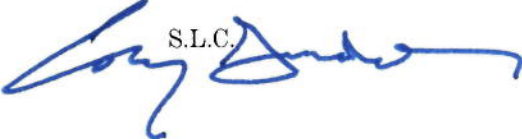


S.L.C. 

AMENDMENT NO. _____ Calendar No. _____

Purpose: To express the sense of Congress that additional sanctions should be imposed with respect to the Democratic People’s Republic of Korea.

IN THE SENATE OF THE UNITED STATES—114th Cong., 1st Sess.

S. _____

To authorize appropriations for the Department of State for fiscal year 2016, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. GARDNER

Viz:

1 At the appropriate place, insert the following:

2 **SEC. ____ . SENSE OF CONGRESS WITH RESPECT TO THE IM-**
3 **POSITION OF ADDITIONAL SANCTIONS**
4 **AGAINST THE DEMOCRATIC PEOPLE’S RE-**
5 **PUBLIC OF KOREA.**

6 (a) FINDINGS.—Congress makes the following find-
7 ings:

8 (1) The Democratic People’s Republic of Korea
9 (in this section referred to as the “DPRK”) tested
10 nuclear weapons on 3 separate occasions, in October
11 2006, in May 2009, and in February 2013.

1 (2) Nuclear experts have reported that the
2 DPRK may currently have as many as 20 nuclear
3 warheads and has the potential to possess as many
4 as 100 warheads within the next 5 years.

5 (3) According to the 2014 Department of De-
6 fense report, “Military and Security Developments
7 Involving the Democratic People’s Republic of
8 Korea” (in this subsection referred to as the “2014
9 DoD report”), the DPRK has proliferated nuclear
10 technology to Libya via the proliferation network of
11 Pakistani scientist A.Q. Khan.

12 (4) According to the 2014 DoD report, “North
13 Korea also provided Syria with nuclear reactor tech-
14 nology until 2007.”.

15 (5) On September 6, 2007, as part of “Oper-
16 ation Orchard”, the Israeli Air Force destroyed the
17 suspected nuclear facility in Syria.

18 (6) According to the 2014 DoD report, “North
19 Korea has exported conventional and ballistic mis-
20 sile-related equipment, components, materials, and
21 technical assistance to countries in Africa, Asia, and
22 the Middle East.”.

23 (7) On November 29, 1987, DPRK agents
24 planted explosive devices onboard Korean Air flight

1 858, which killed all 115 passengers and crew on
2 board.

3 (8) On March 26, 2010, the DPRK fired upon
4 and sank the South Korean warship Cheonan, killing
5 46 of her crew.

6 (9) On November 23, 2010, the DPRK shelled
7 South Korea's Yeonpyeong Island, killing 4 South
8 Korean citizens.

9 (10) On February 7, 2014, the United Nations
10 Commission of Inquiry on human rights in DPRK
11 (in this subsection referred to as the "Commission
12 of Inquiry") released a report detailing the atrocious
13 human rights record of the DPRK.

14 (11) Dr. Michael Kirby, Chair of the Commis-
15 sion of Inquiry, stated on March 17, 2014, "The
16 Commission of Inquiry has found systematic, wide-
17 spread, and grave human rights violations occurring
18 in the Democratic People's Republic of Korea. It has
19 also found a disturbing array of crimes against hu-
20 manity. These crimes are committed against inmates
21 of political and other prison camps; against starving
22 populations; against religious believers; against per-
23 sons who try to flee the country—including those
24 forcibly repatriated by China."

1 (12) Dr. Michael Kirby also stated, “These
2 crimes arise from policies established at the highest
3 level of the State. They have been committed, and
4 continue to take place in the Democratic People’s
5 Republic of Korea, because the policies, institutions,
6 and patterns of impunity that lie at their heart re-
7 main in place. The gravity, scale, duration, and na-
8 ture of the unspeakable atrocities committed in the
9 country reveal a totalitarian State that does not
10 have any parallel in the contemporary world.”.

