

such as these are only making worse. I have repeatedly invited Gina McCarthy and the President to my home State to see the devastation firsthand. They have yet to accept. But even if they won't come to us, we have brought the concerns of Kentuckians directly to them. For example, we have brought constituents to administration hearings in Washington to try to make people here listen.

I put myself on the Appropriations Subcommittee on the Interior so that I could have a stronger influence in the oversight of the EPA budget. It has given me the opportunity to shed light on the struggles of my home State and question officials like Gina McCarthy. It has given me the chance to push for policy riders in legislation that would undermine or overturn these regulations in their entirety. I have repeatedly done so and will continue to do so. I have also worked successfully with Members of both parties to pass measures through Congress that would also overturn these anti-middle class regulations in their entirety.

President Obama pulled out all the stops to defeat previous attempts to pass riders. He vetoed the bipartisan measures we passed through Congress. But he cannot stop the Supreme Court from making the right decision, as we hope it ultimately will. He also cannot stop the American people from electing a successor who is ready to support the middle class.

Here is the bottom line. I think we owe it to the people under attack to represent them and to stand up on their behalf. The Americans whom these regulations attack have committed no crime. They have done nothing wrong. They are human beings with families. It is about time we had an administration that treated them that way. Until then, we will keep fighting and we will celebrate important progress along the way, just as we did with yesterday's Supreme Court action.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business until 10:30 a.m., with Senators permitted to speak therein for up to 10 minutes each.

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. CORKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### NORTH KOREA SANCTIONS ENFORCEMENT ACT OF 2016

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 757, which the clerk will report.

The senior assistant legislative clerk read as follows:

A bill (H.R. 757) to improve the enforcement of sanctions against the Government of North Korea, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

##### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE*.—This Act may be cited as the “North Korea Sanctions and Policy Enhancement Act of 2016”.

(b) *TABLE OF CONTENTS*.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings; purposes.

Sec. 3. Definitions.

##### TITLE I—INVESTIGATIONS, PROHIBITED CONDUCT, AND PENALTIES

Sec. 101. Statement of policy.

Sec. 102. Investigations.

Sec. 103. Reporting requirements.

Sec. 104. Designation of persons.

Sec. 105. Forfeiture of property.

##### TITLE II—SANCTIONS AGAINST NORTH KOREAN PROLIFERATION, HUMAN RIGHTS ABUSES, AND ILLICIT ACTIVITIES

Sec. 201. Determinations with respect to North Korea as a jurisdiction of primary money laundering concern.

Sec. 202. Ensuring the consistent enforcement of United Nations Security Council resolutions and financial restrictions on North Korea.

Sec. 203. Proliferation prevention sanctions.

Sec. 204. Procurement sanctions.

Sec. 205. Enhanced inspection authorities.

Sec. 206. Travel sanctions.

Sec. 207. Travel recommendations for United States citizens to North Korea.

Sec. 208. Exemptions, waivers, and removals of designation.

Sec. 209. Report on and imposition of sanctions to address persons responsible for knowingly engaging in significant activities undermining cybersecurity.

Sec. 210. Codification of sanctions with respect to North Korean activities undermining cybersecurity.

Sec. 211. Sense of Congress on trilateral cooperation between the United States, South Korea, and Japan.

##### TITLE III—PROMOTION OF HUMAN RIGHTS

Sec. 301. Information technology.

Sec. 302. Strategy to promote North Korean human rights.

Sec. 303. Report on North Korean prison camps.

Sec. 304. Report on and imposition of sanctions with respect to serious human rights abuses or censorship in North Korea.

##### TITLE IV—GENERAL AUTHORITIES

Sec. 401. Suspension of sanctions and other measures.

Sec. 402. Termination of sanctions and other measures.

Sec. 403. Authorization of appropriations.

Sec. 404. Rulemaking.

Sec. 405. Authority to consolidate reports.

Sec. 406. Effective date.

##### SEC. 2. FINDINGS; PURPOSES.

(a) *FINDINGS*.—Congress finds the following:

(1) The Government of North Korea—

(A) has repeatedly violated its commitments to the complete, verifiable, and irreversible dismantlement of its nuclear weapons programs; and

(B) has willfully violated multiple United Nations Security Council resolutions calling for North Korea to cease development, testing, and production of weapons of mass destruction.

(2) Based on its past actions, including the transfer of sensitive nuclear and missile technology to state sponsors of terrorism, North Korea poses a grave risk for the proliferation of nuclear weapons and other weapons of mass destruction.

(3) The Government of North Korea has been implicated repeatedly in money laundering and other illicit activities, including—

(A) prohibited arms sales;

(B) narcotics trafficking;

(C) the counterfeiting of United States currency;

(D) significant activities undermining cybersecurity; and

(E) the counterfeiting of intellectual property of United States persons.

(4) North Korea has—

(A) unilaterally withdrawn from the Agreement Concerning a Military Armistice in Korea, signed at Panmunjom July 27, 1953 (commonly referred to as the “Korean War Armistice Agreement”); and

(B) committed provocations against South Korea—

(i) by sinking the warship Cheonan and killing 46 of her crew on March 26, 2010;

(ii) by shelling Yeonpyeong Island and killing 4 South Korean civilians on November 23, 2010;

(iii) by its involvement in the “DarkSeoul” cyberattacks against the financial and communications interests of South Korea on March 20, 2013; and

(iv) by planting land mines near a guard post in the South Korean portion of the demilitarized zone that maimed 2 South Korean soldiers on August 4, 2015.

(5) North Korea maintains a system of brutal political prison camps that contain as many as 200,000 men, women, and children, who are—

(A) kept in atrocious living conditions with insufficient food, clothing, and medical care; and

(B) under constant fear of torture or arbitrary execution.

(6) North Korea has prioritized weapons programs and the procurement of luxury goods—

(A) in defiance of United Nations Security Council Resolutions 1695 (2006), 1718 (2006), 1874 (2009), 2087 (2013), and 2094 (2013); and

(B) in gross disregard of the needs of the people of North Korea.

