serves as Senior Adviser to the Korea Chair at the Center for Strategic and International Studies. From November 2009 to January 2017, Ambassador King served as Special Envoy for North Korea human rights issues at the State Department where he led U.S. efforts to press North Korea for progress on its human rights, the U.S. humanitarian work in North Korea, and the treatment of U.S. citizens being held in the North.

Ambassador King, thank you for your service. Thank you for your tireless advocacy, and we are honored that you are here before this committee today. Please limit your remarks to 5 minutes, but you may proceed.

STATEMENT OF HON. ROBERT R. KING, SENIOR ADVISER, CENTER FOR STRATEGIC AND INTERNATIONAL STUDIES, WASHINGTON, DC

Ambassador KING. Thank you very much, Mr. Chairman, Ranking Member Markey, members of the committee. I appreciate the invitation to appear today in light of North Korean nuclear and missile testing and, its militant policy statements. It is important, however, that we not lose sight of human rights in American policy toward North Korea.

I want to thank you and the committee for your leadership in reauthorization of the North Korean Human Rights Act of 2017. This was the third time that this key legislation was extended by Congress since it was first adopted in 2004. In this era of strong partisanship, it is noteworthy that the bill was approved by unanimous consent in the Senate and by a vote of 415 to 0 in the House. The programs authorized by this act are important for policy on North Korea.

One of the most important provisions is the creation of the Special Envoy on North Korea Human Rights Issues, the position that I held for 7 years. The reauthorization requires the appointment of a Special Envoy, and I regret that there has not been a Special Envoy in this position for 3 years now.

Unfortunately, the administration has virtually gone silent on human rights in North Korea. In his first year in office, the President pressed North Korea on human rights in September 2017. In his first speech to the U.N. General Assembly, in January 2018, at the first State of the Union Address, almost 10 percent of that speech was devoted to North Korea. He told Congress, quote, "No regime has oppressed its own citizens more totally or brutally than the cruel dictatorship in North Korea."

In the gallery, and acknowledged were the parents of Otto Warmbier, the American student who died a few days after he was returned in a coma following his imprisonment in North Korea. In the gallery and also acknowledged was a North Korean defector who lost both legs trying to find food and survive the North Korean famine.

Five months later, the President met with Kim Jong-un in Singapore with pomp and publicity but little substance. Human rights were not on the agenda.

In January 2019, the President delivered his second State of the Union Address. North Korea was mentioned only briefly in passing when he announced that he would meet in Hanoi with Kim Jong-un. At the Hanoi summit, which ended early, the only human rights issue raised was the question of American student Otto Warmbier. At his press conference, the President said Kim Jong-un told him he had no knowledge of what happened to the American student and, quote, "I will take him at his word."

Since the collapse of the Hanoi summit, sincere efforts by the U.S. to resume dialogue with the North on denuclearization have not been reciprocated. Abandoning our principles on human rights did not lead to progress on the nuclear issue.

In the last 3 years, we have backed away from the United Nations, which has been our most effective means to press the North on human rights. In 2013, with the U.S.'s strong support, we pressed for the creation of the Commission of Inquiry. That report has become the basis for much of what has been said and known about the human rights situation in North Korea. But we have also withdrawn from participation in the U.N. Human Rights Council. Our leadership is lacking in the Security Council to raise the issue of North Korea as it should be raised in the Security Council, as it was raised 4 years in a row, including in 2017 when Ambassador Nikki Haley was our U.N. representative. We need to resume our efforts on North Korea human rights in the United Nations.

I was asked to make comments briefly on overseas North Korean workers, particularly those in China and Russia. First of all, this is a major source of funding for North Korean nuclear weapons and missile programs. Workers are not paid directly, and a significant portion of their salaries flow to the regime.

Second, North Korean workers are not fully and fairly compensated for their labor. It is a human rights issue. They are forced to work long hours in difficult conditions, and they do not receive pay comparable to what local workers receive.

Two of the largest users of North Korean labor are China and Russia. Both countries have an interest in limiting North Korean access to nuclear weapons and missiles, but China and Russia benefit economically from cheaper North Korean labor.

The U.S. has to work with both countries. The vast majority of international trade for North Korea passes through China, and without the active support of Russia and China in the Security Council, it would be very difficult to enforce economic sanctions against North Korea.

It is of concern also that South Korea has backed away from criticizing North Korea on its human rights abuses. The current South Korean Government has followed a policy towards North Korea that is similar to what we have followed in the United States over the last 2 years. The South Koreans have reduced, for example, increased funds for North-South cooperation while cutting funds for human rights. Aid for defectors has been cut by 31 percent in the last budget. The Unification Ministry's Human Rights Foundation has been cut by 93 percent. The Unification Ministry's database on North Korean human rights abuses has been cut by 74 percent.

In November 2019, the South Korean Government did not sponsor the annual resolution in the U.N. General Assembly criticizing North Korea's human rights. South Korea had sponsored every annual U.N. resolution for the previous decade.

The United States' failure to press aggressively on North Korean human rights abuses is a great disappointment. The United States should be a shining example on the hill, a beacon of hope on human rights. Unfortunately, we have hidden our light under a bushel. We have been silent on important issues of principle, and still we have made little progress with North Korea on our security concerns. Our foreign policy toward North Korea should reflect our national commitment, to human rights, those commitments on which this nation was founded.

Thank you very much, Mr. Chairman.

[The prepared statement of Ambassador King follows:]

PREPARED STATEMENT OF AMBASSADOR ROBERT R. KING (RETIRED)

Chairman Gardner; Ranking Member Markey; Members of the Subcommittee, I appreciate this opportunity to appear before the East Asia, the Pacific, and International Cybersecurity Policy Subcommittee today on the topic of North Korea 1 year after the Hanoi Summit. Human Rights is a critical part of U.S. policy toward North Korea, and I will focus heavily on human rights. In the context of the aggressive nuclear and missile programs of the North Korean Government and the sanctions that have been imposed unilaterally by the United States as well as multilaterally through the United Nations Security Council with U.S. leadership and support, it is important that we not lose sight of the role and place of human rights in United States policy.

First, I want to thank the East Asia Subcommittee, the Senate Foreign Relations Committee, and you, Chairman Gardner and Ranking Member Markey, for your leadership in the reauthorization of the North Korean Human Rights Act in 2017. This was the third time that this important legislation was extended by Congress since it was first adopted in 2004.

At a time marked by partisanship, it is significant that the reauthorization legislation was approved by unanimous consent in the Senate and by a vote of 415 to 0 in the House of Representatives. This is most appropriate because of our commitment as a nation to the value and respect we hold for human rights.

One of the important provisions of the North Korea Human Rights Act was the creation of the position of Special Envoy for North Korea human rights issues, the position in which I served for over 7 years. The reauthorization in 2017 included provisions to continue the requirement for the appointment of this Special Envoy. I very much regret that since I left that position over 3 years ago, it still has not been filled.

The Congress is correct that it is important to designate an individual with ambassadorial rank to focus attention on the serious deficiencies in human rights in North Korea. I hope that the Congress can convince the President to uphold the law and designate an individual for this important position.

The North Korea Human Rights Act is an important statement of United States principles and policies on the importance of human rights for the people of North Korea. The programs and funding that it authorizes are a significant part of United States policies toward North Korea.

CURRENT POLICY ON NORTH KOREA HUMAN RIGHTS

In the year before the Singapore Summit of June 2018, the President used strong language in criticizing North Korea's nuclear and missile programs—as well as its human rights violations. He did this in his speech to the United Nations General Assembly in September 2017. In the President's first State of the Union Address in January 2018 almost 10 percent of that speech was devoted to North Korea, with a significant focus on human rights. The President told the Congress, "No regime has oppressed its own citizens more totally or brutally than the cruel dictatorship in North Korea."

Fred and Cindy Warmbier, the parents of American student Otto Warmbier, were with the First Lady in the Gallery for that State of the Union Address. As you know, their son Otto was arrested in North Korea in January 2016, subsequently

tried and found guilty for allegedly placing a framed slogan on the floor in the hallway of a Pyongyang hotel. He was returned to the United States 17 months later in a condition of "unresponsive wakefulness," and he died just a few days after his return. The Warmbier's were given a standing ovation by the Members of Congress.

Another highlight of that speech was the President acknowledging the presence of a North Korea defector sitting with the First Lady in the gallery of the House Chamber—Ji Seong-ho. The Congress gave this defector a standing ovation as he held a pair of crutches over his head. Mr. Ji left North Korea in the 1990s during the horrific famine caused by government leaders who focused resources on the military rather than feeding the North Korean people. His legs were run over by a train after he collapsed from exhaustion caused by lack of food and fell from the moving train. He was nursed back to health, but after he crossed the border and went into China to find food, North Korean border guards tortured him and took away his crutches. Mr. Ji eventually succeeded in escaping from North Korea, and he was able to find new opportunities in South Korea.

Later that same week after the State of the Union Speech, the President met with Mr. Ji and 7 other North Korean defectors in the Oval Office where he again praised their courage and pledged to help.

Unfortunately, the Administration has not continued to support human rights for the North Korean people. Just 2 months after the State of the Union Address in 2018, the President announced that he would meet with North Korean leader Kim Jong-un in Singapore. The summit took place in June 2018 with considerable fanfare, pomp and publicity. But there was no progress on limiting North Korea's nuclear and missile programs. And as far as we know, nothing of substance said about human rights during the meetings.

One year after the Warmbier Family and Ji Seong-ho were recognized and applauded at the State of the Union, the President delivered his second State of the Union Address to Congress in January 2019. The President devoted only three sentences to North Korea. He announced that his, "relationship with Kim Jong-un is a good one" and said that his next meeting with Kim Jong-un would take place in Hanoi the following month. Nothing was said about nuclear weapons, missiles or human rights.

At the unsuccessful Hanoi Summit, the only human rights issue apparently raised by the President in his meeting with Kim Jong-un was the case of American student Otto Warmbier. At a press event afterward the President said, "really, really bad things happened to Otto," but Kim Jong-un told the President that, "he didn't know about it, and I will take him at his word."

Since the collapse of the Hanoi Summit, there have been sincere efforts by now Deputy Secretary of State Steve Biegun to resume dialogue with the North on denuclearization, but North Korea clearly has shown no interest in moving forward with discussions with the United States. State Department officials have made a sincere and genuine effort, but the North has made no positive response. Abandoning our principles on human rights did not lead to progress on the nuclear issue.

The President and senior Administration officials have not been directly associated with any human rights effort with North Korea for the previous 2 years. In December 2018, the United States Government imposed unilateral sanctions on three senior North Korean officials for human rights violations, and North Korea was again designated a "country of particular concern" under the International Religious Freedom Act. The Treasury Department issued a press release "quoting" the Secretary of the Treasury, but there was not a word about this from the Oval Office and not even a press release with a quotation from the Secretary of State.

PRESSING NORTH KOREA ON HUMAN RIGHTS IN THE UNITED NATIONS

If we are to press North Korea on its egregious human rights record, United States leadership in the United Nations is critically important. Action by the United Nations reflects the views and policies of many countries. The United States can be successful internationally only if we have the support of other countries, and this is most effectively done through the United Nations.

The U.S. was a leading voice in the creation of a special U.N. Commission of Inquiry into North Korean human rights in 2013. The Commission of Inquiry held widely publicized hearings in Seoul, Tokyo, Bangkok, Washington, and Geneva with North Korean human rights victims and with leading experts and scholars on human rights. The 400-page report of the Commission is the most complete and authoritative discussion of the human rights abuses of the Pyongyang government.

With strong United States support that report was discussed in the United Nations Human Rights Council in Geneva, in the U.N. General Assembly in New York, and at the U.N. Security Council. Resolutions commending the Commission of In-

quiry and calling for North Korea to improve its human rights record were adopted by large majorities at the Human Rights Council and at the General Assembly. North Korea was put on the defensive for its abysmal human rights record—and the United States played a leading role in making that happen.

I deeply regret that over the last 3 years we have backed away from our leadership on human rights in the United Nations. In June 2018, the United States withdrew from participation in the United Nations Human Rights Council. Our voice is no longer heard in the Council on human rights issues—not only on in North Korea but on all other human rights issues as well.

I do agree that the Human Rights Council has been unfair in its treatment of Israel and in some criticism of the United States. But the example of the United States and the leadership of the United States on human rights is still important. We were criticized for our treatment of Native Americans—and there is room for criticism in that regard. But previously, the U.S. named a distinguished Native American attorney as our Representative to the U.N. Human Rights Council, and he played a very positive role in Geneva on a whole range of human rights issues.

Picking up our marbles and going home is not the way to deal with a problem. Our voice should be there; our commitment to human rights needs to be known. When a resolution on North Korea's human rights was considered in the U.N. Human Rights Council in the spring, we did not sponsor the resolution. Even though we were not a member of the Council, we could have sponsored this good document. We have removed ourselves from the discussion of North Korea's human rights abuses in the most important forum.

Also, United States leadership was critical in 2014, 2015, 2016, and 2017 in raising North Korea's human rights abuses at the United Nations Security Council. After the U.N. Commission of Inquiry report on North Korean human rights, the United States led the effort to place that issue on the agenda of the Security Council. For 4 years, it was a topic of discussion in the highest United Nations body. North Korea human rights was last discussed in the Security Council in December 2017 when Ambassador Nikki Haley was serving as our ambassador to the United Nations, and she played a key role in getting that issue on the Security Council agenda. We need to resume that effort.

OVERSEAS NORTH KOREAN WORKERS

North Korean labor in China, Russia, and other countries is a serious concern for the United States. First, because it is a major source of funding for the North Korean effort to upgrade nuclear weapons and improve long range missiles. Foreign workers are sent abroad with North Korean "minders" who manage their work and monitor their living conditions. The workers are not paid directly, but managers are paid, and a significant chunk of their salaries flow to the regime and to those who manage them. A small proportion of the salary finds its way into the workers pockets when they eventually return to North Korea.

Second, there is a human rights issue with regard to North Korean foreign labor. These North Koreans are not fully compensated for their work. While they may be able to earn more abroad than at home, they are still forced to work long hours under very difficult working conditions. And, they do not receive comparable payment to what local workers receive. Foreign laborers are subject to the same human rights abuses abroad as they face at home in terms of control of their lives. Family members do not accompany them, but the family remains in North Korea, where they are basically held hostage to ensure their husbands and fathers do not defect.

Two of the largest users of North Korean labor are China and Russia. They have a conflict of interest. On one hand, both countries have an interest in limiting DPRK access to nuclear weapons, and the U.S. is in harmony with Beijing and Moscow on that point.