11 (13) The Commission of Inquiry also notes,
12 “Since 1950, the Democratic People’s Republic of
13 Korea has engaged in the systematic abduction, de-
14 nial of repatriation, and subsequent enforced dis-
15 appearance of persons from other countries on a
16 large scale and as a matter of State policy. Well over
17 200,000 persons, including children, who were
18 brought from other countries to the Democratic Peo-
19 ple’s Republic of Korea may have become victims of
20 enforced disappearance,” and states that the DPRK
21 has failed to account or address this injustice in any
22 way.

23 (14) According to reports and analysis from or-
24 ganizations such as the International Network for
25 the Human Rights of North Korean Overseas Labor,

1 the Korea Policy Research Center, NK Watch, the
2 Asan Institute for Policy Studies, the Center for
3 International and Strategic Studies, and the George
4 W. Bush Institute, there may currently be as many
5 as 100,000 North Korean overseas laborers in var-
6 ious nations around the world.

7 (15) Such forced North Korean laborers are
8 often subjected to harsh working conditions under
9 the direct supervision of DPRK officials, and their
10 salaries contribute to anywhere from \$150,000,000
11 to \$230,000,000 a year to the DPRK state coffers.

12 (16) According to the Director of National
13 Intelligence's 2015 Worldwide Threat Assessment,
14 "North Korea's nuclear weapons and missile pro-
15 grams pose a serious threat to the United States
16 and to the security environment in East Asia."

17 (17) The Worldwide Threat Assessment states,
18 "North Korea has also expanded the size and so-
19 phistication of its ballistic missile forces, ranging
20 from close-range ballistic missiles to ICBMs, while
21 continuing to conduct test launches. In 2014, North
22 Korea launched an unprecedented number of bal-
23 listic missiles."

24 (18) On December 19, 2015, the Federal Bu-
25 reau of Investigation declared that the DPRK was

1 responsible for a cyberattack on Sony Pictures con-
2 ducted on November 24, 2014.

3 (19) From 1988 to 2008, the DPRK was des-
4 ignated by the United States Government as a state
5 sponsor of terrorism.

6 (20) The DPRK is currently in violation of
7 United Nations Security Council Resolutions 1695
8 (2006), 1718 (2006), 1874 (2009), 2087 (2013),
9 and 2094 (2013).

10 (21) The DPRK repeatedly violated agreements
11 with the United States and the other so-called Six-
12 Party Talks partners (the Republic of Korea, Japan,
13 the Russian Federation, and the People's Republic
14 of China) designed to halt its nuclear weapons pro-
15 gram, while receiving significant concessions, includ-
16 ing fuel, oil, and food aid.

17 (22) The Six-Party Talks have not been held
18 since December 2008.

19 (23) On May 9, 2015, the DPRK claimed that
20 it has test-fired a ballistic missile from a submarine.

21 (b) SENSE OF CONGRESS.—It is the sense of Con-
22 gress that—

23 (1) the DPRK represents a serious threat to
24 the national security of the United States and
25 United States allies in East Asia and to inter-

1 national peace and stability, and grossly violates the
2 human rights of its own people;

3 (2) the Secretary of State and the Secretary of
4 the Treasury should impose additional sanctions
5 against the DPRK, including targeting its financial
6 assets around the world, specific designations relat-
7 ing to human rights abuses, and a redesignation of
8 the DPRK as a state sponsor of terror; and

9 (3) the President should not resume the nego-
10 tiations with the DPRK, either bilaterally or as part
11 of the Six-Party Talks, without strict preconditions,
12 including that the DPRK—

13 (A) adhere to its denuclearization commit-
14 ments outlined in the 2005 Joint Statement of
15 the Six-Party Talks;

16 (B) commit to halting its ballistic missile
17 programs and its proliferation activities;

18 (C) cease military provocations; and

19 (D) measurably and significantly improve
20 its human rights record.