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1ST SESSION

S. 1658

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

IN THE SENATE OF THE UNITED STATES

MAY 23 (legislative day, MAY 22), 2019

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

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “North Korea Policy
5 Oversight Act of 2019”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

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

(A) the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate.

(2) DENUCLEARIZATION.—The term “denuclearization” refers to the complete, verified, and irreversible dismantlement of North Korea’s nuclear weapons programs and programs related to the delivery mechanisms for nuclear weapons, including ballistic missile programs.

(3) GOVERNMENT OF NORTH KOREA.—The term “Government of North Korea” means the Government of North Korea and its agencies, instrumentalities, and controlled entities.

(4) NORTH KOREA.—The term “North Korea” means the Democratic People’s Republic of Korea.

(5) NUCLEAR NONPROLIFERATION TREATY.—The term “Nuclear Nonproliferation Treaty” means the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968 (21 UST 483).

1 (6) SOUTH KOREA.—The term “South Korea”
2 means the Republic of Korea.

3 (7) VIENNA CONVENTION ON DIPLOMATIC RE-
4 LATIONS.—The term “Vienna Convention on Diplo-
5 matic Relations” means the Vienna Convention on
6 Diplomatic Relations, done at Vienna April 18,
7 1961.

8 **SEC. 3. FINDINGS.**

9 Congress makes the following findings:

10 (1) The North Korean nuclear weapons pro-
11 gram is the culmination of the Government of North
12 Korea’s illegal efforts over six decades to acquire a
13 nuclear weapons program capable of threatening
14 both the United States and United States critical al-
15 lies in the Indo-Pacific region.

16 (2) North Korea maintains a robust ballistic
17 missile arsenal that includes a diverse array of deliv-
18 ery systems capable of striking targets throughout
19 the Indo-Pacific region, including short- and me-
20 dium-range missiles that hold regional countries, in-
21 cluding some United States allies, at risk, and inter-
22 continental ballistic missiles that are potentially ca-
23 pable of targeting the United States mainland.

24 (3) North Korea has flagrantly defied the inter-
25 national community by continuing to illicitly develop

1 its nuclear and ballistic missile programs in violation
2 of United Nations Security Council Resolutions
3 1718 (2006), 1874 (2009), 2087 (2013), 2094
4 (2013), 2270 (2016), 2321 (2016), 2356 (2017),
5 2371 (2017), 2375 (2017), and 2397 (2017).

6 (4) United States law, including the North
7 Korea Sanctions and Policy Enhancement Act of
8 2016 (Public Law 114–122; 22 U.S.C. 9201 et seq.)
9 authorizes sanctions in response to North Korea’s
10 pursuit of nuclear, chemical, and biological weapons,
11 and ballistic missiles, and its human rights abuses.
12 United States law also specifies the conditions under
13 which sanctions may be removed or waived, includ-
14 ing that North Korea takes meaningful and
15 verifiable actions toward denuclearization and ad-
16 dresses human rights concerns.

17 (5) International economic and diplomatic sanc-
18 tions applied since the passage of the North Korea
19 Sanctions and Policy Enhancement Act of 2016, in-
20 cluding by the United States and the United Na-
21 tions, when enforced, have intensified pressure on
22 North Korea and degraded North Korea’s ability to
23 advance it’s nuclear and ballistic missile programs.

24 (6) The United States has applied sanctions
25 against North Korean individuals and entities, in-

cluding on Kim Jong Un, for their complicity in human rights abuses against the North Korean people and citizens of other countries, including the United States, South Korea, and Japan.

(7) For decades, the Government of North Korea has failed to live up to its diplomatic commitments, rejecting good faith efforts by United States and international negotiators, and leveraging talks to extract concessions such as sanctions relief.

(8) On January 1, 2018, in a New Year's Day address, Kim Jong Un signaled an interest in undertaking diplomatic engagement, which led to direct bilateral talks between Kim Jong Un and the leaders of the South Korea, China, and the United States.

(9) On April 22, 2018, Kim Jong Un asserted that North Korea had completed its quest for nuclear weapons, stating that "under the proven condition of complete nuclear weapons, we no longer need any nuclear tests, mid-range and intercontinental ballistic rocket tests, and that the nuclear test site in northern area has also completed its mission".