But China and Russia also benefit from North Korean labor. For China, North Koreans are cheaper than Chinese labor, because they are made to work longer and harder for less money. China also has an interest in preventing North Korea economic problems because too many refugees from the North will flee across their border into Northeast China if there are economic or other difficulties in the North. Northeast China is one of China's economic problem areas, and difficulties in North Korea can lead to difficulties in Northeast China.

For Russia, North Korean workers are heavily used in the Russian Far East where there are few Russian citizens. Furthermore, North Koreans earn less than Russian workers. North Korean labor is important for the economy of the Russian Far East.

We need the cooperation and assistance of the Chinese and Russians in the U.N. Security Council because they have a far greater economic relationship with the

North than we do. The vast majority of international trade for North Korea goes through China, and North Korea is an important source of cheap coal for China.

Without the active and positive support of China and Russia, it will be very difficult to enforce economic sanctions against North Korea. North Korean trade with China has dropped because of sanctions. We need to encourage greater effort from China and Russia, but we are limited in how hard we can push.

THE MOON JAE-IN GOVERNMENT IN SOUTH KOREA AND NORTH KOREA'S HUMAN RIGHTS ABUSES

The current South Korean government of President Moon Jae-in has followed a policy toward the North that is similar to what the current U.S. Administration has pursued in the last 2 years. It has sought to improve relations with the North, and that has meant soft peddling human rights issues. The North clearly would like to see no support from the South for defectors from the North.

For example, in November 2019, the South Korea returned to the North two North Korean sailors who sought to defect, and who were accused of killing sixteen shipmates. The incident including the return of the two sailors was not made public by the South Korean government until journalists discovered and publicized a text message confirming the repatriation. The South Korean National Assembly launched an investigation into the matter.

The decision of the Moon Administration was made without granting the defectors access to an attorney, without a court hearing on the case, and without allowing them to appeal the government's decision to repatriate them. This was the first time ever that North Koreans were repatriated by the South Korean government because of crimes they were alleged to have committed in the North or because their intent to defect may have been dishonest.

That same month, 11 North Korean refugees crossed into Vietnam on their way to South Korea. Vietnam announced that they would be returned to North Korea. The South Korean government was criticized in the domestic news media and European organizations became involved before the South intervened and the defectors were released.

There have been other indications of a change by Seoul. In the March 2018 the Moon government's budget boosted funds for inter-Korean cooperation while aid for South Korean human rights efforts were significantly cut, including a 31 percent reduction in aid for defectors. The Ministry of Unification's Human Rights Foundation saw its funds cut 93 percent, and the budget for the database maintained by the Ministry on human rights abuses by the North was cut by 74 percent.

Furthermore, in November 2019, the South Korean government did not sponsor the annual U.N. General Assembly resolution critical of North Korea's human rights record. This was in stark contrast with previous practice. The South sponsored every annual U.N. resolution from 2008 to 2019. A letter to President Moon from Human Rights Watch and 66 other international human rights organizations raised questions about the South Korean government's position on human rights, in particular its failure to cosponsor the U.N. General Assembly resolution critical of North Korea's human rights record.

In conclusion, Mr. Chairman, the United States' failure to press aggressively on the North Korean human rights abuses in our bilateral policy with the North and in the United Nations is a great disappointment. The United States should be a shining city on the hill, a beacon of hope on human rights. Unfortunately, we have hidden our light under a bushel. We have been silent on important issues of principle. And still we have made little progress with North Korea on our security concerns. Our foreign policy toward North Korea should reflect our values, our commitment to the human rights ideals on which nation was founded.

Senator GARDNER. Thank you, Ambassador.

Our next witness is Mr. Bruce Klingner, who currently serves as a Senior Research Fellow for Northeast Asia. Before joining Heritage, Mr. Klingner served for 20 years at the Central Intelligence Agency and the Defense Intelligence Agency focusing on North Korea and regional issues. From 1996 to 2001, Mr. Klingner served as the Deputy Division Chief for Korea at the Central Intelligence Agency, and from 1993 to 1994, he was the Chief of the CIA's Korea Branch.

He previously testified before this subcommittee on June 25th, 2017. Mr. Klingner, glad to have you back to this committee.

Thank you very much for your service and look forward to your comments.

STATEMENT OF BRUCE KLINGNER, SENIOR RESEARCH FELLOW, NORTHEAST ASIA, THE HERITAGE FOUNDATION, WASHINGTON, DC

Mr. KLINGNER. Thank you very much, Mr. Chairman. It is indeed an honor to be asked to speak before you on such an important matter to the security of our nation.

The U.S.-North Korea denuclearization talks are stalled. Special Envoy Stephen Biegun, like his predecessors, tried valiantly to engage with North Korean counterparts only to be repeatedly rebuffed. Pyongyang declared it is not interested in working-level talks nor in additional summit meetings. And once again, it is North Korea that rejects diplomacy and negotiations.

Euphoric claims of breakthroughs made after the Singapore summer were premature. Contrary to claims of success, the Trump administration has made no progress on North Korean denuclearization. The two sides remain far apart over the definitions of seemingly straightforward terms such as "denuclearization" and the "Korean Peninsula."

Instead, North Korea continues to nuclearize. Pyongyang continues its nuclear missile programs unabated, and the regime continues to produce fissile material for more nuclear weapons, as well as expanding and refining production facilities for missiles, mobile missile launchers, and nuclear warheads.

In 2019, North Korea launched 26 missiles—that is the largest number of violations of U.N. resolutions in 1 year by the regime ever—and unveiled five new short-range ballistic missile systems that threaten South Korea, Japan, and U.S. forces stationed there.

While U.S. officials wait by the phone for Pyongyang to call, they are also waiting for the other shoe to drop of the next provocation. At the 2019, Kim Jong-un announced he would no longer feel bound by his promise to President Trump not to conduct nuclear or ICBM tests, a promise that was irrelevant because North Korea is required under 11 U.N. resolutions not to do nuclear tests or missile tests of any range. Instead, Pyongyang has threatened to demonstrate a new promising strategic weapon system.

Over the decades of negotiations with North Korea, the U.S. and other members of the international community have offered economic benefits, developmental assistance, humanitarian assistance, diplomatic recognition, declarations of non-hostility, turning a blind eye to violations of U.N. resolutions, non-enforcement of U.S. laws, and reducing allied defenses, all to no avail.

Despite the failure of all previous denuclearization agreements with North Korea, the U.S. should continue diplomatic attempts to reduce the North Korean nuclear threat. However, the Trump administration should resist in treaties to lower the negotiating bar to achieve perceived progress. President Trump should reject calls for relaxing sanctions in return for only a partial flawed agreement that does not include a clearly defined endpoint of North Korean abandonment of its nuclear and missile production facilities and arsenal, as well as rigorous verification protocols.

In response to North Korean intransigence and continued defiance of the international community, Washington should rethink its self-imposed restraints on military exercises and canceling them, though the coronavirus now may supersede that recommendation. America's self-imposed military concession did not lead to diplomatic progress nor reduce the North Korean nuclear threat or the military threat. Instead, the regime continues to conduct large-scale military exercises of its own.

The United States and South Korea have canceled numerous military exercises, as well as reducing the size, scope, volume, and frequency of additional exercises. Doing so risks degrading allied deterrence and defense capabilities. The exercises are necessary to ensure the interoperability and integration of allied military operations and ensure readiness to respond to North Korean attacks.

The Trump administration should also end its self-imposed constraints on enforcing U.N. resolutions and U.S. laws. The Trump administration, for all its declarations of maximum pressure on North Korea, has only anemically applied sanctions since the Singapore summit. Maximum pressure has never been maximum. As you mentioned, Mr. Chairman, President Trump declared he would not impose sanctions on 300 North Korean entities, those that were violating U.S. law in the U.S. financial system. The U.S. Treasury Department deferred imposing sanctions on 3 dozen Russian and Chinese entities providing prohibited support to North Korea. The White House has taken no action against a dozen Chinese banks that Congress recommended be sanctioned for money laundering for Pyongyang. And in March 2019, Trump reversed the Treasury Department's minimalist step of targeting two Chinese shipping firms. Law enforcement should not be negotiable.

Washington must also uphold human rights principles. Downplaying North Korean human rights violations and embracing a purveyor of crimes against humanity to gain diplomatic progress runs counter to American values.

The U.S. is also risking undermining critically important alliances by asking for exorbitant increases in cost-sharing negotiations. Excessive demands presented in a combative manner are needlessly straining relations with allies at a time when we should be standing shoulder to shoulder in the face of common threats. The Administration's monetary demands are at odds with its strong advocacy of alliances, as detailed in the National Security and National Defense Strategies.

Alliances are not valued in dollars and cents, nor should alliances be money-making operations for the United States. Excessive monetary demands degrade alliances that are based on shared values and principles and goals into mere transactional relationships. America's men and women in uniform, including my son, a United States Marine currently serving his second tour in Afghanistan, are not mercenaries.

The U.S.-South Korean alliance was forged in blood during the Korean War. Its enduring motto is "katchi kapshida," or we go together. It must never become we go together if we are paid enough.

Thank you very much, Mr. Chairman.

[The prepared statement of Mr. Klingner follows:]

PREPARED STATEMENT OF BRUCE KLINGNER

STALLED DENUCLEARIZATION TALKS: WAITING FOR THE PHONE TO RING OR THE OTHER SHOE TO DROP

The U.S.-North Korean denuclearization talks are stalled. Special Envoy Stephen Biegun, like his predecessors, tried valiantly to engage with North Korean counterparts only to be repeatedly rebuffed. Pyongyang declared it is not interested in either working level or summit meetings. Once again, it is North Korea that rejects diplomacy and negotiations. Kim Jong-un has shown himself to be no more willing to abandon his country's arsenal than his predecessors.

Euphoric claims of breakthroughs made after the Singapore summit turned out to be premature. To date, President Trump's top-down approach of summit diplomacy has been no more effective than previous efforts to curtail Pyongyang's nuclear ambitions. However, Trump's willingness to meet with Kim tested the long-standing hypothesis of engagement enthusiasts that a face-to-face meeting of the U.S. and North Korean leaders would resolve the nuclear impasse.

Despite three meetings between Trump and Kim, the two sides remain far apart even over the definitions of seemingly straightforward terms such as "denuclearization" and "Korean Peninsula," let alone the sequencing, linkages, and timeline for achieving denuclearization.

In the Hanoi summit, Kim Jong-un proposed closing the Yongbyon nuclear complex, just as his father and grandfather had done for decades. It was the fifth time that Pyongyang offered Yongbyon in an agreement.[1] President Trump walked away from the opportunity to reach a flashy but poorly crafted deal. For that he is to be commended. But, while a correct tactical decision, it leaves the Trump administration no closer to achieving its strategic objective of denuclearizing North Korea.

There has been no progress toward denuclearization or any degradation of the North Korean military threat to the United States and its allies. Instead, Pyongyang continues its nuclear and missile programs unabated. It has likely produced fissile material for another six-to-eight nuclear weapons since the Singapore summit while testing new weapons and expanding production facilities for missiles, mobile missile launchers, and nuclear warheads.

In 2019, North Korea launched 26 missiles, the highest-ever number of violations of U.N. resolutions in 1 year. Pyongyang unveiled five new short-range ballistic missiles that threaten South Korea, Japan, and U.S. forces stationed in both countries.

Waiting for the Next Provocation

At the end of 2019, Kim Jong-un announced he no longer felt bound by his promise to President Trump not to conduct nuclear or ICBM tests. Instead, Pyongyang threatened to demonstrate a new, "promising strategic weapon system."[2]

After a 4-day Korea Workers' Party plenum meeting, North Korea left the door to negotiations open the tiniest of cracks, with the "scope and depth" of its nuclear and missile deterrent contingent on a dramatically altered U.S. policy. But the regime's demands, including an end to military exercises and weapons sales to South Korea, have long been unacceptable to the United States. The regime dismissed Washington's calls for dialogue as stalling tactics and indicated it would seize the initiative rather than waiting for the situation to improve.

Pyongyang may move incrementally up the escalation ladder to garner concessions before returning to diplomatic talks. Options include medium-range and intermediate-range missile launches and a space-launch vehicle before crossing President Trump's red line of nuclear and ICBM tests. The regime could also restore its mothballed nuclear test site, unveil a new missile system or submarine, or conduct low-level military provocations in the West Sea near South Korea.

Historically, Pyongyang has moved slowly to implement its threats, seeking to gain negotiating leverage or objectives. But, the regime could maximize its leverage by moving immediately to a long-range missile or nuclear test to confront Washington with a high-stakes crisis.

Kim Jong-un may feel that he has the upper hand when confronting the United States. North Korean officials have repeatedly referenced the 2020 U.S. election, believing that threats of resuming nuclear and ICBM tests would hang as the sword of Damocles over President Trump's head and would hence induce additional concessions.

What Does North Korea Want?

An adage amongst long-time North Korea watchers is that "something is important to Pyongyang . . . until it isn't. And it isn't important . . . until it is." The saying reflects the regime's shifting priorities for its demands of the United States and the international community in return for denuclearization. Like parched nomads chas-

ing a desert mirage only to have it disappear, U.S. diplomats often found a key North Korean demand vanish in favor of a new requirement.

Pyongyang's bait-and-switch technique seeks parallel paths to benefits while keeping diplomatic opponents off balance. When a U.S. concession gained no traction with the recalcitrant regime, engagement advocates called on Washington to offer yet another to maintain "progress" or to "improve the negotiating atmosphere."

However, the United States has already offered economic benefits, developmental assistance, humanitarian assistance, diplomatic recognition, declarations of non-hostility, turning a blind eye to violations, not enforcing U.S. laws, and reducing allied defenses all to no avail.

South Korea has participated in large joint economic ventures with North Korea. Successive South Korean administrations offered extensive economic and diplomatic inducements in return for Pyongyang beginning to comply with its denuclearization pledges.

Diplomacy Tried, and Tried, and Tried. The international community has engaged in repeated diplomatic efforts to prevent, then reverse, Pyongyang's quest to develop nuclear weapons. All of the accords collapsed because North Korea cheated or did not fulfill its pledged obligations. A record of zero-for-eight does not instill much confidence in the benefit of undertaking even more attempts.[3]

For over 20 years, there have been two-party talks, three-party talks, four-party talks, and six-party talks to resolve the North Korean nuclear weapons issue. Seoul has signed 240 inter-Korean agreements on a wide range of issues.

Despite decades of U.S. diplomacy with North Korea, real negotiations on eliminating the regime's nuclear arsenal have yet to begin. Pyongyang rejects the core premise of negotiations, which is that it must abandon its nuclear weapons and programs.