(7) Persons, including financial institutions, who engage in transactions with, or provide financial services to, the Government of North Korea and its financial institutions without establishing sufficient financial safeguards against North Korea's use of such transactions to promote proliferation, weapons trafficking, human rights violations, illicit activity, and the purchase of luxury goods—

(A) aid and abet North Korea's misuse of the international financial system; and

(B) violate the intent of the United Nations Security Council resolutions referred to in paragraph (6)(A).

(8) The Government of North Korea has provided technical support and conducted destructive and coercive cyberattacks, including against Sony Pictures Entertainment and other United States persons.

(9) The conduct of the Government of North Korea poses an imminent threat to—

(A) the security of the United States and its allies;

(B) the global economy;

(C) the safety of members of the United States Armed Forces;

(D) the integrity of the global financial system;

(E) the integrity of global nonproliferation programs; and

(F) the people of North Korea.

(10) The Government of North Korea has sponsored acts of international terrorism, including—

(A) attempts to assassinate defectors and human rights activists; and

(B) the shipment of weapons to terrorists and state sponsors of terrorism.

(b) **PURPOSES.**—The purposes of this Act are—

(1) to use nonmilitary means to address the crisis described in subsection (a);

(2) to provide diplomatic leverage to negotiate necessary changes in the conduct of the Government of North Korea;

(3) to ease the suffering of the people of North Korea; and

(4) to reaffirm the purposes set forth in section 4 of the North Korean Human Rights Act of 2004 (22 U.S.C. 7802).

### SEC. 3. DEFINITIONS.

In this Act:

(1) **APPLICABLE EXECUTIVE ORDER.**—The term “applicable Executive order” means—

(A) Executive Order 13382 (50 U.S.C. 1701 note; relating to blocking property of weapons of mass destruction proliferators and their supporters), Executive Order 13466 (50 U.S.C. 1701 note; relating to continuing certain restrictions with respect to North Korea and North Korean nationals), Executive Order 13551 (50 U.S.C. 1701 note; relating to blocking property of certain persons with respect to North Korea), Executive Order 13570 (50 U.S.C. 1701 note; relating to prohibiting certain transactions with respect to North Korea), Executive Order 13619 (50 U.S.C. 1701 note; relating to blocking property of persons threatening the peace, security, or stability of Burma), Executive Order 13687 (50 U.S.C. 1701 note; relating to imposing additional sanctions with respect to North Korea), or Executive Order 13694 (50 U.S.C. 1701 note; relating to blocking the property of certain persons engaging in significant malicious cyber-enabled activities), to the extent that such Executive order—

(i) authorizes the imposition of sanctions on persons for conduct with respect to North Korea;

(ii) prohibits transactions or activities involving the Government of North Korea; or

(iii) otherwise imposes sanctions with respect to North Korea; and

(B) any Executive order adopted on or after the date of the enactment of this Act, to the extent that such Executive order—

(i) authorizes the imposition of sanctions on persons for conduct with respect to North Korea;

(ii) prohibits transactions or activities involving the Government of North Korea; or

(iii) otherwise imposes sanctions with respect to North Korea.

(2) **APPLICABLE UNITED NATIONS SECURITY COUNCIL RESOLUTION.**—The term “applicable United Nations Security Council resolution” means—

(A) United Nations Security Council Resolution 1695 (2006), 1718 (2006), 1874 (2009), 2087 (2013), or 2094 (2013); and

(B) any United Nations Security Council resolution adopted on or after the date of the enactment of this Act that—

(i) authorizes the imposition of sanctions on persons for conduct with respect to North Korea;

(ii) prohibits transactions or activities involving the Government of North Korea; or

(iii) otherwise imposes sanctions with respect to North Korea.

(3) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Financial Services, and the Committee on Ways and Means of the House of Representatives.

(4) **DESIGNATED PERSON.**—The term “designated person” means a person designated under subsection (a) or (b) of section 104 for purposes of applying 1 or more of the sanctions described in title I or II with respect to the person.

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

(6) **HUMANITARIAN ASSISTANCE.**—The term “humanitarian assistance” means assistance to meet humanitarian needs, including needs for food, medicine, medical supplies, clothing, and shelter.

(7) **INTELLIGENCE COMMUNITY.**—The term “intelligence community” has the meaning given such term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

(8) **LUXURY GOODS.**—The term “luxury goods”

(A) has the meaning given such term in section 746.4(b)(1) of title 15, Code of Federal Regulations; and

(B) includes the items listed in Supplement No. 1 to part 746 of such title, and any similar items.

(9) **MONETARY INSTRUMENTS.**—The term “monetary instruments” has the meaning given such term in section 5312(a) of title 31, United States Code.

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

(11) **NORTH KOREAN FINANCIAL INSTITUTION.**—The term “North Korean financial institution” means any financial institution that—

(A) is organized under the laws of North Korea or any jurisdiction within North Korea (including a foreign branch of such an institution);

(B) is located in North Korea, except for a financial institution that is excluded by the President in accordance with section 208(c);

(C) is owned or controlled by the Government of North Korea, regardless of location; or

(D) is owned or controlled by a financial institution described in subparagraph (A), (B), or (C), regardless of location.

(12) **SIGNIFICANT ACTIVITIES UNDERMINING CYBERSECURITY.**—The term “significant activities undermining cybersecurity” includes—

(A) significant efforts to—

(i) deny access to or degrade, disrupt, or destroy an information and communications technology system or network; or

(ii) exfiltrate information from such a system or network without authorization;

(B) significant destructive malware attacks;

(C) significant denial of service activities; and

(D) such other significant activities described in regulations promulgated to implement section 104.

(13) **SOUTH KOREA.**—The term “South Korea” means the Republic of Korea.

(14) **UNITED STATES PERSON.**—The term “United States person” means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States, including a foreign branch of such an entity.