(10) The Panmunjom Declaration released following the Inter-Korean summit meeting on April 27, 2018, and the joint declaration by President Trump and Kim Jong Un at the June 12, 2018,

1 summit between the United States and North Korea
2 in Singapore reaffirmed that North Korea “commits
3 to working toward the complete denuclearization of
4 the Korean Peninsula”.

5 (11) On June 13, 2018, Secretary of State
6 Pompeo said, “President Trump has been incredibly
7 clear about the sequencing of denuclearization and
8 relief from the sanctions. We are going to get com-
9 plete denuclearization; only then will there be relief
10 from the sanctions.”.

11 (12) The Secretary of State confirmed on July
12 25, 2018, in testimony before the Senate Foreign
13 Relations Committee, that North Korea does “con-
14 tinue to produce fissile material” and, according to
15 open source analysis, North Korea has enough fissile
16 material for at least 30 to 60 nuclear weapons.

17 (13) The North Korea Sanctions and Policy
18 Enhancement Act of 2016 provides that certain
19 sanctions terminate when North Korea has “made
20 significant progress toward—

21 (A) “completely, verifiably, and irreversibly
22 dismantling all of its nuclear, chemical, biologi-
23 cal, and radiological weapons programs, includ-
24 ing all programs for the development of systems

1 designed in whole or in part for the delivery of
2 such weapons”; and

3 (B) accounting for and repatriating the
4 citizens of other countries abducted or unlaw-
5 fully held captive, releasing political prisoners
6 including those in political prison camps, and
7 accepting and abiding by internationally recog-
8 nized standards for the distribution and moni-
9 toring of humanitarian aid.

10 (14) A robust military posture, including reg-
11 ular training and exercises, by the United States,
12 South Korea, and Japan, has contributed to peace
13 and stability in Northeast Asia.

14 (15) South Korea has contributed heavily to its
15 own defense and to the defense of the United States
16 military forces in South Korea, including by pro-
17 viding \$10 billion of the \$10.8 billion toward the
18 Camp Humphreys project to build and relocate
19 United States military forces to a new base in South
20 Korea.

21 (16) United States military forces, pursuant to
22 international law, are lawfully deployed on the Ko-
23 rean Peninsula.

1 (17) The nuclear and ballistic missile programs
2 of North Korea are clear and consistent violations of
3 international law.

4 (18) The long-stated strategic objective of au-
5 thoritarian states, such as China, Russia, and North
6 Korea, has been the removal of United States mili-
7 tary forces from the Korean Peninsula.

8 (19) On September 18, 2018, the Pyongyang
9 Declaration between President Moon of South Korea
10 and Chairman Kim Jong Un of North Korea clari-
11 fied that North Korea’s willingness to denuclearize
12 was conditioned on unspecified United States or
13 international concessions stating, “The North ex-
14 pressed its willingness to continue to take additional
15 measures, such as the permanent dismantlement of
16 the nuclear facilities in Yeongbyeon, as the United
17 States takes corresponding measures in accordance
18 with the spirit of the June 12 U.S.–DPRK Joint
19 Statement.”.

20 (20) On December 31, 2018, President Trump
21 signed into law the Asia Reassurance Initiative Act
22 of 2018 (Public Law 115–409), which states that—

23 (A) it is the policy of the United States
24 that the objective of negotiations with respect to
25 the nuclear and ballistic missile programs of the

1 Democratic People's Republic of Korea be the
2 complete, verifiable, and irreversible dismantlement of such programs;

3
4 (B) it is the policy of the United States to
5 continue to impose sanctions with respect to activities of the Government of the Democratic
6 People's Republic of Korea, persons acting for
7 or on behalf of such government, or other persons in accordance with applicable United
8 States law;

9
10
11 (C) the Secretary of State shall submit
12 regular reports to the appropriate congressional
13 committees that describe actions taken by the
14 United States to address the threats posed by,
15 and the capabilities of, the Democratic People's
16 Republic of Korea; and

17 (D) the Secretary of State, in consultation
18 with the Secretary of the Treasury, shall submit
19 justifications to the appropriate committees not
20 later than 30 days after terminating any sanction with respect to the activities of the Government of the Democratic People's Republic of
21 Korea, or a person acting for or on behalf of
22 such government.
23
24

1 (21) On December 20, 2018, North Korean
2 state media reiterated North Korea’s longstanding
3 nuclear policy, stating “if we unilaterally eliminate
4 our security guarantees against a U.S. nuclear pre-
5 emptive strike, it would not be considered
6 denuclearization”, and further defined
7 “denuclearization of the Korean peninsula” as “re-
8 moving all nuclear threats, not only from North and
9 South Korean territory, but also from the sur-
10 rounding area aimed at the Korean Peninsula”.