Cancelling Military Exercises Did Not Work. In Singapore, President Trump declared that he would suspend the "provocative" U.S.-South Korea "war games"—terms that Washington had previously rejected when used by North Korea.

Secretary of State Michael Pompeo recently indicated that President Trump promised to cancel large-scale allied military exercises in return for Kim's promise to refrain from nuclear and ICBM tests—a poor deal, given that North Korea is prohibited by 11 U.N. resolutions from conducting nuclear or any missile launch, regardless of range. Prior to the Singapore meeting, Kim had announced nuclear and ICBM testing were no longer necessary since both programs had been completed.

The United States and South Korea have reduced the size, scope, volume, and timing of allied military exercises in Korea. Washington and Seoul cancelled at least thirteen military exercises and imposed constraints on additional military training. Doing so risks degrading allied deterrence and defense capabilities. The exercises are necessary to ensure the interoperability and integration of allied military operations and ensure readiness to respond to North Korean attacks.

Pyongyang did not codify its missile and nuclear-test moratorium in the Singapore communiqué, nor did it announce reciprocal constraints on its own military exercises. General Robert Abrams, commander of U.S. Forces Korea, testified that "we have observed no significant changes to size, scope, or timing of [North Korea's] ongoing exercises." He added that Pyongyang's 2019 annual winter training cycle involved one million troops.[4]

Sanctions Relief Did Not Work. Successive U.S. administrations have provided indirect sanctions relief by never fully enforcing U.S. laws against North Korean and other violating entities. President George W. Bush reversed U.S. law enforcement against a foreign bank engaged in money laundering in a vain attempt to make progress in denuclearization negotiations. President Barack Obama pursued a policy of timid incrementalism in sanctions enforcement.

The Trump administration, for all its declarations of "maximum pressure" on North Korea, has only anemically applied sanctions since the Singapore summit. In June 2018, Trump explained that he would not impose sanctions on 300 North Korean violators because "we're talking so nicely" with Pyongyang.[5] He added, "I don't even want to use the term 'maximum pressure.'"

The U.S. Treasury Department deferred imposing sanctions on three dozen Russian and Chinese entities providing prohibited support to North Korea, and the White House has taken no action against a dozen Chinese banks that Congress recommended be sanctioned for their dealings with Pyongyang. In March 2019, Trump reversed the Treasury Department's minimalist step of targeting two Chinese shipping firms helping Pyongyang circumvent U.N.-imposed restrictions on North Korean trade. The White House spokesperson commented, "President Trump likes Chairman Kim and he doesn't think these sanctions will be necessary."[6]

Removing sanctions as the price for restarting negotiations would mean abandoning key leverage and would be contrary to U.S. laws. Sections 401 and 402 of

the North Korea Sanctions and Policy Enhancement Act of 2016 define numerous actions that North Korea must take before the president is allowed to suspend sanctions against the regime for 1 year or to terminate them.

Security Guarantees Did Not Work. North Korea has made a recurring demand for a security guarantee. In the 2018 Singapore summit statement, President Trump committed to provide security guarantees to North Korea, and Secretary Pompeo affirmed that the United States was willing to offer North Korea "unique" security guarantees "to provide them sufficient certainty that they can be comfortable that denuclearization is not something that ends badly for them."[7]

After the 2019 Hanoi summit failed to achieve progress, North Korean foreign minister Ri Yong-ho announced that "the security guarantee is more important to us [than sanctions release] in the process of taking the denuclearization measure." Secretary Pompeo replied that "we're prepared to provide a set of security arrangements that gives them comfort that if they disband their nuclear program, that the United States won't attack them in the absence of that."[8]

U.S. officials have sought clarification from North Korean diplomats but Pyongyang has not articulated what it wants guaranteed: No preemptive or preventive military attack? North Korean national sovereignty? Kim family regime survivability? Nor has the regime specified the form that a guarantee should take: A paper declaration? An end-of-Korean War declaration or peace treaty? More expansive confidence-building measures and military force reductions?

The United States has repeatedly provided such promises in the past—to no avail. In the 1994 Agreed Framework, Washington committed to "provide formal assurances to [North Korea] against the threat or use of nuclear weapons by the U.S.."[9]

In the 2005 Six-Party Talks Joint Statement, the United States pledged it "has no intention to attack or invade [North Korea] with nuclear or conventional weapons."[10] Former National Security Council official Victor Cha compiled a list of over 20 U.S. security assurances to North Korea in a 2009 study.[11]

The Trump administration made similar pledges, including then Secretary of State Rex Tillerson's declaration that the United States "will not seek a regime change, a collapse of the regime, an accelerated reunification of the peninsula, or an excuse to send [U.S.] military north of the 38th parallel."[12]

Economic Aid Did Not Work. Pyongyang has indicated that no amount of economic benefits can address the security concerns the regime cites as justification for its nuclear weapons programs. North Korea perceives nuclear weapons as the only way to prevent it from becoming another Iraq, Yugoslavia, or Libya.

Similarly, since North Korean nuclear weapons are purported to be a response to the U.S. "hostile policy," no South Korean offers of economic assistance or security measures can dissuade Pyongyang from continuing with its nuclear programs. South Korea provided billions of dollars in economic benefits. Still, it did not induce North Korea to undertake political or economic reform or moderate its quest for nuclear weapons.

Pyongyang's provocative antics and threats are not merely negotiating ploys, but instead are designed to achieve international acceptance of North Korea's status as a nuclear power. North Korean officials have repeatedly indicated that that is precisely their intention.

What Can Be Tried?

An End of War Declaration.[13] In the Singapore statement, the two countries agreed to "join their efforts to build a lasting and stable peace regime on the Korean Peninsula." The North Korean Ministry of Foreign Affairs declared that "the issue of announcing the declaration of the end of the war at an early date is the first process of defusing tension and establishing a lasting peace regime on the Korean Peninsula [and] constitutes a first factor in creating trust between [North Korea] and the U.S.."[14] Pyongyang claims that Trump already committed to signing a peace declaration during the Singapore summit.[15]

Advocates of declaring an end to the Korean War downplay concerns over the ramifications by highlighting that the document would be only symbolic, without any real effect or consequences. On the other hand, they have yet to identify any tangible benefits to signing a peace declaration—a specific quid pro quo from the regime or a change in North Korean policy or behavior resulting from the regime feeling less threatened.

Yet, a peace declaration could have serious negative ramifications for alliance security. Even a limited declaration could create domino-effect advocacy for prematurely signing a peace treaty, reducing U.S. deterrence and defense capabilities and abrogating the mutual defense treaty before reducing the North Korean threat that necessitated U.S. involvement.

Beyond security ramifications, a peace declaration could also lead to advocacy of reducing U.N. and U.S. sanctions and providing economic largesse to North Korea even before it takes significant steps toward denuclearization.

A Freeze Rather than Denuclearization. There has been much debate amongst experts on the utility of a "freeze" on North Korea's nuclear weapons production. Some freeze proponents argue that the United States should abandon unrealistic expectations of total denuclearization and accept a capping of North Korea's arsenal through a freeze on future production. Others argue that a production freeze, requiring some reciprocal U.S. actions, would be an interim step toward eventual denuclearization.

A freeze agreement could include capping production of fissile material, a moratorium on nuclear and missile testing, and a pledge not to export nuclear technology. The freeze proposals share a common theme in calling for yet more U.S. concessions to encourage Pyongyang to commit to undertaking a portion of what it is already obligated to do under numerous U.N. resolutions.

A nuclear freeze was negotiated in the February 2012 Leap Day Agreement, in which Washington offered Pyongyang 240,000 tons of nutritional assistance and a written declaration of no hostile intent. In return, North Korea pledged to freeze nuclear reprocessing and enrichment activity at the Yongbyon nuclear facility, not to conduct any nuclear or missile tests, and to allow the return of International Atomic Energy Agency (IAEA) inspectors to Yongbyon. Indeed, all previous denuclearization agreements with North Korea were variants on a freeze, and all failed.

A freeze could be seen as de facto recognition and acceptance of North Korea as a nuclear state, which would undermine the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and send the wrong signal to other nuclear aspirants: that the path is open to nuclear weapons. North Korea would be allowed to retain its nuclear threat to South Korea and Japan, as well as U.S. forces, bases, and civilians throughout Asia.

This, in turn, could exacerbate allied concerns about the reliability of the U.S. extended deterrence guarantee and increase advocacy within South Korea for an independent indigenous nuclear weapons program and greater reliance on preemption strategies.

Risking Allied Security Posture

President Donald Trump is demanding a five-fold increase in South Korea's annual reimbursement for the cost of stationing U.S. troops overseas, with all signs pointing to a similar demand coming on Japan.

The U.S. has long sought greater allied compensatory costs and involvement in overseas operations. But all allies are not the same. South Korea and Japan should be recognized for their significant contributions.

South Korea spends 2.6 percent of its gross domestic product on defense; that's more than any of our European allies. By 2022, South Korea will be among the world's top five or six highest spenders on defense.

Seoul provides nearly half of the cost of stationing U.S. forces in South Korea. Not counted in Seoul's contribution is land provided for U.S. bases at no cost and tax free. Seoul paid 92 percent of the $11-billion cost for building Camp Humphreys, the largest U.S. base on foreign soil, and over the last 4 years, South Korea has purchased $13 billion in arms from the United States.

South Korea has also been a stalwart ally beyond its shores. Seoul sent 300,000 troops to the Vietnam War, and 5,000 of its soldiers were killed. At one point, it fielded the third-largest troop contingent in Iraq after the United States and Britain. It has also conducted anti-piracy operations off Somalia and participated in peacekeeping operations in Afghanistan, East Timor and elsewhere.

Japan covers approximately 75 percent of the cost of deployed U.S. forces as well as nearly all of the construction costs of new large U.S. facilities at Futenma and Iwakuni, and one-third of the cost of new Marine Corps facilities in Guam. Japan does not spend as much as a percentage of GDP as South Korea. But it is a larger economy, and in dollar terms, it spends more. Tokyo also purchases 90 percent of its defense equipment from the United States.

The Importance of U.S. Forces Overseas. Attaining and defending American national interests in Asia requires U.S. bases and access, sufficient forward-deployed military forces to deter aggression, robust follow-on forces, and strong alliances and security relationships with South Korea, Japan and other countries in that part of the world. The U.S. military presence in Asia is also an indisputable signal of Washington's commitment to defend its allies and maintain peace and stability in the region.

As President Ronald Reagan eloquently proclaimed during a D-Day remembrance ceremony in Normandy, "We in America have learned bitter lessons from two World

Wars: It is better to be here ready to protect the peace, than to take blind shelter across the sea, rushing to respond only after freedom is lost . . . . The strength of America's allies is vital to the United States, and the American security guarantee is essential . . . . We were with you then; we are with you now. Your hopes are our hopes, and your destiny is our destiny."

The Administration's monetary demands are at odds with its strong advocacy of alliances, as detailed in the National Security and National Defense Strategies. Those documents stress how alliances magnify U.S. power, extend American influence and form the "backbone of global security." Trump's demands also run counter to the strong congressional and public support for these Asian alliances.

Alliances are not valued in dollars and cents, and American service members are not mercenaries. Excessive U.S. monetary demands degrade alliances based on shared principles and goals into mere transactional relationships.

Maintain alliance solidarity. Cost-sharing negotiations are always contentious, but the Trump Administration has made excessive demands in a combative manner, needlessly straining relations with allies at a time when we should be standing shoulder to shoulder in the face of common threats. The Administration should drop its demands for massive increases in funding and shift instead to more moderate, incremental increases that maintains allied cohesion.

The U.S.-South Korean alliance was forged in blood during the Korean War. Its enduring motto is "katchi kapshida" ("we go together"). The motto cannot become "we go together, if we are paid enough." As Winston Churchill sagely advised, "There is only one thing worse than fighting with allies and that is fighting without them."

How the U.S. Should Respond to North Korea

The United States should continue diplomatic attempts to reduce the North Korean nuclear threat. The failure of all previous denuclearization agreements with North Korea does not preclude additional attempts at negotiations.

U.S. diplomats should determine the conditions under which North Korea would comply with the eleven U.N. resolutions that require the regime to abandon its nuclear, missile, and biological/chemical warfare weapons and program in a complete, verifiable, irreversible manner.

The Trump administration must chart a course between the twin flaws of overreacting and under-reacting to any North Korean provocation. While the U.S. should remain vigilant and resolute against any North Korean attack, it should not return to the "fire and fury" rhetoric of threatening a preventive strike.

Nor should the U.S. initiate an attack on North Korea for crossing a technological threshold, since that would risk precipitating a full-scale war with a nuclear nation, leading to massive casualties. The more prudent course of action is to reserve a preemptive attack for a situation in which the Intelligence Community has strong evidence of imminent strategic nuclear attack on the U.S. or its allies.[16]

The Trump administration should also resist entreaties to lower the negotiating bar to achieve progress. President Trump should reject calls for relaxing sanctions in return for only a partial, flawed agreement that does not include a clearly defined endpoint of North Korean abandonment of its nuclear and missile production facilities and arsenal, as well as rigorous verification protocols.

In response to North Korean intransigence and continued defiance of the international community, Washington should announce it will resume canceled military exercises with South Korea. America's self-imposed military concession did not lead to diplomatic progress nor reduce the North Korean military threat.

The Trump administration should also end its self-imposed constraints on enforcing U.N. resolutions and U.S. laws. Law enforcement should be used as a negotiating chit. Washington must take action against any entity that violates U.N. sanctions or U.S. legislation. U.S. sanctions are responses to North Korean actions. As long as the sanctioned behavior continues, then Washington should maintain its targeted financial measures. Reducing U.S. sanctions is subject to legal constraints.

The Trump administration should ratchet up pressure on North Korea and foreign enablers of its prohibited nuclear and missile programs. Washington should sanction the 300 North Korean entities referenced by President Trump in June 2018, penalize Chinese financial institutions engaged in money laundering and other crimes, impose secondary sanctions against entities aiding North Korean evasion of sanctions, return to the previous level of military exercises, repair strained relations with its Asian allies, and uphold human rights principles.

Washington must also uphold human rights principles. Downplaying North Korean human rights violations and embracing a purveyor of crimes against humanity to gain diplomatic progress runs counter to U.S. values and sets a poor precedent for negotiations. The North Korea Sanctions and Policy Enhancement Act

§ 104(a)(5) mandates sanctions against any person who knowingly facilitates severe human rights abuses.[17]

Conclusion

It is not surprising that there has been no progress in denuclearization talks. North Korea has been pursuing nuclear weapons since the 1960s and has been obfuscating about promises to abandon them for decades.