## TITLE I—INVESTIGATIONS, PROHIBITED CONDUCT, AND PENALTIES

### SEC. 101. STATEMENT OF POLICY.

In order to achieve the peaceful disarmament of North Korea, Congress finds that it is necessary—

(1) to encourage all member states of the United Nations to fully and promptly implement United Nations Security Council Resolution 2094 (2013);

(2) to sanction the persons, including financial institutions, that facilitate proliferation, illicit activities, arms trafficking, cyberterrorism, imports of luxury goods, serious human rights abuses, cash smuggling, and censorship by the Government of North Korea;

(3) to authorize the President to sanction persons who fail to exercise due diligence to ensure that such financial institutions and member states do not facilitate proliferation, arms trafficking, kleptocracy, or imports of luxury goods by the Government of North Korea;

(4) to deny the Government of North Korea access to the funds it uses to develop or obtain nuclear weapons, ballistic missiles, cyberwarfare capabilities, and luxury goods instead of providing for the needs of the people of North Korea; and

(5) to enforce sanctions in a manner that does not significantly hinder or delay the efforts of legitimate United States or foreign humanitarian organizations from providing assistance to meet the needs of civilians facing humanitarian crisis, including access to food, health care, shelter, and clean drinking water, to prevent or alleviate human suffering.

### SEC. 102. INVESTIGATIONS.

(a) **INITIATION.**—The President shall initiate an investigation into the possible designation of a person under section 104(a) upon receipt by the President of credible information indicating that such person has engaged in conduct described in section 104(a).

(b) **PERSONNEL.**—The President may direct the Secretary of State, the Secretary of the Treasury, and the heads of other Federal departments and agencies as may be necessary to assign sufficient experienced and qualified investigators, attorneys, and technical personnel—

(1) to investigate the conduct described in subsections (a) and (b) of section 104; and

(2) to coordinate and ensure the effective enforcement of this Act.

### SEC. 103. REPORTING REQUIREMENTS.

(a) **PRESIDENTIAL BRIEFINGS TO CONGRESS.**—Not later than 180 days after the date of the enactment of this Act, and periodically thereafter, the President shall provide a briefing to the appropriate congressional committees on efforts to implement this Act.

(b) **REPORT FROM SECRETARY OF STATE.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall conduct, coordinate, and submit to Congress a comprehensive report on United States policy towards North Korea that—

(1) is based on a full and complete interagency review of current policies and possible alternatives, including with respect to North Korea’s weapons of mass destruction and missile programs, human rights atrocities, and significant activities undermining cybersecurity; and

(2) includes recommendations for such legislative or administrative action as the Secretary considers appropriate based on the results of the review.

### SEC. 104. DESIGNATION OF PERSONS.

(a) **MANDATORY DESIGNATIONS.**—Except as provided in section 208, the President shall designate under this subsection any person that the President determines—

(1) knowingly, directly or indirectly, imports, exports, or reexports to, into, or from North Korea any goods, services, or technology controlled for export by the United States because of the use of such goods, services, or technology

for weapons of mass destruction or delivery systems for such weapons and materially contributes to the use, development, production, possession, or acquisition by any person of a nuclear, radiological, chemical, or biological weapon or any device or system designed in whole or in part to deliver such a weapon;

(2) knowingly, directly or indirectly, provides training, advice, or other services or assistance, or engages in significant financial transactions, relating to the manufacture, maintenance, or use of any such weapon, device, or system to be imported, exported, or reexported to, into, or from North Korea;

(3) knowingly, directly or indirectly, imports, exports, or reexports luxury goods to or into North Korea;

(4) knowingly engages in, is responsible for, or facilitates censorship by the Government of North Korea;

(5) knowingly engages in, is responsible for, or facilitates serious human rights abuses by the Government of North Korea;

(6) knowingly, directly or indirectly, engages in money laundering, the counterfeiting of goods or currency, bulk cash smuggling, or narcotics trafficking that supports the Government of North Korea or any senior official or person acting for or on behalf of that Government;

(7) knowingly engages in significant activities undermining cybersecurity through the use of computer networks or systems against foreign persons, governments, or other entities on behalf of the Government of North Korea;

(8) knowingly, directly or indirectly, sells, supplies, or transfers to or from the Government of North Korea or any person acting for or on behalf of that Government, a significant amount of precious metal, graphite, raw or semi-finished metals or aluminum, steel, coal, or software, for use by or in industrial processes directly related to weapons of mass destruction and delivery systems for such weapons, other proliferation activities, the Korean Workers' Party, armed forces, internal security, or intelligence activities, or the operation and maintenance of political prison camps or forced labor camps, including outside of North Korea;

(9) knowingly, directly or indirectly, imports, exports, or reexports to, into, or from North Korea any arms or related materiel; or

(10) knowingly attempts to engage in any of the conduct described in paragraphs (1) through (9).

(b) **ADDITIONAL DISCRETIONARY DESIGNATIONS.**—

(1) **PROHIBITED CONDUCT DESCRIBED.**—Except as provided in section 208, the President may designate under this subsection any person that the President determines—

(A) knowingly engages in, contributes to, assists, sponsors, or provides financial, material or technological support for, or goods and services in support of, any person designated pursuant to an applicable United Nations Security Council resolution;

(B) knowingly contributed to—

(i) the bribery of an official of the Government of North Korea or any person acting for or on behalf of that official;

(ii) the misappropriation, theft, or embezzlement of public funds by, or for the benefit of, an official of the Government of North Korea or any person acting for or on behalf of that official; or

(iii) the use of any proceeds of any activity described in clause (i) or (ii); or

(C) knowingly and materially assisted, sponsored, or provided significant financial, material, or technological support for, or goods or services to or in support of, the activities described in subparagraph (A) or (B).

(2) **EFFECT OF DESIGNATION.**—With respect to any person designated under this subsection, the President may—

(A) apply the sanctions described in section 204, 205(c), or 206 to the person to the same extent and in the same manner as if the person were designated under subsection (a);

(B) apply any applicable special measures described in section 5318A of title 31, United States Code;

(C) prohibit any transactions in foreign exchange—

(i) that are subject to the jurisdiction of the United States; and

(ii) in which such person has any interest; and

(D) prohibit any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments—

(i) are subject to the jurisdiction of the United States; and

(ii) involve any interest of such person.