11 (22) On January 1, 2019, in his New Year’s
12 Day address, Kim Jong Un stated, “Given that the
13 North and South committed themselves to advancing
14 along the road of peace and prosperity, we maintain
15 that the joint military exercises with foreign forces,
16 which constitute the source of aggravating the situa-
17 tion on the Korean Peninsula, should no longer be
18 permitted and the introduction of war equipment in-
19 cluding strategic assets from outside should be com-
20 pletely suspended.”.

21 (23) On January 1, 2019, in his New Year’s
22 Day address, Kim Jong Un further stated, “But if
23 the United States does not keep the promise it made
24 in the eyes of the world, and of the miscalculation
25 of our people’s patience, it attempts to unilaterally

1 enforce something upon us and persists in imposing
2 sanctions and pressure against our Republic, we may
3 be compelled to find a new way for defending the
4 sovereignty of the country and the supreme interests
5 of the state and for achieving peace and stability of
6 the Korean Peninsula.”.

7 (24) On January 29, 2019, Director of Na-
8 tional Intelligence Coats testified before the Select
9 Committee on Intelligence of the Senate that “we
10 currently assess that North Korea will seek to retain
11 its WMD (weapons of mass destruction) capabilities
12 and is unlikely to completely give up its nuclear
13 weapons and production capability because its lead-
14 ers ultimately view nuclear weapons as critical to re-
15 gime survival” and that the United States intel-
16 ligence agencies are observing “activity that is incon-
17 sistent with full denuclearization”.

18 (25) On February 28, 2019, a second United
19 States-North Korea summit ended without a joint
20 statement or agreement, and Secretary of State
21 Pompeo has said that “I am confident there will be”
22 a third summit between President Trump and
23 Chairman Kim Jong Un, adding “We came out of
24 Hanoi with a deeper understanding of each other.
25 The positions that the two sides had, the two leaders

1 were able to make progress in that respect. We
2 didn't get as far as the world is demanding. These
3 are global sanctions that are on North Korea today
4 . . . We're determined. I'm convinced the North Ko-
5 reans are determined as well. Chairman Kim has
6 promised me, he's promised President Trump, he
7 will denuclearize. Now it's the mission of my team
8 to make sure that happens.”.

9 (26) On May 5, 2019, North Korea tested three
10 missile systems at ranges of up to 240 kilometers,
11 including a short-range ballistic missile (SRBM), a
12 300mm multiple rocket launcher (MRL), and a
13 240mm multiple rocket launcher.

14 (27) On May 9, 2019, the Department of Jus-
15 tice announced the filing of a civil forfeiture com-
16 plaint against a bulk carrier ship registered in North
17 Korea, which according to the complaint, “was used
18 to illicitly ship coal from North Korea and to deliver
19 heavy machinery to the DPRK”, in violation of
20 “longstanding U.S. law and United Nations Security
21 Council resolutions”.

22 **SEC. 4. STATEMENTS OF POLICY.**

23 (a) IN GENERAL.—It is the policy of the United
24 States—

1 (1) to pursue all credible diplomatic means to
2 achieve the denuclearization of North Korea, includ-
3 ing—

4 (A) the complete abandonment of all North
5 Korean nuclear weapons, fissile material, and
6 existing nuclear programs; and

7 (B) North Korea returning to, and at an
8 early date coming into compliance with, the Nu-
9 clear Nonproliferation Treaty and International
10 Atomic Energy Agency (IAEA) safeguards;

11 (2) to seek the complete and verifiable dis-
12 mantlement of all North Korean nuclear weapons-re-
13 lated facilities, including for—

14 (A) the production and processing of fissile
15 material; and

16 (B) scientific research related to the pro-
17 duction of nuclear weapons;