While the United States should continue to strive for a diplomatic solution to the North Korean nuclear threat, it is far more likely that North Korea will remain a challenge that requires a bipartisan policy of deterrence, containment, and compellence.

The best U.S. policy is a comprehensive strategy of diplomacy, upholding U.N. resolutions and U.S. laws, and deterrence until the nuclear, missile, and conventional force threat is reduced.

Notes

[1] The previous agreements were the 1994 Agreed Framework, the 2005 and 2007 six-party talks agreements, and the 2012 Leap Day Agreement.

[2] "Report on 5th Plenary Meeting of 7th C. C., WPK," KCNA, January 1, 2020, https://kcnawatch.org/newstream/1577829999-473709661/report-on-5th-plenary-meeting-of-7th-c-c-wpk/.

[3] Pyongyang acceded to the 1992 North-South Denuclearization Agreement, the Non-Proliferation Treaty, the safeguards of the International Atomic Energy Agency (IAEA), the Agreed Framework, three agreements under the six-party talks, and the Leap Day Agreement.

[4] General Robert B. Abrams, testimony before the Armed Services Committee, U.S. Senate, February 12, 2019, https://www.armed-services.senate.gov/imo/media/doc/Abrams_02-12-19.pdf.

[5] Ben Riley-Smith, "Trump-Kim Summit: Donald Trump Vows to 'End War Games' in 'New History' with North Korea," Telegraph, March 21, 2018, https://www.telegraph.co.uk/news/2018/06/11/donald-trump-kim-jong-un-summit-live-latest-news-updates-us.

[6] Jacob Pramuk, "Trump Will Remove New North Korea-Related Sanctions Because He 'Likes' Kim Jong Un," CNBC, March 22, 2019, https://www.cnbc.com/2019/03/22/trump-says-he-will-remove-north-korea-related-sanctions.html.

[7] "U.S. to Offer North Korea 'Unique' Security Guarantees for Denuclearization: Pompeo," Channel News Asia, June 11, 2018, https://www.channelnewsasia.com/news/world/us-north-korea-unique-security-guarantees-denuclearisation-10420266.

[8] U.S. Department of State, "Secretary of State Michael R. Pompeo with Buck Sexton of iHeartMedia," July 22, 2019, https://www.state.gov/secretary-of-state-michael-r-pompeo-with-buck-sexton-of-iheartmedia/.

[9] U.S. Department of State, "Agreed Framework between the United States of America and the Democratic People's Republic of Korea," October 21, 2004, https://2001-2009.state.gov/t/ac/rls/or/2004/31009.htm.

[10] "Joint Statement of the Fourth Round of the Six-Party Talks," September 19, 2005, http://www.atomicarchive.com/Reports/Northkorea/JointStatement.shtml.

[11] Victor Cha, "What Do They Really Want: Obama's North Korean Conundrum," Washington Quarterly, October 2009, https://www.tandfonline.com/doi/full/10.1080/01636600903224837.

[12] Christy Lee, "Can Trump Guarantee Kim Will Stay if North Korea Denuclearizes?" VOA, May 23, 2018, https://www.voanews.com/usa/can-trump-guarantee-kim-will-stay-if-north-korea-denuclearizes.

[13] Also referred to as a peace declaration. It would be a symbolic political document which, unlike a formal peace treaty, has no legal impact on the armistice ending the Korean War or the United Nations Command. The six-party talks had a working group devoted to striving for a peace treaty, until North Korea walked away from the negotiations in 2008.

[14] "FM Spokesman on DPRK–U.S. High-level Talks," Korea Ryugilo Editorial Bureau, September 15, 2018, http://www.uriminzokkiri.com/index.php?lang=eng&ftype=document&no=12300.

[15] Alex Ward, "Exclusive: Trump Promised Kim Jong-un He'd Sign an Agreement to End the Korean War," Politico, August 29, 2018, https://www.vox.com/2018/8/29/17795452/trump-north-korea-war-summit-singapore-promise.

[16] Bruce Klingner, "Save Preemption for Imminent North Korean Attack," Heritage Foundation Backgrounder No. 3195, March 1, 2017, https://www.heritage.org/missile-defense/report/save-preemption-imminent-north-korean-attack.

[17] North Korea Sanctions and Policy Enhancement Act of 2016, Public Law 114–122.

Senator GARDNER. Thank you, Mr. Klingner.

Our final witness today is Dr. Sue Mi Terry, who serves as Senior Fellow and Korea Chair at the Center for Strategic and International Studies. As you can all tell today, CSIS is well represented on the panel. So thank you very much, Dr. Terry.

Dr. Terry joined CSIS in 2017 as Senior Fellow for Korea after a distinguished career in intelligence policymaking and academia following Korean issues. Prior to CSIS, she served as a senior analyst on Korean issues at the CIA from 2001 to 2008 where she pro-

duced hundreds of intelligence assessments, including a record number of contributions to the President's daily brief.

She has received numerous awards for her leadership and mission support, including the CIA Foreign Language Award in 2008.

From 2008 to 2009, Dr. Terry was the Director for Korea, Japan, and Oceanic Affairs at the National Security Council under both Presidents George W. Bush and Barack Obama.

Welcome, Dr. Terry, to the subcommittee. Thank you very much for your service. I look forward to your comments.

STATEMENT OF DR. SUE MI TERRY, SENIOR FELLOW, KOREA CHAIR, CENTER FOR STRATEGIC AND INTERNATIONAL STUDIES, WASHINGTON, DC

Dr. TERRY. Thank you, Chairman, for this opportunity to appear before you on this important hearing.

First, let me briefly address the prospects of resuming negotiations with North Korea, which is pretty dim at the present time. North Korea's current position reflects little appetite to return to diplomacy. Kim has vowed to maintain North Korea's nuclear threat while promising the world would witness a new strategic weapon it will possess in the near future, all the while issuing a warning and preparing his people that North Korea would have to go through a long, unprecedented period of difficulties with the United States.

Kim did, however, leave a very small opening for diplomacy when he stated that he is willing to freeze or reduce his nuclear program if conditions are met.

The chief challenge for us, however, is the fact that North Korea is highly unlikely to agree to any sort of agreement with the United States that does not involve maximal sanctions relief.

At least direct dialogue and President Trump's three sit-downs with Kim Jong-un have at least cleared up or confirmed a clear picture of what it is that North Korea seeks. In the near term, it seeks to secure significant sanctions relief from Washington and the international community, and of course, North Korea's long-term remains patiently waiting out for the world to accept North Korea as a responsible nuclear weapons power.

At both the Singapore and the Hanoi summits, the U.S. dangled the prospect of economic development to show a possibility of a bright future that could lie ahead for North Korea if only it denuclearized. At the Hanoi summit, the U.S. side also floated the idea of ending or declaring the end to the Korean War and exchanging liaison offices with the North. But North Korea has made it crystal clear that what it cares about is sanctions relief.

The question then is whether it is in the U.S.'s interests to pursue an interim deal that would at least freeze or roll back the North's nuclear program even if it means we have to give maximal sanctions relief to North Korea.

Arms control experts currently debate on the utility of a freeze of North Korea's weapons production and whether it is worth for the U.S. to pursue an element of a deal that would include North Korea pledging to cease further production of fissile material, put a limit on existing stockpiles, and closing down the Yongbyon nuclear facility in return for significant sanctions relief.

My own view is that this would be in theory perhaps a worthwhile objective to consider if, and only if, North Korea provides an inventory of its nuclear program, meaning facilities, weapons, fissile material, a road map for implementation, along with allowing international inspectors into North Korea to monitor all declared nuclear facilities, something that North Korea is highly unlikely to agree to. Otherwise, we will be trading sanctions concessions, a key leverage that we have, in return for nothing or very little. Absent a declaration of the North Korean nuclear program and the entry of international inspectors in there, there will be no way to know if North Korea were to covertly continue developing nuclear weapons or not.

Thus, as long as the Kim regime remains defiant, I strongly believe that the U.S. and partners must not rush into such a deal with premature sanctions relief. In fact, we must continue to pursue diplomacy backed up by sustained economic and political pressure on the North. The goal is to continue an intensified, full, sustained, comprehensive sanctions enforcement to defund North Korea's nuclear and missile program targeting not only North Korea but also enablers and business partners using economic and diplomatic means. Using the strategy that brought Iran to the bargaining table as a model, we should expand pressure on North Korea's money launderers, facilitators, and enablers.

In my written testimony, I mentioned we are currently well positioned to build on the existing North Korea Nuclear Sanctions and Enforcement Act.

We should also, I think, give more power to 94 U.S. attorneys' offices to enforce sanctions law. In December 2017, for example, the chief district judge in Washington, DC ordered three Chinese banks to comply with federal grand jury and statutory subpoenas to their North Korea-related records. That was the first time a U.S. federal court has ordered Chinese banks to comply with subpoenas regarding suspected North Korean money laundering. Such a strategy, if enforced diligently, has the potential to close a hole in U.S. sanctions enforcement by scaring Chinese banks into enhanced due diligence and stop helping Pyongyang gain access to our financial system. These efforts should be pursued in conjunction with prioritizing human rights abuses in North Korea and expanding an information penetration campaign, which I will be happy to discuss further after our opening remarks.

I would like to also discuss alliance management that my colleague just brought up and burden sharing issues further during the Q and A.

As you are aware, at the moment tensions are running very high between the United States and South Korea over the Trump administration's, indeed, excessive demand that Seoul increase its payment by more than 400 percent, which is greatly straining our alliance relationship with South Korea.

Thank you.

[The prepared statement of Dr. Terry follows:]

PREPARED STATEMENT OF SUE MI TERRY, PH.D.

Chairman Gardner, Ranking Member Markey, and distinguished members of the Subcommittee, thank you for the opportunity to appear before this Subcommittee to discuss the prospects for the resumption of negotiations with North Korea, op-

tions for U.S. North Korea policy and how best the U.S. can encourage greater burden-sharing by our allies, South Korea and Japan.

THE PROSPECTS FOR THE RESUMPTION OF NEGOTIATIONS WITH NORTH KOREA

We are currently at an impasse with North Korea and we are facing dim prospects for the resumption of negotiations. But the chance of resuming negotiations is not zero. The United States can restart negotiations if we are willing to offer maximum sanctions relief in return for something less than the "denuclearization" of North Korea.

That is the ambitious goal announced at the first Trump-Kim summit in Singapore in June 2018. But the North resisted coming up with a timetable for disarmament, a declaration of its existing stockpiles, and a road map—the sine qua non for true denuclearization. The only way to reduce the North Korean nuclear threat is to get International Atomic Energy Agency (IAEA) inspectors into North Korea to oversee the suspension, and sealing, of nuclear operations, followed by the installation of monitoring cameras. Kim Jong-un has shown no willingness to allow such intrusive measures. In Hanoi, Kim offered to close down nuclear facilities in Yongbyon—a fairly minimal concession—in return for maximum sanctions relief. President Trump rightly refused to take that deal and the summit ended in failure.

Given that North Korea won't give up its nuclear arsenal, experts debate whether it is in the U.S. interest to pursue an interim deal that would freeze or roll back the North's nuclear-arms program. The elements of such a deal would include the North ceasing further production of fissile material, putting a limit on its existing stockpile, and closing down Yongbyon. The question is whether to grant partial or complete sanctions relief in return for such pledges. My own view is that this would be a worthwhile objective to consider if—and only if—North Korea would provide an inventory of its nuclear program and agree to international verification. Otherwise, we could be trading sanctions concessions in return for nothing. Absent a declaration of the North Korean nuclear program and the entry of international inspectors, there would be no way to know if North Korea were covertly continuing to develop nuclear weapons or not.

But even if such a limited deal were possible before, it is unlikely now. North Korea's current position reflects little appetite to return to diplomacy. Although North Korea opted not to test any "Christmas gift" following the expiration of Kim Jong-un's self-proclaimed year-end deadline, Kim was hardly conciliatory at the Korean Workers' Party Central Committee Plenary Session. He vowed that "the world will witness a new strategic weapon the DPRK will possess in the near future," and he threatened to walk away from his unilateral moratorium on nuclear and ICBM tests.[1] Kim was also harshly critical of the continuation of U.S. sanctions, joint military exercises with South Korea, and U.S. weapons sales to South Korea, while issuing a warning to his people that North Korea will have to go through "long unprecedented period of difficulties" with the U.S., while vowing to maintain the country's "nuclear deterrent" to defend itself. Following the high-profile ruling party plenum, the North appointed Ri Son-gwon—formerly head of the North's Committee for the Peaceful Reunification of the Country—as foreign minister.[2] He is known for his more hardline stance towards the U.S. and South Korea as well as his military, not diplomatic, background. The plenum speech and Ri's subsequent appointment reflect Kim's fundamental skepticism about further negotiations with the Trump administration at least for the time being. Furthermore, at the present moment, the North is distracted by trying to prevent a coronavirus outbreak. All of these factors leave the U.S. little maneuvering room for resuming negotiations with North Korea at the present time.

This does not, however, mean there is no prospect for dialogue with the North or that Kim is not interested in a deal with the Trump administration in this election year. Kim did leave a small opening when he stated that he is willing to "freeze" or reduce his nuclear program if "conditions are met." The chief challenge for us, however, is the fact that the North is highly unlikely to agree to any sort of agreement that does not include maximal sanctions relief without offering the kind of verification that would be needed, even for a nuclear freeze deal. Such intransigence by the North—demanding maximal sanctions relief up front—explains why the Stockholm talks—the first talks in nearly 8 months—broke down after only 8 1/2 hours. The North Korean delegates stormed out, and Pyongyang subsequently said they wouldn't resume the "sickening" negotiations with the U.S. Thus, if there is to be any kind of agreement with the North this year, we are only left with the option of giving the North massive sanctions relief up front for little in return.

Compounding the problem is the high likelihood of the North returning to provocations in due course to continue to dial up pressure on Washington. These are like-

ly to be "lesser" provocations, such as a medium-range missile test over Japan, submarine-launched ballistic missile, or a satellite launched into orbit, and not necessarily nuclear weapons or ICBM tests, which Kim knows will cross President Trump's red line. (President Trump dismissed a dozen short-range ballistic missile tests last year as unimportant.) Moreover, while the negotiation has stalled, the North has continued to work on its nuclear and missile program, while evading sanctions by pouring resources into cyber-program that is both a "potent weapon and a revenue generator." [3] In addition to continuing to produce enough nuclear material last year for a dozen or more nuclear weapons, the North's testing of short-range missiles last year—five of which were new—helps to advance its solid fuel and guidance systems and develop capabilities to thwart short-range missile-defense systems.