(c) **ASSET BLOCKING.**—The President shall exercise all of the powers granted to the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in property and interests in property of a designated person, the Government of North Korea, or the Workers' Party of Korea, if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(d) **APPLICATION TO SUBSIDIARIES AND AGENTS.**—The designation of a person under subsection (a) or (b) and the blocking of property and interests in property under subsection (c) shall apply with respect to a person who is determined to be owned or controlled by, or to have acted or purported to have acted for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to this section.

(e) **TRANSACTION LICENSING.**—The President shall deny or revoke any license for any transaction that the President determines to lack sufficient financial controls to ensure that such transaction will not facilitate any activity described in subsection (a) or (b).

(f) **PENALTIES.**—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to any person who violates, attempts to violate, conspires to violate, or causes a violation of any prohibition of this section, or an order or regulation prescribed under this section, to the same extent that such penalties apply to a person that commits an unlawful act described in section 206(a) of such Act (50 U.S.C. 1705(a)).

#### **SEC. 105. FORFEITURE OF PROPERTY.**

(a) **AMENDMENT TO PROPERTY SUBJECT TO FORFEITURE.**—Section 981(a)(1) of title 18, United States Code, is amended by adding at the end the following:

“(1) Any property, real or personal, that is involved in a violation or attempted violation, or which constitutes or is derived from proceeds traceable to a prohibition imposed pursuant to section 104(a) of the North Korea Sanctions and Policy Enhancement Act of 2016.”.

(b) **AMENDMENT TO DEFINITION OF CIVIL FORFEITURE STATUTE.**—Section 983(i)(2)(D) of title 18, United States Code, is amended to read as follows:

“(D) the Trading with the Enemy Act (50 U.S.C. 4301 et seq.), the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), or the North Korea Sanctions Enforcement Act of 2016; or”.

(c) **AMENDMENT TO DEFINITION OF SPECIFIED UNLAWFUL ACTIVITY.**—Section 1956(c)(7)(D) of title 18, United States Code, is amended—

(1) by striking “or section 92 of” and inserting “section 92 of”; and

(2) by adding at the end the following: “, or section 104(a) of the North Korea Sanctions Enforcement Act of 2016 (relating to prohibited activities with respect to North Korea);”.

## **TITLE II—SANCTIONS AGAINST NORTH KOREAN PROLIFERATION, HUMAN RIGHTS ABUSES, AND ILLICIT ACTIVITIES**

### **SEC. 201. DETERMINATIONS WITH RESPECT TO NORTH KOREA AS A JURISDICTION OF PRIMARY MONEY LAUNDERING CONCERN.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) The Under Secretary of the Treasury for Terrorism and Financial Intelligence, who is responsible for safeguarding the financial system against illicit use, money laundering, terrorist financing, and the proliferation of weapons of mass destruction, and has repeatedly expressed concern about North Korea's misuse of the international financial system—

(A) in 2006—

(i) stated, “Given [North Korea's] counterfeiting of U.S. currency, narcotics trafficking and use of accounts world-wide to conduct proliferation-related transactions, the line between illicit and licit North Korean money is nearly invisible.”; and

(ii) urged financial institutions worldwide to “think carefully about the risks of doing any North Korea-related business”;

(B) in 2011, stated that North Korea—

(i) “remains intent on engaging in proliferation, selling arms as well as bringing in material”; and

(ii) was “aggressively pursuing the effort to establish front companies.”; and

(C) in 2013, stated—

(i) in reference to North Korea's distribution of high-quality counterfeit United States currency, that “North Korea is continuing to try to pass a supernote into the international financial system”; and

(ii) the Department of the Treasury would soon introduce new currency with improved security features to protect against counterfeiting by the Government of North Korea.

(2) The Financial Action Task Force, an intergovernmental body whose purpose is to develop and promote national and international policies to combat money laundering and terrorist financing, has repeatedly—

(A) expressed concern at deficiencies in North Korea's regimes to combat money laundering and terrorist financing;

(B) urged North Korea to adopt a plan of action to address significant deficiencies in those regimes and the serious threat those deficiencies pose to the integrity of the international financial system;

(C) urged all jurisdictions to apply countermeasures to protect the international financial system from ongoing and substantial money laundering and terrorist financing risks emanating from North Korea;

(D) urged all jurisdictions to advise their financial institutions to give special attention to business relationships and transactions with North Korea, including North Korean companies and financial institutions; and

(E) called on all jurisdictions—

(i) to protect against correspondent relationships being used to bypass or evade countermeasures and risk mitigation practices; and

(ii) to take into account money laundering and terrorist financing risks when considering requests by North Korean financial institutions to open branches and subsidiaries in their respective jurisdictions.

(3) On March 7, 2013, the United Nations Security Council unanimously adopted Resolution 2094, which—

(A) welcomed the Financial Action Task Force's—

(i) recommendation on financial sanctions related to proliferation; and

(ii) guidance on the implementation of such sanctions;

(B) decided that United Nations member states should apply enhanced monitoring and other legal measures to prevent the provision of financial services or the transfer of property that

could contribute to activities prohibited by applicable United Nations Security Council resolutions; and

(C) called upon United Nations member states to prohibit North Korean financial institutions from establishing or maintaining correspondent relationships with financial institutions in their respective jurisdictions to prevent the provision of financial services if such member states have information that provides reasonable grounds to believe that such activities could contribute to—

(i) activities prohibited by an applicable United Nations Security Council resolution; or

(ii) the evasion of such prohibitions.