18 (3) to seek appropriate inspections, verification,
19 and compliance measures, including full-scope safe-
20 guards, to assure the complete denuclearization of
21 North Korea;

22 (4) to seek the complete and verifiable dis-
23 mantlement of—

24 (A) all North Korean ballistic missiles, of
25 any range; and

1 (B) all infrastructure and facilities related
2 to the production, testing, and fielding or de-
3 ployment of ballistic missiles;

4 (5) to seek the complete and verifiable dis-
5 mantlement of all North Korean programs related to
6 weapons of mass destruction, including chemical and
7 biological weapons and the industrial and scientific
8 facilities to support such programs;

9 (6) to affirm that the United States has no in-
10 tention to undertake any military action against
11 North Korea that is contrary to the United States
12 Constitution and international law;

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

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

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

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

23 (D) to continue to exert economic pressure
24 against North Korea in cooperation with the

1 United Nations and the international commu-
2 nity;

3 (8) should diplomacy and deterrence fail to re-
4 sult in the denuclearization of North Korea, to re-
5 serve the right to utilize all available options pursu-
6 ant to the United States Constitution to protect and
7 defend United States national security interests and
8 meet United States treaty obligations; and

9 (9) to uphold the Nuclear Nonproliferation
10 Treaty and not recognize North Korea as a legiti-
11 mate nuclear weapons state.

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

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

16 (A) advancing meaningful negotiations re-
17 garding denuclearization, including the Govern-
18 ment of North Korea abandoning and disman-
19 tling its missile and nuclear weapons programs,
20 ceasing its proliferation activities, and coming
21 into compliance with international agreements
22 and United Nations Security Council resolu-
23 tions;

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

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

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

6 (3) to encourage those countries that maintain
7 diplomatic relations with North Korea to take all
8 necessary steps to ensure that North Korean diplo-
9 matic missions are not used for any activities incon-
10 sistent with the Vienna Convention on Diplomatic
11 Relations, international law governing the operation
12 of diplomatic missions, United States and United
13 Nations sanctions, and accepted norms of behavior
14 for diplomats and diplomatic missions;

15 (4) to encourage all countries to fully imple-
16 ment and enforce United Nations sanctions commit-
17 ments with respect to North Korea, including ending
18 the practice of hosting overseas North Korean work-
19 ers;

20 (5) to increase the effectiveness of United
21 States sanctions by seeking to work through the
22 United Nations and with other like-minded countries
23 to ensure a multilateral approach to sanctions;

24 (6) to provide unmistakable assurance to Japan
25 and South Korea that the United States is com-

mitted to fulfilling its treaty obligations if they are
attacked;

(7) to provide support for North Korean refugees and asylum seekers in accordance with United States and international law;

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

(9) to seek opportunities for humanitarian actions, such as family reunification and the return of human remains of United States servicemembers missing in action and killed in action on the Korean Peninsula.

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

(1) encouraging all countries to implement and enforce existing United Nations sanctions;

(2) leveraging the strength of the United States financial system to deny access by the Government of North Korea and those with whom such government facilitates illicit financial transactions to the

1 United States and global markets, including through
2 the use of secondary sanctions;

3 (3) encouraging all countries, in accordance
4 with United Nations Security Council resolutions, to
5 end the practice of hosting North Koreans as guest
6 workers, recognizing that such workers are dem-
7 onstrated to constitute an illicit source of revenue
8 for the Government of North Korea and its nuclear
9 program;

10 (4) working with the international community
11 on interdiction of shipments to and from North
12 Korea, including ship-to-ship transfers, consistent
13 with United Nations Security Council resolutions
14 that have banned nearly every major export from
15 North Korea; and

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

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

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

1 (2) to support the efforts of the international
2 community to detect, interdict, and prevent the
3 transfers of nuclear or missile technology or related
4 items to or from North Korea;

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

12 (4) to abide by United States obligations under
13 the Nuclear Nonproliferation Treaty—

14 (A) not to assist any country in the devel-
15 opment of nuclear weapons; and

16 (B) to encourage all countries to abide by
17 their commitments under such Treaty and
18 International Atomic Energy Agency agree-
19 ments.