CHINA AND RUSSIA'S COMPLIANCE WITH U.N. SECURITY COUNCIL SANCTIONS

Kim Jong-un likely thinks that he can bide time, probably calculating that a return to the "fire and fury" of 2017 is unlikely this year because President Trump's reelection campaign is in progress and everyone else in the region has moved on. China, Russia, and even our ally, South Korea, have no interest in a continuing pressure campaign after the rapprochement with the North. They are, in fact, making efforts to reduce tensions by giving the North sanctions relief without the North having taken a single concrete step towards denuclearization.

China implemented stricter sanctions enforcement in 2017, but following multiple meetings between Chinese leader Xi Jinping and Kim (Kim has visited China four times and Xi has visited Pyongyang once), Beijing has relaxed pressure on the North considerably.[4] According to a report from the U.N. Panel of Experts, North Korea continues to circumvent U.N. sanctions on shipping and trade, with North Korean vessels hauling coal and oil to China and engaging in ship-to-ship transfers with Chinese vessels to evade sanctions. China also reportedly shipped more than 10,000 tons of oil to North Korea in the last 4 months of 2019, according to new data made public by the United Nations. China exported 22,739 tons of refined petroleum to North Korea in 2019, an 18 percent increase from the previous year, when the total was 19,200 tons.[5] While these imports did not violate sanctions, they signal Beijing's current impatience with the sanctions regime against the North. China last year also exported at least $75 million in tobacco products, $30 million worth of wine, beer, spirits, and other alcohol, and $50 million worth of medical supplies to the North.[6]

Russia is, likewise, working hard to relax sanctions against North Korea. Overall trade between Russia and North Korea increased by 20 percent in 2019, with North Korea importing more than $42 million in goods from Russia.[7] According to new data made public last week by the United Nations, Russian monthly oil exports to North Korea rose more than 300 percent in December 2019.[8] That same month Russia teamed up with China to circulate a draft resolution in the United Nations Security Council that would lift several major categories of sanctions under U.N. Resolution 2397 and other sanctions "related to the livelihood of the civilian population of DPRK." [9] It would essentially lift sanctions prohibiting North Korea from "exporting statues, seafoods and textiles" and would "exempt inter-Korean rail and road cooperation projects."

Both Russia and China skirted the requirement to send North Korean laborers home by the end of 2019; UNSC Resolution 2397 mandated that member states repatriate all North Koreans earning currency in their territory by the end of the year.[10] Yet, approximately a thousand North Korean workers continue to remain in Russia and thousands of North Korean nationals also continue to travel to Russia on student, tourist, and work visas. U.N. member states are required to submit a final report on the repatriation of North Korean workers to the United Nations sanctions committee by March 22. There is a chance that both China and Russia, the two largest countries hosting North Korean laborers, will use the coronavirus outbreak as the reason for "delayed and insufficient repatriation of the North Korean workers." China has not made public the data on its North Korea labor force other than saying during the midterm report last year that it has repatriated more than half of some 50,000 workers in China.[11]

To a lesser extent, South Korea has also pushed for giving the North sanctions relief, saying that Washington should not dismiss China and Russia's proposed resolution on sanctions relief. The Moon Jae-in Administration has been recently making a case to move ahead on inter-Korean projects with the North—particularly the railroad project—as well as pushing for "independent tourism" with Pyongyang. Inter-Korean relations have soured in the past year amid stalled U.S.-North Korea

denuclearization talks, but the Moon administration is eager to jump start dialogue with the North.[12]

WHERE DO WE GO FROM HERE? LIMITED OPTIONS FOR U.S. NORTH KOREA POLICY

Direct dialogue and meetings with Kim Jong-un have confirmed a clear picture of what it is that the North seeks. In the near term, it seeks to secure significant sanctions relief from Washington and the international community. We know by now that the North is not interested in giving up its nuclear weapons program. Despite diplomacy and summitry since the beginning of 2018, achieving complete denuclearization remains highly unlikely because Kim continues to view nuclear and missile programs as essential to preserving the regime and expanding its power.

At both the Singapore and Hanoi summits, the U.S. dangled the prospect of economic development to show a possibility of a "bright future" that could lie ahead for North Korea if only it denuclearized. The U.S. side also floated the idea at the Hanoi summit of declaring an end to the Korean War and exchanging liaison offices with the North. But the North has made clear that all it cares about is sanctions relief now, without having to give up its nuclear program. The North's long-term goal is to patiently wait for the world to accept it as a "responsible" nuclear weapons power while banking that the legitimacy the North has already been enhanced by Kim's three sit-downs with President Trump. North Korea wants as much economic normalization as possible without actually giving up the nuclear and missile programs that, in Kim's view, guarantee his regime's survival—and his own. In short, Kim wants to have his cake and eat it too.

As stated earlier, the main question we need to then ask is whether the U.S. should seek an interim agreement with the North even though the North is unlikely to denuclearize. Should we seek and accept either a cap on the North's existing program or, at most, partial denuclearization in return for giving significant sanctions relief to the North? There is a debate among Korea watchers on the utility of a "freeze" on North Korea's nuclear weapons production. Proponents of arms control and freeze deal advocates argue that capping North Korea's arsenal would one day lead to denuclearization. Even if it does not lead to full denuclearization, the advocates say that capping the program will reduce the threat posed by North Korea and therefore is the most realistic policy we should pursue after decades of failed policies to stop the North's nuclear program.

My own view is that it may be worthwhile to consider whether some targeted sanctions relief in exchange for a genuine freeze of the North's nuclear and missile program is warranted as an interim first step, with the goal of moving toward verified dismantlement of some important facilities and nuclear weapons. This is better than allowing the North to grow its program unchecked as it is currently doing. At the same time, however, I strongly believe that the U.S. and its partners must not rush into such a deal with premature sanctions relief; history shows us that Kim may be tempted to cheat on any deal and if we grant premature sanctions relief, we may not achieve a genuine halt to the North's nuclear and missile programs. We should pursue such an interim agreement only after Kim has shown a willingness to provide an inventory of his nuclear program (facilities, weapons, and fissile material stockpiles) and a roadmap for implementation along with an agreement to allow international inspectors into his country to monitor all declared nuclear facilities.

Caution is in order because in the past the North has repeatedly sought and received sanctions relief but our agreements with the North fell apart over verification. The most notable example is when the U.S. imposed sanctions on Banco Delta Asia (BDA), a Macao-based bank in September 2005 but subsequently reversed enforcement against BDA in order to make progress with the North, only to see the agreement fall apart. In fact, it is prudent for us to remember that previous deals with the North were heralded as strategic successes until they fell apart. The 1994 Agreed Framework is an important benchmark. It fell apart after only partial U.S. implementation and North Korean cheating. The point is even if we have an interim deal with the North, we may not know how durable any agreement with the North is for several years.

We must be clear-eyed about potentially significant consequences to rushing into such a freeze deal with maximal sanctions relief. If the interim freeze deal does not translate to a denuclearization deal (the most likely scenario), we would have then abandoned the most important leverage we have with the North while basically giving the North a de facto recognition and acceptance as a nuclear weapons state, which in turn poses a regional proliferation risk in the future. It is not inconceivable that if South Korea and Japan lose confidence in the U.S. nuclear umbrella, they

could one day be compelled to field their own nuclear weapons. It also sends the wrong message to other rogue actors pursuing nuclear capabilities and seeks to undermine the broader U.S.-based international order.

Again, I think these risks are worth running, but only for a true deal to stop production of fissile material and to end nuclear and missile testing, that is verified by international inspectors—something that the North is unlikely to agree to. In the meantime, we must continue to pursue diplomacy backed up by sustained economic and political pressure on the North. There is simply no viable alternative at the moment to the deterrence and containment of North Korea.

This means, first and foremost, strengthening the coalition of U.N. member states in the sanctions campaign to deplete the North's hard currency as long as the regime remains defiant as it is today.

The goal is to continue and intensify sanctions enforcement to defund the North's nuclear and missile program and prevent proliferation, targeting not only North Korea but also its enablers and business partners using economic and diplomatic means. To this end, the U.S. should be prepared to use any future provocations by the North as a reason for seeking broader legal authorities in UNSCRs to prevent outward proliferation, while accelerating secondary sanctions against third-party entities assisting North Korea, including three dozen Chinese and Russian entities that the Treasury Department has deferred from imposing sanctions on.

Since the Singapore Summit in May 2018, President Trump has put a freeze on significant new sanctions designations, but there are also still many more North Korean entities referenced by Trump himself that could be sanctioned. We are currently well positioned to build on the sanctions in the North Korea Nuclear Sanctions and Enforcement Act (NKSPEA). Congress passed a tough new bill, the "Otto Warmbier North Korea Nuclear Sanctions Act of 2019" as an amendment to the National Defense Authorization Act for 2020, which raises the legal pressure on the Chinese banks. At the core of the Warmbier Act, which builds on the previous Otto Warmbier Banking Restrictions Involving North Korea (BRINK) Act, is a list of sweeping categories of financial enablers which are helping the North to evade U.N. sanctions.[13] The United States needs to send a simple, direct message to foreign banks and firms: You can do business with North Korea or you can do business with the United States, but you can't do business with both—so choose which you prefer. If you choose to support the North Korean regime, you will be held to account.

Using the strategy that brought Iran to the bargaining table as a model, we should expand pressure on the North's money launders, facilitators, and enablers. We should give more power to the 94 U.S. Attorneys' offices to enforce the sanctions law, as Joshua Stanton, an attorney who has assisted members of both parties with the drafting of North Korea sanctions legislation, has suggested. In December 2017, the Chief District Judge in Washington, DC, ordered three Chinese banks to comply with federal grand jury and statutory subpoenas of their North Korea-related records. Stanton notes that this is the first time a U.S. federal court has ordered Chinese banks to comply with subpoenas regarding suspected North Korean money laundering. Such a strategy, if enforced diligently, has the potential to close a hole in U.S. sanctions enforcement by scaring China's big banks into "enhanced due diligence" and stop helping Pyongyang gain access to our financial system.[14] When North Korean funds are seized and forfeited, they can then be used as a "pot of gold" for the disbursement of incremental, monitored, humanitarian-based aid or sanctions relief when there is a right opportunity.

While not giving up on dialogue with the North, the U.S. must have a strategy to deal with the most likely probability that Kim is pursuing what his father and grandfather have pursued with previous U.S. administrations—exploiting diplomacy only to buy time until he can secure international acceptance of the North as a full-fledged nuclear power. We need a strategy to contain and deter and if, necessary, compel North Korea to reduce the threat, particularly the potential spread of nuclear weapons to rogue states or terrorist groups. To this end, the U.S. should engage law enforcement, coast guards, navies (including those of South Korea and Japan), and broader U.S. assets to create "rings" of preventive action around the North with continuously available surveillance and interdiction efforts.

Such a strategy of giving diplomacy a best possible try but being prepared to deter and gradually rollback the North Korean threat is a sustained, long-term approach that plays to U.S. strengths, exploiting our opponent's vulnerabilities, and sending a message to rogue regimes around the world that there is a meaningful cost to nuclear proliferation. This strategy would also continue to deplete Pyongyang's hard currency which is used to underwrite the lifestyle of the North Korean elites whose support is essential for Kim to remain in power; deter the regime from rash action; strengthen our alliances in Asia for the next generation; and increase the costs to those states and companies which continue to subsidize Pyongyang.

These efforts should be pursued in conjunction with prioritizing human rights abuses in North Korea and expanding an information penetration campaign. In the midst of diplomacy and summitry of the past few years, North Korea human rights has taken a back seat. Last December, an effort to put the North Korean human rights issue back on the agenda of the UNSC failed to achieve the nine-vote minimum. The U.S., which was the potential ninth vote, pulled back its support to hold a discussion on North Korea's human rights abuses last minute, presumably so as not to complicate President Trump's delicate diplomacy with Kim Jong-un. The proposed meeting of the Security Council had been intended to put a spotlight on North Korea on Human Rights Day, December 10.[15] After the International Criminal Court (ICC) ruled in December 2019 that it "lacks the jurisdiction to investigate North Korean human rights issues and the supreme leader of North Korea," there is even less impetus to pressure North Korea on human rights. The ICC said in a report that "the alleged crimes referred to the ICC were neither committed on the territory of an ICC member state nor by a national of a member state."[16]

Despite such setbacks, the U.S. must continue to combine a focus on security and on human rights into a single, unified approach. The North continues to be one of the world's most repressive states. The threat from North Korea is not only a nuclear and missile threat; rather, the threat has always emerged from the nature of the Kim regime itself. Focusing on human rights is not only a right thing to do, it also provides a means of applying pressure to change North Korea beyond what economic sanctions can apply. Recall how West Germany established a Central Registry of State Judicial Administrations to systematically collect cases of human rights abuses in East Germany in order to pressure the Communist regime. Or how the international community waged a global campaign to isolate the apartheid regime in South Africa, ultimately leading to a change of regime.

In similar fashion, an international campaign can challenge the Kim Jong-un regime's legitimacy based on its failure to provide for the needs of the people.

Meanwhile, steps should be taken to come up with a comprehensive strategy to help the people of North Korea further break the information blockade imposed by the state. Historically, the North Korean regime has been able to maintain tight control over the population by indoctrination and maintaining a monopoly on information. But the Kim regime has been unable to stop unofficial information from seeping into the North over the porous border with China, chipping away at regime myths and undermining the solidarity of the North Korean people behind Kim. Many North Korean elites, as well as ordinary citizens, are already watching South Korean soap operas, and listening to K-pop and American broadcasts. We should increase our efforts to support radio broadcasts and other means to transmit information into North Korea. We should work with various governments and tech companies such as Google and Facebook to find creative ways to get information into North Korea.

HOW BEST CAN THE U.S. ENCOURAGE GREATER BURDEN-SHARING BY SOUTH KOREA AND JAPAN

South Korea and Japan are our most important strategic and economic partners in Asia. The U.S.-ROK Mutual Defense Treaty was signed in 1953 at the end of the Korean War, which commits the United States to help South Korea defend itself, particularly from North Korea. The alliance has given the United States a partner and a forward presence in Asia that helps it promote U.S. interests in East Asia and the world. South Korean troops have fought in various U.S.-led conflicts, including Vietnam, Iraq, and Afghanistan. Approximately 28,500 U.S. troops are currently based in South Korea, and South Korea is included under the U.S. "nuclear umbrella," also known as extended deterrence. Japan is also a significant partner for the U.S., particularly in security areas, including hedging against China and countering threats from North Korea. The U.S.-Japan military alliance, formed in 1952, grants the U.S. military the right to base U.S. troops—currently around 54,000 strong—and other military assets on Japanese territory, undergirding the "forward deployment" of U.S. troops in Asia. In return, the U.S. has pledged to protect Japan's security.