(b) SENSE OF CONGRESS REGARDING THE DESIGNATION OF NORTH KOREA AS A JURISDICTION OF PRIMARY MONEY LAUNDERING CONCERN.—Congress—

(1) acknowledges the efforts of the United Nations Security Council to impose limitations on, and to require the enhanced monitoring of, transactions involving North Korean financial institutions that could contribute to sanctioned activities;

(2) urges the President, in the strongest terms—

(A) to immediately designate North Korea as a jurisdiction of primary money laundering concern; and

(B) to adopt stringent special measures to safeguard the financial system against the risks posed by North Korea's willful evasion of sanctions and its illicit activities; and

(3) urges the President to seek the prompt implementation by other countries of enhanced monitoring and due diligence to prevent North Korea's misuse of the international financial system, including by sharing information about activities, transactions, and property that could contribute to—

(A) activities sanctioned by applicable United Nations Security Council resolutions; or

(B) the evasion of such sanctions.

(c) DETERMINATIONS REGARDING NORTH KOREA.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General, and in accordance with section 5318A of title 31, United States Code, shall determine whether reasonable grounds exist for concluding that North Korea is a jurisdiction of primary money laundering concern.

(2) ENHANCED DUE DILIGENCE AND REPORTING REQUIREMENTS.—If the Secretary of the Treasury determines under paragraph (1) that reasonable grounds exist for concluding that North Korea is a jurisdiction of primary money laundering concern, the Secretary, in consultation with the Federal functional regulators (as defined in section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809)), shall impose 1 or more of the special measures described in section 5318A(b) of title 31, United States Code, with respect to the jurisdiction of North Korea.

(3) REPORT REQUIRED.—

(A) IN GENERAL.—Not later than 90 days after the date on which the Secretary of the Treasury makes a determination under paragraph (1), the Secretary shall submit to the appropriate congressional committees a report that contains the reasons for such determination.

(B) FORM.—The report submitted under subparagraph (A) shall be submitted in unclassified form, but may include a classified annex.

**SEC. 202. ENSURING THE CONSISTENT ENFORCEMENT OF UNITED NATIONS SECURITY COUNCIL RESOLUTIONS AND FINANCIAL RESTRICTIONS ON NORTH KOREA.**

(a) FINDINGS.—Congress makes the following findings:

(1) All member states of the United Nations are obligated to implement and enforce applicable United Nations Security Council resolutions fully and promptly, including by blocking the property of, and ensuring that any property is

prevented from being made available to, persons designated for the blocking of property by the Security Council under applicable United Nations Security Council resolutions.

(2) As of May 2015, 158 of the 193 member states of the United Nations had not submitted reports on measures taken to implement North Korea-specific United Nations Security Council resolutions 1718, 1874, and 2094.

(3) A recent report by the Government Accountability Office (GAO-15-485)—

(A) finds that officials of the United States and representatives of the United Nations Panel of Experts established pursuant to United Nations Security Council Resolution 1874 (2009), which monitors and facilitates implementation of United Nations sanctions on North Korea, “agree that the lack of detailed reports from all member states is an impediment to the UN’s effective implementation of its sanctions”; and

(B) notes that “many member states lack the technical capacity to enforce sanctions and prepare reports” on the implementation of United Nations sanctions on North Korea.

(4) All member states share a common interest in protecting the international financial system from the risks of money laundering and illicit transactions emanating from North Korea.

(5) The United States dollar and the euro are the world’s principal reserve currencies, and the United States and the European Union are primarily responsible for the protection of the international financial system from the risks described in paragraph (4).

(6) The cooperation of the People’s Republic of China, as North Korea’s principal trading partner, is essential to—

(A) the enforcement of applicable United Nations Security Council resolutions; and

(B) the protection of the international financial system.

(7) The report of the Panel of Experts expressed concern about the ability of banks to detect and prevent illicit transfers involving North Korea if such banks are located in member states with less effective regulators or member states that are unable to afford effective compliance.

(8) North Korea has historically exploited inconsistencies between jurisdictions in the interpretation and enforcement of financial regulations and applicable United Nations Security Council resolutions to circumvent sanctions and launder the proceeds of illicit activities.

(9) Amrogang Development Bank, Bank of East Land, and Tanchon Commercial Bank have been designated by the Secretary of the Treasury, the United Nations Security Council, and the European Union as having materially contributed to the proliferation of weapons of mass destruction.

(10) Korea Daesong Bank and Korea Kwangson Banking Corporation have been designated by the Secretary of the Treasury and the European Union as having materially contributed to the proliferation of weapons of mass destruction.

(11) The Foreign Trade Bank of North Korea has been designated by the Secretary of the Treasury for facilitating transactions on behalf of persons linked to its proliferation network and for serving as “a key financial node”.

(12) Daedong Credit Bank has been designated by the Secretary of the Treasury for activities prohibited by applicable United Nations Security Council resolutions, including the use of deceptive financial practices to facilitate transactions on behalf of persons linked to North Korea’s proliferation network.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should intensify diplomatic efforts in appropriate international fora, such as the United Nations, and bilaterally, to develop and implement a coordinated, consistent, multilateral strategy for protecting the global financial system against risks emanating from North Korea, including—

(1) the cessation of any financial services the continuation of which is inconsistent with ap-

plicable United Nations Security Council resolutions;

(2) the cessation of any financial services to persons, including financial institutions, that present unacceptable risks of facilitating money laundering and illicit activity by the Government of North Korea;

(3) the blocking by all member states, in accordance with the legal process of the state in which the property is held, of any property required to be blocked under applicable United Nations Security Council resolutions;

(4) the blocking of any property derived from illicit activity, or from the misappropriation, theft, or embezzlement of public funds by, or for the benefit of, officials of the Government of North Korea;

(5) the blocking of any property involved in significant activities undermining cybersecurity by the Government of North Korea, directly or indirectly, against United States persons, or the theft of intellectual property by the Government of North Korea, directly or indirectly from United States persons; and

(6) the blocking of any property of persons directly or indirectly involved in censorship or human rights abuses by the Government of North Korea.