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

22 (1) to reaffirm the importance of the United
23 States-Japan and United States-South Korea alli-
24 ances for maintaining peace and stability in the
25 Indo-Pacific region and beyond;

1 (2) to reaffirm that the United States commit-
2 ments to South Korea and Japan, as codified under
3 the Mutual Defense Treaty between the United
4 States and the Republic of Korea (1954) and the
5 Mutual Security Treaty between the United States
6 and Japan (1951), are not contingent on the state
7 of the United States' relations with North Korea or
8 any progress that may be made towards North Ko-
9 rea's denuclearization;

10 (3) to reaffirm United States extended deter-
11 rence commitments to Japan and South Korea, in-
12 cluding through maintaining forward-deployed
13 United States military forces;

14 (4) to reaffirm the importance of the forward-
15 deployed presence of United States military forces in
16 Japan and South Korea that continues to play a
17 critical role in safeguarding the peaceful and stable
18 rules-based international order that benefits all
19 countries;

20 (5) to reaffirm close alliance coordination on
21 any adjustment of United States military posture in
22 the region;

23 (6) to strengthen United States efforts to con-
24 front emerging or asymmetric challenges, including
25 in the cyber and space domains;

1 (7) to safeguard maritime security and ensure
2 freedom of navigation, commerce, and overflight in
3 the region;

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

7 (9) to ensure any action to curtail or remove
8 United States military forces in South Korea shall
9 include regular consultation with Congress regarding
10 the implications of proposed changes on United
11 States readiness to meet our commitments in the re-
12 gion.

13 (f) DEFENSE AND DETERRENCE MEASURES.—It is
14 the policy of the United States—

15 (1) to keep United States security commitments
16 to United States allies and take necessary actions
17 for United States self-defense and the defense of
18 United States allies, including joint military exer-
19 cises, the modernization of weapons systems de-
20 ployed in the Indo-Pacific region, and counter-provo-
21 cation planning by the United States and Republic
22 of Korea Combined Forces Command, as well as to
23 negotiate full and equitable Special Measures Agree-
24 ments for alliance burden sharing with South Korea
25 and Japan;

1 (2) to develop and deploy antiballistic missile
2 capabilities to defend the United States homeland,
3 United States military forces in the region, and
4 United States allies Japan and South Korea;

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

9 (4) to deter North Korea in a manner that bol-
10 sters the force posture and military strength of
11 United States alliance and partner networks in the
12 region; and

13 (5) to maintain, as necessary and appropriate,
14 credible and overwhelming military options to be
15 used in a manner consistent with the United States
16 Constitution against the Government of North
17 Korea, to deter the Government of North Korea
18 from use of nuclear weapons, ballistic missiles, and
19 related technology.

20 (g) HUMAN RIGHTS.—It is the policy of the United
21 States—

22 (1) to promote human rights for the North Ko-
23 rean people;

24 (2) to revisit and explore new opportunities for
25 coordinating efforts to plan for humanitarian needs

1 in North Korea, in accordance with United States
2 and international law and with appropriate measures
3 in place to discourage the diversion of humanitarian
4 assistance to the North Korean military or other un-
5 intended recipients;

6 (3) to press for access for the Special
7 Rapporteur on the situation of human rights in
8 North Korea and the United Nations High Commis-
9 sioner for Human Rights;

10 (4) to continue to seek cooperation from foreign
11 governments on the resettlement of North Korean
12 refugees overseas;

13 (5) to urge China to halt forcible repatriation of
14 North Koreans;

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

17 (7) to appoint a Special Envoy on North Ko-
18 rean Human Rights Issues in accordance with sec-
19 tion 107 of the North Korean Human Rights Act of
20 2004 (22 U.S.C. 7817).

21 (h) INFORMATION DISSEMINATION EFFORTS.—It is
22 the policy of the United States—

23 (1) to increase the availability of information
24 not controlled by the Government of North Korea in-
25 side North Korea;

1 (2) to continue to prioritize expanding access to
2 information in North Korea by exploring the use of
3 new and emerging technologies, including digital
4 media, and expanding nongovernmental radio broad-
5 casting to North Korea, including news and informa-
6 tion, to increase information dissemination in North
7 Korea; and

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

14 (i) STRATEGY AND BRIEFINGS REQUIRED.—

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

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

1 (A) the Committee on Foreign Affairs, the
2 Committee on Armed Services, and the Perma-
3 nent Select Committee on Intelligence of the
4 House of Representatives; and

5 (B) the Committee on Foreign Relations,
6 the Committee on Armed Services, and the Se-
7 lect Committee on Intelligence of the Senate.