At the moment, tensions are running high between the U.S. and South Korea over the Special Measures Agreement (SMA) on how to divide the costs of basing U.S. troops in South Korea. The Trump Administration has demanded Seoul increase its payments by more than 400 percent, and President Trump publicly said it is debatable whether the U.S. troop presence is in U.S. interests. Tokyo fears similar demand will be made on Japan shortly. Under the current SMA, covering 2016–2021, Japan is contributing about $1.72 billion per year, but the two countries likely will

begin negotiations over the next SMA later in the year. Japan anticipates that the Trump Administration will also demand a 400 percent increase.

South Korea's bipartisan and public resistance to the Trump administration's desire for a four- to five-fold increase in South Korean payments is strong. South Korea currently spends 2.6 percent of its gross domestic product on its defense, which is the highest such figure devoted to defense spending of any American treaty ally in the world (and fourth largest in the world). Seoul has traditionally paid for about 50 percent (over $800 million annually) of the total non-personnel costs of the U.S. military presence. These figures do not include the $10 billion that South Korea spent to build the largest overseas U.S. military base in Pyeongtaek, the "largest power projection platform in the Pacific," according to the U.S. Army, for which South Korea does not charge rent.[17] Meanwhile, Japan, due to constraints imposed by the United States after World War II, does not spend as large as a percentage but still is the 15th largest defense spender world-wide and pays for about 75 percent of the cost of deployed U.S. forces.

While the number of U.S. military personnel in South Korea has decreased from 43,000 to 28,500 since 1991, South Korea's SMA contributions increased by 6.3 percent in the same period. SMA negotiations generally occur every 5 years, but the current talks between Washington and Seoul aim to renew an accord which was signed in February of last year. The deal signed last year already raised Seoul's previous annual contribution by approximately 8 percent. South Korea's payments, which were a combination of in-kind and cash contributions, fell into three categories—labor for the Koreans who work on U.S. bases, logistics, and construction of U.S. facilities—but in order to meet the new demands by the Trump administration, negotiators are seeking a new framework for burden-sharing, including adding a new category, such as "readiness," to justify the new number being demanded by President Trump. There have been six rounds of negotiations since last year and the 7th round is about to start, but currently the U.S. and South Korea are at an impasse. The SMA negotiations are at a critical stage because if there's no agreement soon, the contingency funds to pay for South Korean workers servicing U.S. bases will run out by March 31 and these workers will be furloughed by April 1.

The problem for Seoul is that the Moon Jae-in administration has to contend with the public and even the pro-U.S. opposition parties, who are united in strongly opposing the Trump administration's SMA demands. One poll in November 2019 showed 96 percent of the public opposed the hike.[18] A CSIS Beyond Parallel and Predata study has found that the U.S. demands for $5 billion are generating the highest-ever levels of social media and video commentary critical of U.S. forces in Korea.[19]

Even if the Moon administration agrees to step up and pay substantially more to satisfy demands made by President Trump, it will unlikely be approved by the National Assembly. A nation-wide National Assembly election will be held in Seoul on April 15, which further complicates the negotiations. President Moon belongs to the ruling Minjoo Party, which controls a plurality of seats in the National Assembly, but his approval ratings have fallen to about 47 percent, due in part to discontent over South Korea's slowing economic performance and political scandals involving his Cabinet.[20] Given his tenuous political position, he is extremely reluctant to meet Trump's deeply unpopular demands for a steep increase in South Korean SMA contributions. President Trump's demands, paired with his criticism of South Korea (the president, for example, was irate that the South Korean film "Parasite" won the Academy Award for Best Picture) and the value of the U.S.-South Korea alliance, have caused deep concerns in Seoul about the future of the alliance with the United States.

How should the U.S. navigate these contentious waters of burden-sharing negotiations when sharp differences remain between Washington and Seoul, and later likely between Washington and Tokyo? Michael O'Hanlon from Brookings writes that South Korea might indeed spend $5 billion more a year, but it should be on its own forces instead of ours.[21] So what we should do first and foremost is to support both Korea and Japan's enhancement of their own defense capabilities by purchasing U.S. arms. If South Korea and Japan, as the two linchpins of the U.S. alliance in Northeast Asia, improve their independent deterrence against common threats such as North Korea and China, it will result in reducing the security burden on the U.S. in the region.

South Korea is among the top customers for U.S. Foreign Military Sales (FMS) with approximately 75 percent of its total foreign defense purchases coming in the form of FMS and commercial sales from U.S. companies.[22] South Korea purchases more than $5 billion in American weapons every year. Its arms imports from the U.S. totaled $30.3 billion during the 2006–2018 period, and South Korea has proposed additional imports of U.S. arms of about $10.6 billion in the 2019–2021 time

period. But there is more South Korea can do, particularly in upgrading key parts of its command and control. Japan, too, is also a major purchaser of U.S. defense equipment. Between 2009 and 2018, Japan was among the top 10 recipients of deliveries of major conventional weapons from the United States, spending an average of $363.9 million per year, which accounts for between 83 percent and 97 percent of Japan's arms imports. It has also made significant defense reforms in recent years, but more strides are needed to enhance interoperability with U.S. forces. We should acknowledge the billions of dollars already committed by South Korea and Japan and continue to encourage these efforts which will contribute not only to South Korean and Japanese security but also provides benefits to the U.S.

The United States should not accuse South Korea and Japan of being "free-riders" who are not pulling their own weight. Rather, the U.S. needs to make an argument to our allies that contributing more to cover, for example, local and incremental costs associated with the presence of U.S. forces on their territories, as well as contributing to training, maintenance, and equipment of the American forces, are in their security interest. South Korea is also looking to make more indirect contributions by paying, for example, the cost for anti-piracy operations in the Gulf of Aden and sending South Korean troops to the Strait of Hormuz. These efforts should be further encouraged. Instead of continuing excessive demands that will rupture our alliances, the U.S. should encourage more realistic, incremental increases in their burden sharing contributions, while making clear that Americans greatly value these alliances and appreciate all that South Korea and Japan contribute to our mutual security. President Trump's overheated tweets do not help to preserve these vital relationships and in fact needlessly exacerbate tensions with our closest allies.

Notes

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Senator GARDNER. Thank you, Dr. Terry. And we will begin with questions from the panel.

When the Obama administration had approached North Korea, they had developed what was, I guess, called a doctrine of strategic patience, which could be described, I guess, as an approach that would just ignore, keep out of sight, out of mind the violations of international law, U.S. law as it relates to North Korea, and we would just wait patiently for North Korea to change its mind and change its behavior. Maybe the sanctions would work to effect that change, but regardless, the outcome was the same. Strategic patience failed to materialize any kind of a new result.

When the Trump administration took over, they began applying maximum pressure in part because we had already changed the law under President Obama away from strategic patience toward one of maximum pressure beginning with the first time ever mandatory sanctions on North Korea through the North Korea Sanctions Policy Enhancement Act. And so we began that pressure onto the regime, which led to a number of what seemed to be at the time results that looked like they were heading toward the right direction of denuclearization.

Last February, we had already signed the Singapore joint statement and held a second summit in Hanoi. That is over the past couple of years. The President chose to walk away from a bad deal at Hanoi, but that choice was not without costs.

In the meantime, North Korea has continued to process fissile material for nuclear warheads, to improve its short-range missile capabilities, to devise new means of circumventing sanctions. In exchange for those three things, the United States has halted or reduced joint exercises, tolerated short-range missile tests that threaten South Korea and Japan, refrained from designating additional sanctions violators, refrained from enforcing those sanctions that are already in effect.

Mr. Klingner, I will start with you. Dr. Terry, if you would like to add to this question. Ambassador King, I do not know if this is something you want to join in or not, but feel free to.

In your opinion, are we better off today than we were the day before the Singapore summit was announced as it relates to North Korea policy?

Mr. KLINGNER. No, sir. We face a greater North Korean nuclear and missile threat than we did before.

The common denominator in all of the previous failures with negotiations with North Korea has been Pyongyang's refusal to abide by its commitments, by U.N. resolutions, and its cheating. So no political party or administration has a monopoly on good or bad ideas with North Korea.

Any U.S. policy should be a comprehensive, integrated strategy using all the instruments of national power, often referred to as DIME, diplomatic, information, military, and economic. I think both the strategic patience policy and the maximum pressure policy have those components, but really they have been weakly implemented on all cylinders of the engine.

So as we wait for North Korea to come back to negotiations, we need to have the pressure to not only enforce our laws and impose penalties to those that violate them, but to constrain proliferation, as well as the inflow of prohibited items for their programs. If you do not sufficiently apply the pressure, then you are undermining the potential for a diplomatic resolution.

Senator GARDNER. Thank you.

Dr. Terry.

Dr. TERRY. I would say in some ways I completely agree with my colleague here, but in some ways I might say we might even be worse off in this sense. I think in 2017, President Trump—fire and fury that no one liked. That option was excessive. But I think the maximum pressure policy was effective and was working. We saw for the first time really China implementing sanctions in the fall of 2017.

My only wish is that we should have tried that a little bit longer before we too quickly returned to summitry and diplomacy. Whether we are trying diplomacy or maximum pressure, it has to be consistent for some number of years. I think in Iran's case, it took 3 years of maximum pressure. We too quickly transitioned to summitry and diplomacy, and now look what we got.

Even though Kim Jong-un had stopped the ICBM and nuclear tests, he has also gained in the last several years. He has normalized his regime. We have completely forgotten that this is a man that has been purging how many elites now. He has killed his uncle. He has assassinated his half-brother. But now he all of a sudden looks normal. He went to China three times. Even Xi Jinping has visited Pyongyang. He has now met with Putin. In Singapore he is taking a selfie of himself. Now we have normalized him. We have normalized the regime and human rights have now taken completely a back seat. So on one hand, while we made no progress in terms of denuclearization, we did not curb the nuclear and missile program, yet Kim has succeeded in normalizing the regime and normalizing himself as a leader.

Senator GARDNER. Ambassador King.

Ambassador KING. One of the things I think we need to be careful about is assuming that human rights is something that we can do when we have the security situation solved. I would argue that human rights is part of the solution to the problem. One of the greatest difficulties in North Korea is the unresponsiveness of the North Korean regime to the interests and needs of its own people, and human rights is something we need to do to press the North Koreans in that direction. Access to international information, knowledge about what is going on outside North Korea is essential if we are going to put pressure on Kim Jong-un internally to move in the right direction on these things. So it seems to me that ignoring human rights, which is unfortunately what we have done over the last 3 or 4 years, is not solving the problem but contributing to the difficulty of coming up with a solution.

Senator GARDNER. Thank you, Ambassador.

I mentioned those things I feel that the United States has given up on. We have given up, halted, or reduced joint exercises. Obviously, the coronavirus may have a different impact going forward but a completely different reason. The U.S. has tolerated short-range missile tests that threaten South Korea and Japan. We have refrained from designating additional sanctions and violators. We have failed to address—the administration has failed to address the human rights issues as they should, refrained from enforcing those sanctions already in effect.

Am I missing what North Korea has given to us? They have asked for relief, relief, and relief. We have given all these things. What have we received in return from North Korea? Mr. Klingner?

Mr. KLINGNER. I would argue we really have received nothing. As Dr. Terry pointed out, we have given much to North Korea.

I have no problem with negotiating or meeting with foreign powers that we do not like or that we are fearful of or we see as threatening. That is why we have diplomats. But you do not want to give away things without achieving your objectives.

There are three pillars to the maximum pressure and engagement policy or three pillars of the pressure component: sanctions, deterrence, and diplomatic isolation. Unfortunately, the Administration has undermined all three of those pillars, as you pointed out with cancelling the military exercises, the lack of fully enforcing sanctions, as well as now embracing a purveyor of crimes against humanity describing him as honorable and loving his people.

So in many ways, we have walked backwards from what I think in the beginning of the Trump administration had been a focus on pressure. In the first 18 months of the Trump administration, they sanctioned 156 North Korean entities that is more than was done in 8 years under the Obama administration of 154. It is not a perfect analogy or metric. But since Singapore, we have only sanctioned I believe 15 or so. So there has clearly been a falling off of enforcing our laws since the Singapore summit.

Senator GARDNER. Ambassador King or Dr. Terry, do you want to add to that?

Dr. TERRY. Well, I would just agree that we—you know, I am hard pressed to say what we have gained because that remains.

And maybe now that we have certain—at least President Trump has established some sort of a personal relationship with Kim.

And in theory, I am also sympathetic to the argument that we should have had that meeting at the highest level because, to be fair, nothing has worked since the early 1990s. We have tried bilateral negotiations and agreements, multilateral negotiations and agreements, many working level agreements, and it did not work out. So in theory, it makes sense for the two leaders to try it.

But again, at the end of the day, it has been now 2 years since Singapore, and we have not really gained much at all. In fact, I think we have given North Korea some legitimacy.

Senator GARDNER. And thank you. And that is the reason I asked that series of questions because maximum pressure was working. It was showing results. We were moving in the right direction. You had a global consensus with Russia and China doing more than they ever had together, and then now we see things that we have given to North Korea and North Korea continues to ask for things, but North Korea will not show good faith and good will. And so it is hard to understand why we would move away from maximum pressure when even when things have been given to North Korea, they fail to provide a good faith return. So thank you.

Senator Markey.

Senator MARKEY. Thank you, Mr. Chairman.

Dr. Terry, does it send the right signal to North Korea for the Trump administration to rule out any head of state level engagement this year?

Dr. TERRY. For the Trump administration, if they were to rule out, I think it will be giving the right signal to North Korea to say no more head of state meetings, summits without making progress.

Clearly, it was really surprising to me when they actually sat down in Singapore what was produced. As you know, what was produced out of Singapore was an aspirational statement. My colleague, Bruce Klingner, just talked about how we do not even have a definition on denuclearization, what it means. So again, what we got from Singapore is an aspirational statement. The Hanoi summit has failed. So we have not made any kind of progress——

Senator MARKEY. So you are saying no more summit——

Dr. TERRY. No more summit unless——

Senator MARKEY. —until there is some concession made by the North Koreans.

Dr. TERRY. Absolutely.

Senator MARKEY. Do you agree with that, Mr. Klingner?