(c) STRATEGY TO IMPROVE INTERNATIONAL IMPLEMENTATION AND ENFORCEMENT OF UNITED NATIONS NORTH KOREA-SPECIFIC SANCTIONS.—The President shall direct the Secretary of State, in coordination with other Federal departments and agencies, as appropriate, to develop a strategy to improve international implementation and enforcement of United Nations North Korea-specific sanctions. The strategy should include elements—

(1) to increase the number of countries submitting reports to the United Nations Panel of Experts established pursuant to United Nations Security Council Resolution 1874 (2009), including developing a list of targeted countries where effective implementation and enforcement of United Nations sanctions would reduce the threat from North Korea;

(2) to encourage member states of the United Nations to cooperate and share information with the panel in order to help facilitate investigations;

(3) to expand cooperation with the Panel of Experts;

(4) to provide technical assistance to member states to implement United Nations sanctions, including developing the capacity to enforce sanctions through improved export control regulations, border security, and customs systems;

(5) to harness existing United States Government initiatives and assistance programs, as appropriate, to improve sanctions implementation and enforcement; and

(6) to increase outreach to the people of North Korea, and to support the engagement of independent, non-governmental journalistic, humanitarian, and other institutions in North Korea.

(d) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall submit to the appropriate congressional committees a report that describes the actions undertaken to implement the strategy required by subsection (c).

**SEC. 203. PROLIFERATION PREVENTION SANCTIONS.**

(a) EXPORT OF CERTAIN GOODS OR TECHNOLOGY.—A validated license shall be required for the export to North Korea of any goods or technology otherwise covered under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. 4605(j)). No defense exports may be approved for the Government of North Korea.

(b) TRANSACTIONS IN LETHAL MILITARY EQUIPMENT.—

(1) IN GENERAL.—The President shall withhold assistance under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) to the government of any country that provides lethal military equipment to the Government of North Korea.

(2) **APPLICABILITY.**—The prohibition under paragraph (1) with respect to a government shall terminate on the date that is 1 year after the date on which the prohibition under paragraph (1) is applied to that government.

(c) **WAIVER.**—Notwithstanding any other provision of law, the Secretary of State may waive the prohibitions under this section with respect to a country if the Secretary—

(1) determines that such waiver is in the national interest of the United States; and

(2) submits a written report to the appropriate congressional committees that describes—

(A) the steps that the relevant agencies are taking to curtail the trade described in subsection (b)(1); and

(B) why such waiver is in the national interest of the United States.

(d) **EXCEPTION.**—The prohibitions under this section shall not apply to the provision of assistance for human rights, democracy, rule of law, or emergency humanitarian purposes.

#### **SEC. 204. PROCUREMENT SANCTIONS.**

(a) **IN GENERAL.**—Except as provided in this section, the head of an executive agency may not procure, or enter into any contract for the procurement of, any goods or services from any person designated under section 104(a).

(b) **FEDERAL ACQUISITION REGULATION.**—

(1) **IN GENERAL.**—The Federal Acquisition Regulation issued pursuant to section 1303(a)(1) of title 41, United States Code, shall be revised to require that each person that is a prospective contractor submit a certification that such person does not engage in any activity described in section 104(a).

(2) **APPLICABILITY.**—The revision required under paragraph (1) shall apply with respect to contracts for which solicitations are issued on or after the date that is 90 days after the date of the enactment of this Act.

(c) **REMEDIES.**—

(1) **INCLUSION ON LIST.**—The Administrator of General Services shall include, on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs maintained by the Administrator under part 9 of the Federal Acquisition Regulation, each person that is debarred, suspended, or proposed for debarment or suspension by the head of an executive agency on the basis of a determination of a false certification under subsection (b).

(2) **CONTRACT TERMINATION; SUSPENSION.**—If the head of an executive agency determines that a person has submitted a false certification under subsection (b) after the date on which the Federal Acquisition Regulation is revised to implement the requirements of this section, the head of such executive agency shall—

(A) terminate any contract with such person; and

(B) debar or suspend such person from eligibility for Federal contracts for a period of not longer than 2 years.

(3) **APPLICABLE PROCEDURES.**—Any debarment or suspension under paragraph (2)(B) shall be subject to the procedures that apply to debarment and suspension under subpart 9.4 of the Federal Acquisition Regulation.

(d) **CLARIFICATION REGARDING CERTAIN PRODUCTS.**—The remedies specified in subsection (c) shall not apply with respect to the procurement of any eligible product (as defined in section 308(4) of the Trade Agreements Act of 1979 (19 U.S.C. 2518(4)) of any foreign country or instrumentality designated under section 301(b) of such Act (19 U.S.C. 2511(b)).

(e) **RULE OF CONSTRUCTION.**—Nothing in this subsection may be construed to limit the use of other remedies available to the head of an executive agency or any other official of the Federal Government on the basis of a determination of a false certification under subsection (b).

(f) **EXECUTIVE AGENCY DEFINED.**—In this section, the term “executive agency” has the meaning given such term in section 133 of title 41, United States Code.

#### **SEC. 205. ENHANCED INSPECTION AUTHORITIES.**

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to the appropriate congressional committees a report that identifies foreign ports and airports at which inspections of ships, aircraft, and conveyances originating in North Korea, carrying North Korean property, or operated by the Government of North Korea are not sufficient to effectively prevent the facilitation of any of the activities described in section 104(a).

(b) **ENHANCED CUSTOMS INSPECTION REQUIREMENTS.**—The Secretary of Homeland Security may require enhanced inspections of any goods entering the United States that have been transported through a port or airport identified by the President under subsection (a).

(c) **SEIZURE AND FORFEITURE.**—A vessel, aircraft, or conveyance used to facilitate any of the activities described in section 104(a) under the jurisdiction of the United States may be seized and forfeited under—

(1) chapter 46 of title 18, United States Code; or

(2) title V of the Tariff Act of 1930 (19 U.S.C. 1501 et seq.).

#### **SEC. 206. TRAVEL SANCTIONS.**

The Secretary of State may deny a visa to, and the Secretary of Homeland Security may deny entry into the United States of, any alien who is—

(1) a designated person;

(2) a corporate officer of a designated person; or

(3) a principal shareholder with a controlling interest in a designated person.