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

9 Section 210(d)(2) of the Asia Reassurance Initiative
10 Act of 2018 (Public Law 115–409) is amended—

11 (1) in subparagraph (B)—

12 (A) in clause (i), by striking “and” at the
13 end;

14 (B) in clause (ii), by striking the period at
15 the end and inserting a semicolon; and

16 (C) by inserting after clause (ii) the fol-
17 lowing:

18 “(iii) how diplomatic negotiations with
19 the Government of the Democratic Peo-
20 ple’s Republic of Korea are expected to
21 proceed; and

22 “(iv) United States efforts to continue
23 to exert economic pressure, in coordination
24 with United States allies, with respect to

1 the Democratic People’s Republic of
2 Korea;” and

3 (2) in subparagraph (C)—

4 (A) in clause (iii), by striking “and” at the
5 end; and

6 (B) by inserting after clause (iv) the fol-
7 lowing:

8 “(v) an assessment of credible diplo-
9 matic engagement by the Democratic Peo-
10 ple’s Republic of Korea; and

11 “(vi) an assessment of the threat
12 posed by the nuclear and ballistic missile
13 programs of the Democratic People’s Re-
14 public of Korea;”.

15 **SEC. 6. BRIEFINGS.**

16 (a) MEMBER BRIEFINGS.—

17 (1) IN GENERAL.—Not later than 15 legislative
18 days after each visit for the purposes of diplomatic
19 talks between the United States and North Korea at
20 the Secretary of State level or above, including any
21 meeting between the respective heads of state, the
22 Secretary of State or the Secretary’s designee, in co-
23 ordination with appropriate officials, shall brief the
24 national security committees (as such term is de-

1 fined in section 4(i)(2)), briefings on the diplomatic
2 talks.

3 (2) CLASSIFICATION.—The briefings required
4 under paragraph (1) shall be held in a classified for-
5 mat.

6 (b) STAFF BRIEFINGS.—

7 (1) IN GENERAL.—Not later than 30 days after
8 the date of the enactment of this Act, the Assistant
9 Secretary of State for East Asian and Pacific Af-
10 fairs shall hold quarterly briefings for appropriately
11 cleared staff members of the national security com-
12 mittees (as such term is defined in section 4(i)(2)).

13 (2) CLASSIFICATION.—The briefings required
14 under paragraph (1) shall be held in a classified for-
15 mat.

16 (3) EXCEPTION.—Paragraph (1) shall not
17 apply when diplomatic talks described in subsection
18 (a)(1) have not taken place within the prior 60-day
19 period and will not take place within the next 30
20 days.

21 **SEC. 7. SENSE OF CONGRESS ON CONGRESSIONAL HEAR-**
22 **INGS.**

23 It is the sense of Congress that regular congressional
24 oversight through hearings is important while diplomatic
25 talks between the United States and North Korea con-

1 tinue, and as such the Committee on Foreign Affairs of
 2 the House of Representatives and the Committee on For-
 3 eign Relations of the Senate should, as appropriate, hold
 4 such hearings, including with participation of official wit-
 5 nesses, and otherwise obtain information in order to fully
 6 review the negotiations.

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

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

11 (1) TRANSMISSION OF AGREEMENTS.—Not
 12 later than 5 days after entering into an agreement
 13 with North Korea relating to the nuclear and missile
 14 program of North Korea, the President shall trans-
 15 mit to the chairmen and ranking members of the
 16 Committee on Foreign Affairs of the House of Rep-
 17 resentatives and the Committee on Foreign Rela-
 18 tions of the Senate, the Speaker, majority leader,
 19 and minority leader of the House of Representatives
 20 and the majority and minority leader of the Sen-
 21 ate—

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

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

4 (2) VERIFICATION ASSESSMENT REPORT.—

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

8 (i) the extent to which the Secretary
9 will be able to verify that North Korea is
10 complying with its obligations and commit-
11 ments under the agreement, including how
12 North Korea might attempt to conceal its
13 program;