Mr. KLINGNER. Yes, I do. I was not in favor of doing a top-down approach. I am more of a traditionalist of having progress at the working level. But having the summits at least did test the hypothesis that many had said was if only the U.S. leader would meet with the North Korean leader, all of this would be solved. We tried it several times. It has not worked.

So I think we should hold in abeyance any additional summits until there is working level talks. But we have only had 8 days of talks between the North Koreans and the U.S. since Singapore because North Korea continues to refuse diplomacy.

Senator MARKEY. And do you think that President Trump should make it clear that ballistic missile launches of any length are unacceptable to our country?

Mr. KLINGNER. I believe so. They are all violations of U.N. resolutions.

Now, in the past, there has been sort of a hierarchy of responses by the international community. Nuclear tests, ICBMs have a stronger response, and intermediate and others. But with the 26 that were done—25 short-range, one submarine-launched medium-range—all of them are violations. We should have declared that these are counter to not only the U.N. resolutions but the spirit of the negotiations we were having, that they are threatening our allies and our forces stationed there—North Korea is making progress on additional weapons—and that it would make us rethink our self-imposed restrictions on military exercises and law enforcement.

Senator MARKEY. So, Dr. Terry, there was a "go big" approach in Hanoi. Is there something to be said for something that is more modest in terms of a freeze between the United States and North Korea?

Dr. TERRY. That is what I said earlier in the written testimony and what I said earlier in theory I would agree to it. I would say an interim deal is a potential possibility, but again only if North Korea shows that it is serious about even implementing the interim deal. That is the problem. They do not even agree to——

Senator MARKEY. What does it say that they have not even given us an inventory of what they have?

Dr. TERRY. Right. They will not even give us—have not given us a——

Senator MARKEY. So, I mean, that is the first step. It should be something that is simple to do.

Dr. TERRY. Absolutely.

Senator MARKEY. What does it say to us that they will not even take that step which does not even relate to——

Dr. TERRY. That North Korea is not serious about giving up any part of the nuclear program.

So while I am sympathetic to the argument, why not go for an interim deal that at least caps the nuclear missile program, that would at least reduce the threat, the problem is we had multiple agreements with North Korea in the past, and every single time they fell apart over verification. So without a declaration of their inventory, without them agreeing to have IAEA inspectors in, we are not going to have that kind of verification we need.

Senator MARKEY. Yes.

So, Mr. Klingner, Kim's plan is clearly, well, look it, they said Pakistan cannot have them and they got over that. India cannot have nuclear weapons. They got over that. China cannot have nuclear weapons. They got over that. They are going to get over this too.

So if that is the plan—and I think it is the plan—is an increase in sanctions not something that makes it clear that that is not going to be acceptable, the only way in which we can ultimately get them to the table? Or else Donald Trump is setting this thing up

for an acceptance of this program without concessions having been made by the North Koreans.

Mr. KLINGNER. North Korean officials have told U.S. officials, as well as Dr. Terry and I, that their goal is to be the Pakistan of Asia. So they hope to gain gradual acceptance.

You know, there is a good debate amongst Korea watchers as to whether to do a freeze or go for the big deal. I would describe it as sort of a 100-yard agreement implemented in 5-yard increments or a series of 10-yard agreements. I am more in favor of a large agreement where everyone knows the parameters of the agreement and what all the responsibilities are like the arms control treaties we had with the Soviets. I was head of the CIA arms control staff and served on one of the delegations overseas.

But with a freeze, all of the agreements we have had so far have been freezes, and all failed. You cannot freeze what you cannot see. So we do need verification even for a partial agreement. It would send a bad signal I think undermining the Non-Proliferation Treaty, and it would be accepting the threat to our allies which undermines the viability of the U.S. as an ally.

Senator MARKEY. And if I may on this round, I look forward to the next round.

Let us talk about the coronavirus. It is already moving rapidly through South Korea. Of course, North Korea is called the "hermit kingdom" for a reason. So we really do not know what is going on up there, but it could potentially become a very dangerous place if they do not have the health care infrastructure and if the disease is inside of their society.

So, Dr. Terry, could you talk a little bit about the coronavirus and North Korea and what concerns you may have?

Dr. TERRY. Well, when I was looking into the North Korean internal stability situation, working in the intelligence community, one of the key most vulnerable, in terms of the instability situation in North Korea, was health care. It is nonexistent. Right now, North Korea is denying that they have anybody impacted or anyone with coronavirus, and North Korea has shut down the border with China. But I do not think it can completely block people from illicitly going in and out of North Korea. And if there are patients with coronavirus, I think this is a significant potential problem in North Korea, again dilapidated health care infrastructure. It just does not exist. So it is a potentially serious situation with a pandemic breaking out.

Senator MARKEY. Are you concerned with that as well, Dr. King?

Ambassador KING. The one thing that I think we have done that has not contributed is our sanctions on nongovernment organizations operating in North Korea. It has been very difficult for NGOs to go to North Korea to be able to put resources in there.

If we are going to help the North Koreans deal with what could be a very serious problem with coronavirus, we need to allow Americans and others who are involved in dealing with this kind of a problem to move materials there, to go there physically without the kind of obstacles and obstructions that they face in doing that. The NGOs play a very important part in the health care system in North Korea.

Senator MARKEY. Would you make an offer right now of humanitarian aid to North Korea from the United States or U.N. if they need it?

Ambassador KING. That would be appropriate. I would be careful about making an offer without knowing exactly what might be considered. The main thing we need to make sure is that if we are providing humanitarian assistance, we know what is going in and we know how to monitor where it is being delivered.

Senator MARKEY. Okay, good. Thank you.

Thank you, Mr. Chairman.

Senator GARDNER. Thank you.

And just to follow up on Senator Markey's coronavirus question, we had the Minister of Defense of South Korea in Washington today. In discussions with him about coronavirus, not only has it and will it affect the exercises in South Korea, it has apparently affected North Korea military exercises. Are you picking that up as well?

Mr. KLINGNER. Every year North Korea goes through a winter training cycle. It is very large. It begins in December. It moves out of garrison in January. It usually culminates in a corps level or so exercise in March or April. Last year, General Abrams, our commander on the peninsula, said that it involved a million troops, perhaps the largest ever. I have not seen leaked intelligence reporting about the status this year, but it would be scheduled for this time of year. But they did cancel a large military parade in February——

Senator MARKEY. North Korea did.

Mr. KLINGNER. North Korea did. So North Korea may be curtailing its winter training cycle. I just have not seen information yet.

Senator GARDNER. Thank you.

Mr. Klingner, you had said—and I want to go back to what you said. You said there have only been 8 days of talks between North Korea and the United States since the Singapore summit. Is that correct? Is that what you said?

Mr. KLINGNER. Yes. U.S. officials told me that.

Senator GARDNER. So Steve Biegun was appointed as the U.S. Special Representative for North Korea in 2008, and now he has been sworn in as Deputy Secretary of State. This was just a couple months ago. Alex Wong, the Deputy Special Representative for North Korea, has now been nominated to be the alternate U.S. Representative for Special Political Affairs at the United Nations.

Who is now leading—who do you look to as leading the Administration's North Korea policy?

Mr. KLINGNER. I am uncertain, sir. I do not know that a point of contact has been designated since Mr. Wong's new position has been announced.

That has led some to say that the Administration is putting North Korea on the back burner, they do not care about North Korea. I think we do need to put the onus on Pyongyang for being the one that refuses dialogue. I am sure if they were to say they are willing to come back to working level talks, either Mr. Biegun or Mr. Wong would gladly show up for meetings. But I think the

Administration should designate a new point of contact for North Korea.

Senator GARDNER. Thank you.

And I think that goes to the heart of this question. If North Korea again is demanding relief, demanding concessions, yet only willing to negotiate 8 days over the past couple of years, failing to return any kind of diplomatic outreach efforts, it is hard to believe that they are serious, as Dr. Terry has said or you said, that they are not serious.

The coronavirus—any idea or sense of what South Korea may be planning on, Ambassador King? Have you talked to them at all about any humanitarian efforts from South Korea to North Korea regarding coronavirus?

Ambassador KING. The South Koreans have been very helpful to North Korea. They provided substantial assistance in some areas.

The sanctions have limited what they are able to do, but I would guess that South Korea would have an interest in terms of moving forward on that. I think we should consult with them and make sure that we let them know what our thoughts are in terms of how best to move forward on that.

Senator GARDNER. Thank you.

Mr. Klingner, going back to something you had said earlier too, you talked about an approach to North Korea that might involve a bigger, broader sense of sort of what a package could look like in terms of bringing some kind of denuclearization effort to them. If you could construct a package that would abide by U.S. law that would include the provisions of United Nations Security Council resolutions as it relates to North Korea, could you structure something that would sort of have a sweetened pot, so to speak, that would allow North Korea to participate in something like that? So basically it would be a measure that would say these are the things you have to achieve to abide by international law, U.S. law, complete, verifiable, irreversible denuclearization, and then say this is what you could have if you constructed that kind of a deal but only if you meet these things. I mean, you talked about the 10-yard approach, the 100-yard approach. Could you construct something like that?

Mr. KLINGNER. Well, it is very hard to create a treaty or an agreement when they will not talk to you, and then even when they have had meetings with Mr. Biegun in Stockholm, they were on receive mode.

Senator GARDNER. Have we since Stockholm had any kind of a conversation with them?

Mr. KLINGNER. There have been some communications, but I do not think North Korea has been forthcoming in doing more than just saying they refuse to have meetings. So if we can actually get to negotiations—and in a way, we have had eight failed agreements, and we have not really ever gotten to the real point of negotiating North Korea's actual arsenal. We have only been talking about their production capability. So they have not talked about the arsenal itself. So we need to have, as we did in arms control treaties, defining all the terms, having a very extensively detailed verification protocol, a destruction protocol, identifying everyone's responsibilities.

And then on the sanctions relief, I would see a distinction between the U.N. sanctions and the U.S. sanctions. U.N. sanctions are more easily undone by a Security Council vote. They are more limited to nuclear and missile activity, and in a way they are more tradable in that because they talk about trade restrictions, you could have parameters of for every five nuclear weapons they give up, they get to export another 100,000 tons of coal or something like that.

The U.S. sanctions are much harder to undo. They are law. Congress would have to be involved. And they relate to things other than just nuclear and missile activity. They relate to human rights, law enforcement, money laundering, other crimes. So I think they are much harder to undo. And as in sections 401 and 402 of the North Korean Sanctions and Policy Enhancement Act, there are a number of areas, including human rights, that North Korea would have to make progress on before U.S. sanctions would be reduced. And there are some that can never be reduced because they are law enforcement.

Senator GARDNER. Thank you.

Dr. Terry, if you could comment on that. Could you construct some kind of a 100-yard agreement, so to speak, that would provide all the accountability or accountability under either U.N. or U.S. law—I would say both—and yet have a pot sweetened enough that North Korea would agree to it? It would take significant buy-in from Congress.

Dr. TERRY. Unfortunately, I think we are a very long way off from that because, as you know, we do not even have an agreed upon definition on what denuclearization means as a beginning step. And I am truly convinced that Kim Jong-un is not interested in any kind of dialogue or a negotiation this year. I think they are watching very closely what is happening domestically—this is an election year—and seeing if President Trump will get reelected. They are biding their time. And for them, I think it is impossible. For them, it is hard to return negotiations without sanctions relief. Again, I think a potential deal is possible with North Korea this year, perhaps before the election, but only if we are ready to give them a big sanctions relief.

Again, we need a definition, but if I am envisioning some sort of deal with North Korea, they must agree to actually a definition on denuclearization, what that means, and then provide a declaration, a road map of implementation, and agreement to verification.

In terms of sanctions relief, at least in Hanoi, what we were willing to offer in the beginning was let South Korea get the exemption they need from the United Nations to restart the joint inter-Korea projects. That would have been the easiest way to start something. South Korea was looking to work on the railroad project. South Korea was potentially looking into opening Kaesong. There would be still a violation of United Nations Security Council resolutions, but it would be something that will be at least start that South Korea is beginning and not us. But again, I think it is just very difficult to get there right now.

Senator GARDNER. Thank you. I will follow up on this line of questioning.

Senator Markey.

Senator MARKEY. Again, thank you.

I led a senatorial delegation in August of 2017 to Dandong, and I could see the bridge between Dandong and North Korea, which was clearly a pathway for legal and illegal commerce between the two countries. Is that bridge shut down right now? All of that commerce is now blocked by China. Is that correct?

Dr. TERRY. Well, it is right now shut down because North Korea also asked China to shut down because of the coronavirus.

Senator MARKEY. That is what I am saying to you. It is all shut down right now.

Dr. TERRY. I believe it is. Yes.

Ambassador KING. The only aid that goes in is medical aid, and they do allow it to go through but only through Dandong. Other areas have been shut down.

Senator MARKEY. Okay. Everything else has been shut down. Interesting.

And is there significant medical aid going in? It looks to me like China does not quite have enough for its own people. Are they providing large amounts of medical aid? Are you familiar with that issue?

Ambassador KING. It is hard to look down from satellites and determine what is going on.

Senator MARKEY. No. I appreciate that.

What President Xi did is really a crime against the public health of the world by waiting and waiting and waiting and waiting. We are going to live with the consequences of that for a long, long time. And I actually wished that President Trump had called him on day one and just said let the World Health Organization in, allow them in. If you want to be part of the World Trade Organization and receive those benefits, you should and you have to allow the World Health Organization to go in because these diseases are transmitted by trade and travel. And if you think you can hide the impacts of this, the rest of the world will suffer. So it was a tragic mistake at that moment. It should have happened. The United States should have been the lead. They should have demanded from Xi a response that allowed for this virus to be isolated very early on to allow the experts of the world to arrive from WHO. They did not do it. That is why I am asking the question about North Korea because they will not have the infrastructure to be able to deal with it.

Yes, Mr. Klingner.

Mr. KLINGNER. In the past when South Korea offered 50,000 tons of rice, North Korea refused it. They have closed their borders. I believe just this week the Brits offered humanitarian assistance or medical assistance, and North Korea refused it. And I think there may have been cases in recent weeks where they turned down offers of humanitarian assistance.

Senator MARKEY. I think that Kim is taking the same approach which Xi took for the first month. And ultimately over-confidence breeds complacency and complacency breeds disaster. And I think, unfortunately, that could be what the pathway is that North Korea follows as well. Hopefully they can isolate themselves. That would be good for their people and good for the world. But I am concerned.