#### **SEC. 207. TRAVEL RECOMMENDATIONS FOR UNITED STATES CITIZENS TO NORTH KOREA.**

The Secretary of State shall expand the scope and frequency of issuance of travel warnings for all United States citizens to North Korea. The expanded travel warnings, which should be issued or updated not less frequently than every 90 days, should include—

(1) publicly released or credible open source information regarding the detention of United States citizens by North Korean authorities, including available information on circumstances of arrest and detention, duration, legal proceedings, and conditions under which a United States citizen has been, or continues to be, detained by North Korean authorities, including present-day cases and cases occurring during the 10-year period ending on the date of the enactment of this Act;

(2) publicly released or credible open source information on the past and present detention and abduction or alleged abduction of citizens of the United States, South Korea, or Japan by North Korean authorities;

(3) unclassified information about the nature of the North Korean regime, as described in congressionally mandated reports and annual reports issued by the Department of State and the United Nations, including information about North Korea's weapons of mass destruction programs, illicit activities, international sanctions violations, and human rights situation; and

(4) any other information that the Secretary deems useful to provide United States citizens with a comprehensive picture of the nature of the North Korean regime.

#### **SEC. 208. EXEMPTIONS, WAIVERS, AND REMOVALS OF DESIGNATION.**

(a) **EXEMPTIONS.**—The following activities shall be exempt from sanctions under sections 104, 206, 209, and 304:

(1) Activities subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.), or to any authorized intelligence activities of the United States.

(2) Any transaction necessary to comply with United States obligations under the Agreement between the United Nations and the United States of America regarding the Headquarters of

the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, or under the Convention on Consular Relations, done at Vienna April 24, 1963, and entered into force March 19, 1967, or under other international agreements.

(3) Any activities incidental to the POW/MIA accounting mission in North Korea, including activities by the Defense POW/MIA Accounting Agency and other governmental or nongovernmental organizations tasked with identifying or recovering the remains of members of the United States Armed Forces in North Korea.

(b) **HUMANITARIAN WAIVER.**—

(1) **IN GENERAL.**—The President may waive, for renewable periods of between 30 days and 1 year, the application of the sanctions authorized under section 104, 204, 205, 206, 209(b), or 304(b) if the President submits to the appropriate congressional committees a written determination that the waiver is necessary for humanitarian assistance or to carry out the humanitarian purposes set forth section 4 of the North Korean Human Rights Act of 2004 (22 U.S.C. 7802).

(2) **CONTENT OF WRITTEN DETERMINATION.**—A written determination submitted under paragraph (1) with respect to a waiver shall include a description of all notification and accountability controls that have been employed in order to ensure that the activities covered by the waiver are humanitarian assistance or are carried out for the purposes set forth in section 4 of the North Korean Human Rights Act of 2004 (22 U.S.C. 7802) and do not entail any activities in North Korea or dealings with the Government of North Korea not reasonably related to humanitarian assistance or such purposes.

(3) **CLARIFICATION OF PERMITTED ACTIVITIES UNDER WAIVER.**—An internationally recognized humanitarian organization shall not be subject to sanctions under section 104, 204, 205, 206, 209(b), or 304(b) for—

(A) engaging in a financial transaction relating to humanitarian assistance or for humanitarian purposes pursuant to a waiver issued under paragraph (1);

(B) transporting goods or services that are necessary to carry out operations relating to humanitarian assistance or humanitarian purposes pursuant to such a waiver; or

(C) having merely incidental contact, in the course of providing humanitarian assistance or aid for humanitarian purposes pursuant to such a waiver, with individuals who are under the control of a foreign person subject to sanctions under this Act.

(c) **WAIVER.**—The President may waive, on a case-by-case basis, for renewable periods of between 30 days and 1 year, the application of the sanctions authorized under section 104, 201(c)(2), 204, 205, 206, 209(b), or 304(b) if the President submits to the appropriate congressional committees a written determination that the waiver—

(1) is important to the national security interests of the United States; or

(2) will further the enforcement of this Act or is for an important law enforcement purpose.

(d) **FINANCIAL SERVICES FOR HUMANITARIAN AND CONSULAR ACTIVITIES.**—The President may promulgate such regulations, rules, and policies as may be necessary to facilitate the provision of financial services by a foreign financial institution that is not a North Korean financial institution in support of activities conducted pursuant to an exemption or waiver under this section.

#### **SEC. 209. REPORT ON AND IMPOSITION OF SANCTIONS TO ADDRESS PERSONS RESPONSIBLE FOR KNOWINGLY ENGAGING IN SIGNIFICANT ACTIVITIES UNDERMINING CYBERSECURITY.**

(a) **REPORT REQUIRED.**—

(1) **IN GENERAL.**—The President shall submit to the appropriate congressional committees a report that describes significant activities undermining cybersecurity aimed against the United

States Government or any United States person and conducted by the Government of North Korea, or a person owned or controlled, directly or indirectly, by the Government of North Korea or any person acting for or on behalf of that Government.

(2) **INFORMATION.**—The report required under paragraph (1) shall include—

(A) the identity and nationality of persons that have knowingly engaged in, directed, or provided material support to conduct significant activities undermining cybersecurity described in paragraph (1);

(B) a description of the conduct engaged in by each person identified;

(C) an assessment of the extent to which a foreign government has provided material support to the Government of North Korea or any person acting for or on behalf of that Government to conduct significant activities undermining cybersecurity; and

(D) a United States strategy to counter North Korea's efforts to conduct significant activities undermining cybersecurity against the United States, that includes efforts to engage foreign governments to halt the capability of the Government of North Korea and persons acting for or on behalf of that Government to conduct significant activities undermining cybersecurity.

(3) **SUBMISSION AND FORM.**—

(A) **SUBMISSION.**—The report required under paragraph (1) shall be submitted not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter.

(B) **FORM.**—The report required under paragraph (1) shall be submitted in an unclassified form, but may include a classified annex.

