

Ben Cardin

114TH CONGRESS
2^D SESSION

S. RES. _____

Condemning North Korea's fifth nuclear test on September 9, 2016.

IN THE SENATE OF THE UNITED STATES

Mr. Cardin (for himself, Mr. Reed, Mrs. Feinstein, Mr. Durbin, Mr. Schumer) submitted the following resolution; which was referred to the Committee on _____

RESOLUTION

Condemning North Korea's fifth nuclear test on September 9, 2016.

Whereas the Democratic People's Republic of North Korea (DPRK) conducted its fifth nuclear test on September 9, 2016, in Punggye-ri, North Hamgyong Province;

Whereas North Korea's nuclear test on September 9th, the second nuclear test this year, follows an unprecedented campaign of ballistic missile launches, which the Government of North Korea claims are intended to serve as delivery vehicles for nuclear weapons targeting the United States and United States allies South Korea and Japan;

Whereas North Korea continues to test nuclear weapons and intercontinental and submarine-launched ballistic missiles, which pose a major threat to the United States and

United States allies and partners in Asia and around the world;

Whereas the Government of North Korea's belligerent behavior has been in direct defiance of United Nations Security Council Resolutions 1718 (adopted October 14, 2006), 1874 (adopted June 12, 2009), 2087 (adopted January 22, 2013), 2094 (adopted March 7, 2013), and 2270 (adopted March 2, 2016) and the non-proliferation regime;

Whereas the United Nations Security Council strongly condemned North Korea's nuclear test and expressed its willingness to begin to work immediately on appropriate measures under Article 41 in a United Nations Security Council Resolution after its meeting on September 10, 2016;

Whereas President Barack Obama stated in response to the nuclear test that "far from achieving its stated national security and economic development goals, North Korea's provocative and destabilizing actions have instead served to isolate and impoverish its people through its relentless pursuit of nuclear weapons and ballistic missile capabilities";

Whereas Secretary of State John Kerry stated in response to the nuclear test that "the D.P.R.K.'s repeated and willful violations of its obligations under U.N. Security Council Resolutions, its belligerent and erratic threats, and web of illicit activities around the world indicate it has no interest in participating in global affairs as a responsible member of the international community";

Whereas United States Ambassador to the United Nations Samantha Power stated in explanation of the vote on

United Nations Security Council Resolution 2270 that “the chronic suffering of the people of North Korea is the direct result of the choices made by the DPRK government, a government that has consistently prioritized its nuclear weapons and ballistic missile programs over providing for the most basic needs of its own people . . . the North Korean government would rather grow its nuclear weapons program than grow its children”;

Whereas Republic of Korea President Park Geun-hye stated, in response to the nuclear test, “North Korea’s nuclear test, already the second this year, cannot be regarded as anything else but a direct defiance against the international community . . . the nuclear threat posed by North Korea is an urgent and present threat. Accordingly, our and the international community’s response too should now be completely different from before.”;

Whereas Congress passed the North Korea Sanctions and Policy Enhancement Act (NKSPEA) on February 18, 2016 (Public Law 114–122);

Whereas NKSPEA imposes mandatory sanctions on individuals who contribute to North Korea’s nuclear program, proliferation activities, malicious cyberattacks, and human rights abuses;

Whereas, on June 1, 2016, the Department of the Treasury designated North Korea as a “primary money laundering concern” under section 5318A of title 31, United States Code;

Whereas, on July 6, 2016, the Department of the Treasury designated top officials of the North Korean regime, including North Korean leader Kim Jong Un, ten other in-

dividuals, and five entities, for their role as perpetrators of human rights abuses in North Korea; and

Whereas additional measures to further curtail North Korea's access to international financial markets, further impede trade that benefits the Government of North Korea, government and party officials, and military entities, and freeze assets of North Korean officials are available both through already authorized unilateral United States policy, including secondary sanctions on entities that facilitate trade with North Korea and designations for actions which undermine cybersecurity, and through the United Nations Security Council: Now, therefore, be it

1 *Resolved*, That the Senate—

2 (1) condemns the North Korean regime for con-
3 tinuing its dangerous provocations, focusing solely
4 on the advancement of its nuclear and missile capa-
5 bilities while violating the human rights of its peo-
6 ple;

7 (2) calls on the North Korean regime to imme-
8 diately and unconditionally meet its obligation to
9 abandon its nuclear weapons and missile programs
10 in a complete, verifiable, and irreversible manner;

11 (3) calls on China to exercise its significant eco-
12 nomic and diplomatic leverage over the DPRK, in-
13 cluding through the aggressive enforcement of exist-
14 ing United Nations Security Council resolutions, in
15 order to halt North Korea's illegal nuclear and mis-
16 sile programs;

1 (4) reaffirms the commitment of the United
2 States to defending allies in the region, including
3 through deployment of a Terminal High Altitude
4 Area Defense (THAAD) battery to the Republic of
5 Korea and joint United States-Japan efforts to de-
6 velop the next generation of missile defense intercep-
7 tors, including the Standard Missile 3;

8 (5) reinforces longstanding United States com-
9 mitments to provide extended deterrence, guaranteed
10 by the full spectrum of United States defense capa-
11 bilities, to the Republic of Korea and Japan;

12 (6) supports ongoing efforts to strengthen the
13 United States-Republic of Korea alliance, to protect
14 the 28,500 members of the United States Armed
15 Forces stationed on the Korean Peninsula, and to
16 defend the alliance against any and all provocations
17 committed by the North Korean regime; and

18 (7) calls on all members of the United Nations
19 Security Council to take immediate action to pass
20 additional and meaningful new measures under Arti-
21 cle 41 of the United Nations Charter, including—

22 (A) stricter measures to eliminate excep-
23 tions in current United Nation Security Council
24 resolution sanctions;

1 (B) further restrictions on imports and ex-
2 ports of such sectoral commodities as coal, iron,
3 and precious metals and the prohibition on fuel
4 oil exports to North Korea;

5 (C) elimination of access for entities in-
6 volved in North Korea's nuclear and ballistic
7 missile programs to international financial mar-
8 kets and banking;

9 (D) restrictions on the use of North Ko-
10 rean subcontractors in global supply chains,
11 particularly in the textile and apparel industry;

12 (E) restrictions on the supply of aviation
13 fuel and a ban on civilian aviation;

14 (F) a ban on bulk cash transfers to and
15 from North Korea;

16 (G) prevention of the use of North Korean
17 labor in third-country projects and agreements;
18 and

19 (H) a downgrading of North Korean diplo-
20 matic representation.