I would like to address an unforced error by President Trump that Chairman Kim is surely celebrating. Members of both parties here in Congress value deeply our alliances with South Korea and Japan. In April, Senator Gardner and I cosponsored a resolution to honor the U.S.-South Korea alliance. Now I see President Trump trying to extort our ally to pay for security that benefits both our countries, demanding that Korea increase its payments by upwards of 400 percent. I see our military now issuing furlough warnings to almost 9,000 civilian South Korean employees who support our troops. If that was not insulting enough, President Trump at a political rally last week, disparaged the cultural contributions of South Koreans.

Dr. Terry and Mr. Klingner, how are these actions perceived by the leadership and people in South Korea? And how can the United States encourage burden sharing without an all-out shakedown of our allies in East Asia?

Mr. KLINGNER. It has hit very hard in South Korea. The conservative media in South Korea, which is usually very strong supporters of the alliance, have called into question the continued viability of the U.S. as an ally. Conservative legislators in the National Assembly have also raised the same concern that these demands could trigger a resurgence of anti-Americanism. There are polls in South Korea which show very, very strong support for the alliance, but very strong resistance to the kind of increases that the U.S. is demanding.

In December of last year, Dr. Terry and I, along with our counterpart at Brookings, Dr. Jung Pak, wrote a joint op-ed in the "Los Angeles Times" arguing against the U.S. position on seeking exorbitant increases in our cost sharing, the three largest think tanks in the U.S. arguing against this position. So I think that was hopefully an indication of how the broad spectrum of experts and I think officials also see the need for seeing alliances as shared values and goals, not money-making operations.

Senator MARKEY. Well, thank you.

Dr. Terry.

Dr. TERRY. I think it is some 96 percent of the South Korean public is opposed to President Trump's demands, and it is really straining the alliance relationship.

I think what we should encourage is what South Koreans are saying, that we should encourage their enhancement of South Korea's own defense capabilities, Japan's capabilities. They are willing to spend more money. We know that South Korea is a top customer of U.S. foreign military sales. Some 75 percent of their foreign defense purchases are coming from the United States. We should encourage their efforts.

Right now, there are also three categories of this in terms of burden sharing. There is labor for the Koreans who work on U.S. bases in logistics and construction of U.S. facilities. And the South Koreans are saying, well, before these South Korean workers get furloughed, why do we not at least deal with that?

So I think if we can make a modest increase here, we know the South Koreans have made an 8 percent increase last year in last year's agreement. So if we can work with that, with a modest increase, and let South Korea spend money but not necessarily on

this burden sharing issue but again on purchasing U.S. military assets, on them doing more on anti-piracy operations, I think there is some room for flexibility here. I think President Trump's demands are excessive. And there is a National Assembly election that is coming up.

Senator MARKEY. What is the date of the election?

Dr. TERRY. April 15th. And President Moon is just not in a position to make this kind of deal. And even if he agrees to the U.S.'s demands, it is not going to pass by the National Assembly because it has to pass by the National Assembly in South Korea.

Senator MARKEY. Thank you, Mr. Chairman.

Senator GARDNER. Thank you, Senator Markey.

Go back to 2016–2017, the Security Council resolutions at the United Nations targeted many areas: trade in fuels, access to banking, size of diplomatic missions, and shipping. I think next month, the United Nations Security Council is going to be releasing a 67-page report on the United Nations Security Council North Korea Sanctions Committee. That 67-page report is going to be released next month. It states that much of the illegal coal exports or refined petroleum imports were conducted via ship-to-ship transfers between DPRK-flagged vessels and Chinese barges.

We have talked about the 300 sanctions that have been recommended but not been implemented. The White House has taken no action against a dozen Chinese banks that Congress recommended be sanctioned for their dealings with Pyongyang and even reversed the Treasury Department's sanctions on two Chinese shipping firms. Mr. Klingner, you went through a number of individuals.

Dr. Terry, how would you recommend that we begin rolling out these sanctions, if you think that is appropriate? Should we just start implementing immediately the 300 sanctions that we have no so far? Is that something that you would recommend?

Dr. TERRY. I think the U.S. should be implementing the law. We need to focus on enforcing the sanctions, as I mentioned earlier in my testimony. And there are many ways to just continue to implement.

And there is another issue with China and Russia, as you have seen, are also relaxing sanctions. They are not implementing in full force as we have seen in the fall of 2017. There are all kinds of reports out there, including the laborers and allowing ship-to-ship transfers.

So I think right now the focus—I do not know about rolling out the new entities, new designations. Just beginning with implementation of sanctions I think should be the beginning.

Senator GARDNER. Mr. Klingner.

Mr. KLINGNER. I was critical of the previous Administration for what I called timid incrementalism in enforcing sanctions where law enforcement really had been negotiable. It was as if the mayor of a city is told by the police commissioner that he has evidence for 100 bank robbers, he could arrest tomorrow, and the mayor says "I will be bold against crime and I want you to arrest five for every time another bank is robbed." Well, if you have the evidence, why are you holding back? So you can make a case of holding it abey-

ance in order to get them back to the negotiating table, but we have been trying that for over a decade and it has not worked.

I tend to believe the adage of justice is blind. If you have the evidence, you should go after those that are violating U.S. laws, particularly those that are in violations of the U.S. financial system.

Senator GARDNER. Ambassador King.

Ambassador KING. Mr. Chairman, one of the things that I think has been unfortunate is that we have denigrated the role of the United Nations. North Korea is far more dependent on China, far more dependent on Russia than they are on the United States. But we have tried to use unilateral sanctions to move forward on these issues, and there are some things we can do to encourage Chinese banks and Chinese institutions to do what we would like to see them do. We are not doing enough in terms of our diplomacy. We are not doing enough to press the Chinese, to urge the Chinese to move in that direction. Our downgrading the United participation in the United Nations has not helped in terms of our ability to do that.

A huge amount of trade—80 to 90 percent of the trade that goes to North Korea goes through China. And we are trying to control sanctions. We are trying to impose sanctions when we are not the ones that are involved in sending the materials that we are sanctioning.

I think we need to spend a lot more effort in terms of upgrading what we do through the United Nations and making that much more effective. We have a new U.N. Ambassador in New York, not a member of the cabinet. This is not a positive sign in terms of how we ought to move forward.

Senator GARDNER. Ambassador, with the workers Russia and China were supposed to repatriate, so to speak, back to North Korea, Russia—there have been reports that they may have gotten around some of that return by reclassifying visas as educational visas or tourist visas. Do you have an idea of what percentage that could represent of the workers that were either in Russia or China?

Ambassador KING. I think that is a minor way of doing it. These are countries that have no problems at all with violating the law and doing what they want to. If they keep them there, they will keep them there.

There are some efforts to make progress in that direction, but again, we have got to work more closely diplomatically with those countries to press them. China and Russia have no interest in seeing a North Korea with nuclear weapons, and if we can work the effort diplomatically, there are a lot of ways that we can move forward on that. But we have got to strengthen our efforts in the U.N.

Senator GARDNER. Thanks, Ambassador.

Dr. Terry, Mr. Klingner, we talked a little bit about this, different ways forward, paths forward with North Korea. Some people have talked about recently a freeze on North Korea's nuclear weapons program, ICBM production. Some argue that the United States should abandon the expectations of total denuclearization, accept a cap on North Korea's arsenal, and sort of keep a status quo in place. Other argues that a production freeze would be an interim step toward eventual denuclearization.

Could you talk a little bit about your opinion on this freeze idea, if you would, Mr. Klingner?

Mr. KLINGNER. I talked about some of the aspects. I mean, it is a debate amongst Korea watchers, and some have said it is unrealistic to think that North Korea will ever denuclearize, so therefore abandon it and just accept capping the problem. Others will say it is an interim step towards eventual denuclearization.

I am more comfortable, as I said before, with an agreement where you have defined the end zone because if you do not define the endpoint, you are not likely to get there. So I am more comfortable with clearly delineated responsibilities for all the parties.

A freeze would be less than North Korea is already required to do under the 11 resolutions, as well as U.S. law. We have tried freezes. They have failed. All eight agreements were in some form or another a freeze. You would need to still have on-site inspection because you cannot verify, you cannot freeze what you cannot see. And one provision of that would be short-notice challenge inspections of non-declared facilities. And it may be an acceptance of North Korea as a nuclear power, that is, it remains a threat to our allies, if not the United States itself.

Senator GARDNER. Dr. Terry.

Dr. TERRY. So I think one of greatest risks of such a deal is that it will not lead to denuclearization, but it will lead to North Korea being accepted as a nuclear weapons power, which we talked about earlier. That is North Korea's main goal, is to sort of follow the Pakistan model.

So I think there is a risk also of once we accept that, that North Korea is a nuclear weapons power, what is the risk? We have risk of regional proliferation. South Korea is not always going to be on the progressive government. Hardliners in South Korea already talked about bringing tactical nuclear weapons back in Seoul or potentially going nuclear. So we have to worry about South Korea potentially going nuclear in the future, Japan going potentially nuclear in the future. So there is a serious regional proliferation risk, never mind that I still think it is going to be hard to get to an interim deal with verification. Every deal fell apart in the past over verification.

Senator GARDNER. Thank you.

Senator Markey.

Senator MARKEY. Thank you again, Mr. Chairman.

On Friday, I understand that Red Cross received a U.N. sanctions exemption to send 10,000 test kits, 10,000 pairs of gloves, and 4,000 masks into North Korea.

Ambassador King, what are currently the most difficult obstacles for legitimate humanitarian organizations to overcome if they want to help North Korea? I am especially interested in how you prioritize the following barriers: travel restrictions for individual humanitarian workers, restrictions on goods or components of those goods that need to be transferred into North Korea to complete humanitarian projects but especially here with coronavirus, and three, restrictions on dealing with sanctioned North Korea individuals in the course of legitimate humanitarian work. So if we were to go in or we would want to go in, the world would want to go in, how do you evaluate these obstacles?

Ambassador KING. The biggest hammer the U.S. has in terms of enforcing these kind of sanctions is our banking system. It is very difficult for anyone to pay for goods to be sent to North Korea because of the way we control those transactions. I would say that is number one.

Travel for Americans is fairly difficult. It is not that much of a problem for others, although North Korea is not welcoming people right now because of the coronavirus problem. Travel is a problem because people need to be on the ground and know how their aid is being used and provide technical assistance in terms of how to use it, but also the reassurance that it is being used properly and going to the right persons that are in need.

In terms of goods and components, there are problems shipping materials in because of the sanctions, and we need to work to make sure that these kind of things can be sent in.

Senator MARKEY. Thank you.

So we need to both pressure and engage to make diplomatic progress, and that is why Senator Gardner and I worked together to reintroduce the LEED Act. It aims to close yawning gaps in sanctions enforcement, including by empowering other countries to better detect evasion.

We were motivated by warnings from the U.N. Panel of Experts on North Korea that even a year ago, there were severe deficiencies in the global pressure campaign including, quote, "a massive increase in illegal ship-to-ship transfers of petroleum products and coal." Press reports suggest that this year's forthcoming panel of experts report is unlikely to inspire any confidence in the sanctions regime.

Yet, despite longstanding evidence of deficiencies, the Trump administration has failed to adapt its enforcement. In fact, pressure has dropped off considerably. In 2018, the Trump administration added to our sanctions list a total of 116 companies, individuals, and vessels. That same number in 2019, only 13 new individuals and companies. That is an 88 percent drop from 2018 and far below 2015 and 2016 levels.

So given that we know North Koreans are skilled at sanctions evasion and adaptation, would we not expect that a functioning pressure campaign would involve regularly listing new people, front companies and vessels involved in that evasion? Mr. Klingner?

Mr. KLINGNER. Very much so. Sanctions enforcement is a bit like a bucket of water with a hole in it. When North Korea has entities sanctioned, they simply shift to another entity like a criminal organization does. So you have to keep putting more water in just to keep even at the same level.

So when I think of how the U.S. imposed I believe $7 billion or $9 billion in fines on British and French banks for money laundering for Iran, we have so far imposed zero dollars in fines on any Chinese bank for money laundering for North Korea. So the four largest banks in the world, which are Chinese, may be too large to identify as a primary money laundering concern, but they can have significant fines imposed on them and other Chinese banks. If they are found to be complicit with North Korea, they can be identified as money laundering concerns. We have not done that.

On shipping, we could do what the Southern District of New York prosecutors are doing to the Wise Honest ship where it seized, forfeited and sold for scrap. We can do that to other ships of North Korea or China. We can go after those shipping companies. In March of 2019, we sanctioned two Chinese shipping companies even though we knew much more were in violation, and then we reversed that action.

Senator MARKEY. I see the direction you are going, and I think Senator Gardner and I agree.

Just for the panel, if you can quickly yes or no, do you agree that military action is not an appropriate response to new North Korean tests or technological advances? Ambassador King.

Ambassador KING. Military action is not usually productive, and we do not need to get something started like that in North Korea.

Senator MARKEY. Good. Thank you.

Mr. KLINGNER. Dr. Terry, Dr. Pak at Brookings, and I wrote another op-ed 2 years ago arguing against preventive attack. We should always have retaliatory or preemptive options, but not a preventive attack option.

Senator MARKEY. But if there is a new North Korean test or technological advance, would you consider that to be something that would justify an actual military attack?

Mr. KLINGNER. I do not think we should do a military attack to prevent North Korea from completing a program that they likely already have completed.

Senator MARKEY. That is beautifully stated.

And you agree with that, Dr. Terry? I just want to move on. Do you agree with that?

Dr. TERRY. Yes, I agree.

Senator MARKEY. Okay, good. Thank you. I am just trying to wrap up here because the roll call is going to go off.

I will just finish up with you, Dr. King. Under your leadership, the United States was able to add North Korea's human rights record to the U.N. Security Council agenda, having worked through the U.N. Human Rights Council to launch a commission of inquiry in 2013. While the council is rightly concerned about North Korea's weapons of mass destruction programs, should the United States also use it as a forum to raise human rights issues as we did through 2017?

Ambassador KING. Absolutely. There is no question that human rights does threaten peace and security. It is an appropriate topic for the U.N. Security Council to take up. I would hope the Security Council will continue to take that up. The United States needs to be involved with the U.N. on these human rights activities. We need to be a member of the Human Rights Council. We need to be active in the General Assembly on pressing these issues.

Senator MARKEY. A wonderful panel, Mr. Chairman.

Senator GARDNER. Yes. Thank you, Senator Markey, for your participation today.

Thanks for all of you for attending today's hearing and the witnesses for providing your testimony and responses.

For the information of members, the record will remain open until the close of business on Thursday, including for members to submit questions for the record. I kindly ask the witnesses to re-

spond as promptly as possible, and your responses will be made a part of the record.

With the thanks of this committee, the hearing is now adjourned.

[Whereupon, at 3:41 p.m., the hearing was adjourned.]