14 (ii) whether North Korea has made a
15 complete, transparent, and verifiable dec-
16 laration of all facilities and infrastructure
17 materially relevant to North Korea's nu-
18 clear and ballistic missile programs;

19 (iii) the adequacy of the safeguards
20 and other control mechanisms and other
21 assurances contained in the agreement
22 with respect to North Korean nuclear and
23 missile programs to ensure North Korea
24 activities are limited to the subset of activi-
25 ties permitted under the agreement; and

(iv) the capacity and capability of the United States and international organizations, such as the International Atomic Energy Agency, to effectively implement the verification regime required by or related to the agreement, including whether the United States or international organizations will have—

(I) sufficient access to—

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

(bb) facilities associated with the nuclear weaponization program;

(cc) facilities associated with its missile program; and

(dd) declared and undeclared sites; and

(II) the ability to investigate suspicious sites or allegations of covert nuclear-related activities.

(B) CLASSIFIED ANNEX.—The report required under subparagraph (A) shall be transmitted in unclassified form, but shall include a

1 classified annex prepared in consultation with
 2 the Director of National Intelligence, summa-
 3 rizing relevant classified information.

4 (b) SENSE OF CONGRESS ON NORTH KOREA FINAL
 5 AGREEMENT.—It is the sense of Congress that any bind-
 6 ing agreement between the United States and North
 7 Korea should be submitted to the United States Congress
 8 as a treaty and subject to the advice and consent of the
 9 Senate in accordance with article II, section 2, clause 2
 10 of the Constitution of the United States.

11 **SEC. 9. VERIFICATION AND COMPLIANCE.**

12 (a) VERIFICATION AND COMPLIANCE REPORTS.—

13 (1) IN GENERAL.—Not later than 90 days after
 14 the date of the enactment of this Act, the Secretary
 15 of State, in coordination with appropriate cabinet-
 16 level officials, shall submit to the appropriate con-
 17 gressional committees a report on North Korea’s
 18 record of verification and compliance.

19 (2) CLASSIFICATION.—The report required
 20 under paragraph (1)—

21 (A) may be submitted in classified form;

22 (B) shall contain an unclassified executive
 23 summary; and

24 (C) may contain an unclassified annex.

1 (b) SEMIANNUAL REPORT.—Not later than 180 days
2 after entering into an agreement with North Korea, and
3 not less frequently than once every 180 days thereafter,
4 the President shall submit to the appropriate congres-
5 sional committees a report on North Korea’s nuclear and
6 missile program and the compliance of North Korea with
7 the agreement during the period covered by the report,
8 which shall include—

9 (1) a description of any action or failure to act
10 by the Government of North Korea that breached
11 the agreement or is in noncompliance with the terms
12 of the agreement;

13 (2) a description of the status and activities of
14 any North Korea nuclear facilities related to the nu-
15 clear fuel cycle, including mining and exploration,
16 milling, conversion, enrichment, fuel fabrication, re-
17 actors, reprocessing, and storage;

18 (3) a description of the status and activities of
19 any North Korea nuclear facilities related to the
20 North Korean nuclear weaponization program, in-
21 cluding research and development, education and
22 training, and testing;

23 (4) a description of the status and activities of
24 any North Korea missile facilities, including research
25 and development, production, testing, and basing;

1 (5) a description of any delay by the Govern-
2 ment of North Korea of more than 1 week in pro-
3 viding inspectors access to facilities, people, and doc-
4 uments in North Korea as required by the agree-
5 ment;

6 (6) a description of any covert nuclear activities
7 undertaken by the Government of North Korea, in-
8 cluding any covert nuclear weapons-related activities,
9 covert fissile material activities, covert missile activi-
10 ties, or research and development activities; and

11 (7) a description of any transfer or diversion by
12 the Government of North Korea of its nuclear mate-
13 rials, components, technology, or equipment to state
14 or non-state actors.

15 **SEC. 10. AUTHORITY TO CONSOLIDATE REPORTS.**

16 Any reports required to be submitted to the appro-
17 priate congressional committees under this Act or any
18 amendments made by this Act that are subject to a dead-
19 line for submission consisting of the same unit of time may
20 be consolidated into a single report. The consolidated re-
21 port shall contain all information required under this Act
22 or any amendment made by this Act with respect to the
23 reports comprising such consolidated report.

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