

US Senate passes the North Korea Sanctions and Policy Enhancement Act of 2016

HRWF (10.02.2016) - The United States Senate has passed the North Korea Sanctions and Policy Enhancement Act of 2016 (Gardner-Menendez) by a vote of 96 to 0. See below the press releases from Senator Bob Corker and Senators Cory Gardner and Bob Menendez on this bi-partisan action.

Corker: Senate passes North Korea Sanctions and Policy Enhancement Act of 2016

"Today the U.S. Senate in strong bipartisan fashion gave our country a more robust set of tools to confront the growing North Korean nuclear and ballistic missile threat."

WASHINGTON - U.S. Senator Bob Corker (R-Tenn.), chairman of the Senate Foreign Relations Committee, today said Senate passage of the [North Korea Sanctions and Policy Enhancement Act of 2016](#) (Gardner-Menendez) will provide the U.S. with "a robust set of tools" to confront the increasingly dangerous nuclear and ballistic missile threat from North Korea. The Senate approved the legislation in a unanimous vote of 96 to 0. North Korea conducted its fourth [nuclear test](#) in January and launched a [ballistic missile](#) last week in violation of United Nations Security Council resolutions. Yesterday in testimony before Congress, Director of National Intelligence James Clapper [confirmed](#) North Korea's progress in expanding production of weapons-grade nuclear fuel.

"Today the U.S. Senate in strong bipartisan fashion gave our country a more robust set of tools to confront the growing North Korean nuclear and ballistic missile threat," said Corker. "We can no longer afford to pursue a failing policy while North Korea advances its nuclear capabilities and continues to top lists of proliferators of weapons of mass destruction, perpetrators of cyberattacks, and systemic violators of human rights. This legislation targets a wide range of the regime's illicit activities as part of establishing a more effective and proactive policy to eliminate the danger from North Korea's nuclear program and alleviate the suffering of the North Korea people. Achieving these objectives will require increased vigilance by the U.S. and the cooperation of the international community, especially from China, which must stop preventing the United Nations Security Council from taking further action against North Korea."

The North Korea Sanctions and Policy Enhancement Act of 2016, which was approved unanimously by the Senate Foreign Relations Committee in January, includes the following key provisions:

Sanctions:

- The bill requires the president to investigate sanctionable conduct, including proliferation of weapons of mass destruction (WMD), arms-related materials, luxury goods, human rights abuses, activities undermining cyber security and the provision of industrial inputs such as precious metals or coal for use in a tailored set of activities, including WMD, proliferation activities and prison and labor camps.
- The president is mandated to sanction any person found to have materially contributed to, engaged in or facilitated the above activities.
- Penalties for sanctionable activities include the seizure of assets, visa bans and denial of government contracts.

- The president retains the discretionary authority to sanction those transferring or facilitating the transfer of financial assets and property of the North Korean regime.
- The president may waive sanctions, but only on a case-by-case basis.
- The bill requires the Secretary of Treasury to determine whether North Korea is a primary money laundering concern. If such a determination is made, assets must be blocked and special measures applied against those designated persons.

Strategies and Policies:

- The bill requires a strategy to promote improved implementation and enforcement of multilateral sanctions; a strategy to combat North Korean cyber activities; and a strategy to promote and encourage international engagement on North Korean human rights-related issues. There are reporting requirements related to the above strategies as well as a report on political prison camps and a feasibility study on providing communications equipment to the people of North Korea.
- The State Department is required to expand the scope and frequency of travel warnings for North Korea.

Gardner-Menendez North Korea sanctions legislation passes senate

WASHINGTON, DC – With overwhelming bipartisan support, the Gardner-Menendez North Korea Sanctions and Policy Enhancement Act of 2016, passed the Senate unanimously. It now returns to the House and is expected to pass easily.

“Four nuclear tests, three Kims, two violations of United Nations Security Council Resolutions and one attempt by North Korea to transfer nuclear technology to Syria later -- it is clearly time for the United States to start taking the North Korea challenge seriously,” said Sen. Menendez, senior member of the Senate Foreign Relations Committee. “With today’s overwhelming bi-partisan vote, we have taken a major step forward in creating a new policy framework that combines effective sanctions and effective military countermeasures that can stop North Korea’s nuclear ambitions and bring some sanity back to the political calculus. This new framework leaves no doubt about our determination to neutralize any threat North Korea may present – with robust, realistic diplomacy toward the clear goal of a denuclearized Korean Peninsula.”

“Following North Korea’s fourth nuclear test last month and an illicit satellite launch several days ago, it is evident the regime’s nuclear and ballistic missile capabilities are growing, not slowing. At the same time, North Korea has bolstered its cyberattacks and continues to imprison and horrifically torture more than 200,000 of its own men, women, and children,” said Gardner, Chairman of the Foreign Relations Subcommittee on East Asia, the Pacific, and International Cybersecurity Policy. “This legislation is the first step of building a new policy that will put pressure on Pyongyang to peacefully disarm and cease its violations of international norms. I was proud my colleagues came together to approve the North Korea Sanctions and Policy Enhancement Act, legislation that mandates the United States vigorously pursue sanctions against individuals who contribute to the regime’s proliferation activities, cyberattacks, censorship, and human rights abuses. It’s far past time to counter the Forgotten Maniac.”

The Gardner-Menendez North Korea Sanctions and Policy Enhancement Act of 2016 would strengthen and expand sanctions against the regime in North Korea by:

- **Requiring the President to investigate any person who** knowingly imports into North Korea (DPRK) any goods, technology, service, training, or advice regarding weapons of mass destruction and their delivery; knowingly imports luxury goods into North Korea; knowingly engages in serious human rights abuses or censorship by the Government of North Korea; knowingly engages in money laundering, counterfeiting, cash smuggling, or narcotics trafficking that supports the Government of North Korea or any senior official; knowingly sells significant amounts of precious metals, graphite, steel, coal or other materials in support of weapons programs and other proliferation activities; knowingly exports or imports arms to or from North Korea; or knowingly engages in cyber-terrorism or cyber-vandalism.
- Requiring a **report that identifies severe human rights abusers** in North Korea and **requiring the President to designate any person listed in the report.**
- Codifying **and making mandatory cybersecurity sanctions** on North Korea under Executive Orders 13687 and 13694, until the President submits to Congress a certification that the government of North Korea is no longer engaged in the illicit activities described in such executive orders. The legislation also requires a report on cybersecurity strategy.
- Requiring **the President to apply sanctions to those deemed to have undertaken prohibited activities**, including blocking assets and transactions in property and interests. The legislation also allows for the forfeiture of property.
- Requiring a **determination by the Treasury Secretary on whether North Korea is a jurisdiction of primary money laundering concern** and should be subject to banking-related sanctions.
- Barring defense exports to North Korea; banning foreign assistance to any country that provides lethal military equipment to North Korea; and barring persons or entities designated for facilitating North Korea's destructive policies from receiving U.S. government contracts.
- Providing a **carve-out/waiver for humanitarian organizations** engaged in humanitarian assistance, and organizations engaged in the identification and recovery of U.S. military personnel.
- **Authorizing, for each fiscal year 2017 through 2021, \$3,000,000** to carry out radio broadcasting to North Korea, **\$2,000,000** for humanitarian assistance, and **\$2,000,000** aimed at making unrestricted and unmonitored electronic mass communications available to the people of North Korea.
- Allowing **the President to waive any portion of the act, on a case by case basis, if it is in the national security interests of the U.S.,** or if it is for an important law enforcement purpose.