(b) **DESIGNATION OF PERSONS.**—The President shall designate under section 104(a) any person identified in the report required under subsection (a)(1) that knowingly engages in significant activities undermining cybersecurity through the use of computer networks or systems against foreign persons, governments, or other entities on behalf of the Government of North Korea.

#### **SEC. 210. CODIFICATION OF SANCTIONS WITH RESPECT TO NORTH KOREAN ACTIVITIES UNDERMINING CYBERSECURITY.**

(a) **IN GENERAL.**—United States sanctions with respect to activities of the Government of North Korea, persons acting for or on behalf of that Government, or persons located in North Korea that undermine cybersecurity provided for in Executive Order 13687 (50 U.S.C. 1701 note; relating to imposing additional sanctions with respect to North Korea) or Executive Order 13694 (50 U.S.C. 1701 note; relating to blocking the property of certain persons engaging in significant malicious cyber-enabled activities), as such Executive Orders are in effect on the day before the date of the enactment of this Act, shall remain in effect until the date that is 30 days after the date on which the President submits to Congress a certification that the Government of North Korea, persons acting for or on behalf of that Government, and persons owned or controlled, directly or indirectly, by that Government or persons acting for or on behalf of that Government, are no longer engaged in the illicit activities described in such Executive Orders, including actions in violation of United Nations Security Council Resolutions 1718 (2006), 1874 (2009), 2087 (2013), and 2094 (2013).

(b) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to limit the authority of the President pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

#### **SEC. 211. SENSE OF CONGRESS ON TRILATERAL COOPERATION BETWEEN THE UNITED STATES, SOUTH KOREA, AND JAPAN.**

(a) **IN GENERAL.**—It is the sense of Congress that the President—

(1) should seek to strengthen high-level trilateral mechanisms for discussion and coordina-

tion of policy toward North Korea between the Government of the United States, the Government of South Korea, and the Government of Japan;

(2) should ensure that the mechanisms specifically address North Korea's nuclear, ballistic, and conventional weapons programs, its human rights record, and cybersecurity threats posed by North Korea;

(3) should ensure that representatives of the United States, South Korea, and Japan meet on a regular basis and include representatives of the United States Department of State, the United States Department of Defense, the United States intelligence community, and representatives of counterpart agencies in South Korea and Japan; and

(4) should continue to brief the relevant congressional committees regularly on the status of such discussions.

(b) **RELEVANT COMMITTEES.**—The relevant committees referred to in subsection (a)(4) shall include—

(1) the Committee on Foreign Relations, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives.

### **TITLE III—PROMOTION OF HUMAN RIGHTS**

#### **SEC. 301. INFORMATION TECHNOLOGY.**

Section 104 of the North Korean Human Rights Act of 2004 (22 U.S.C. 7814) is amended by adding at the end the following:

“(d) **INFORMATION TECHNOLOGY STUDY.**—Not later than 180 days after the date of the enactment of the North Korea Sanctions and Policy Enhancement Act of 2015, the President shall submit to the appropriate congressional committees a classified report that sets forth a detailed plan for making unrestricted, unmonitored, and inexpensive electronic mass communications available to the people of North Korea.”.

#### **SEC. 302. STRATEGY TO PROMOTE NORTH KOREAN HUMAN RIGHTS.**

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with other appropriate Federal departments and agencies, shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report that details a United States strategy to promote initiatives to enhance international awareness of and to address the human rights situation in North Korea.

(b) **INFORMATION.**—The report required under subsection (a) should include—

(1) a list of countries that forcibly repatriate refugees from North Korea; and

(2) a list of countries where North Korean laborers work, including countries the governments of which have formal arrangements with the Government of North Korea or any person acting for or on behalf of that Government to employ North Korean workers.

(c) **STRATEGY.**—The report required under subsection (a) should include—

(1) a plan to enhance bilateral and multilateral outreach, including sustained engagement with the governments of partners and allies with overseas posts to routinely demarche or brief those governments on North Korea human rights issues, including forced labor, trafficking, and repatriation of citizens of North Korea;

(2) public affairs and public diplomacy campaigns, including options to work with news organizations and media outlets to publish opinion pieces and secure public speaking opportunities for United States Government officials on issues related to the human rights situation in North Korea, including forced labor, trafficking, and repatriation of citizens of North Korea; and

(3) opportunities to coordinate and collaborate with appropriate nongovernmental organiza-

tions and private sector entities to raise awareness and provide assistance to North Korean defectors throughout the world.

#### **SEC. 303. REPORT ON NORTH KOREAN PRISON CAMPS.**

(a) **IN GENERAL.**—The Secretary of State shall submit to the appropriate congressional committees a report that describes, with respect to each political prison camp in North Korea, to the extent information is available—

(1) the camp's estimated prisoner population;

(2) the camp's geographical coordinates;

(3) the reasons for the confinement of the prisoners;

(4) the camp's primary industries and products, and the end users of any goods produced in the camp;

(5) the individuals and agencies responsible for conditions in the camp;

(6) the conditions under which prisoners are confined, with respect to the adequacy of food, shelter, medical care, working conditions, and reports of ill-treatment of prisoners; and

(7) imagery, to include satellite imagery of the camp, in a format that, if published, would not compromise the sources and methods used by the United States intelligence community to capture geospatial imagery.

(b) **FORM.**—The report required under subsection (a) may be included in the first human rights report required to be submitted to Congress after the date of the enactment of this Act under sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d) and 2304(b)).

#### **SEC. 304. REPORT ON AND IMPOSITION OF SANCTIONS WITH RESPECT TO SERIOUS HUMAN RIGHTS ABUSES OR CENSORSHIP IN NORTH KOREA.**

(a) **REPORT REQUIRED.**—

(1) **IN GENERAL.**—The Secretary of State shall submit to the appropriate congressional committees a report that—

(A) identifies each person the Secretary determines to be responsible for serious human rights abuses or censorship in North Korea and describes the conduct of that person; and

(B) describes serious human rights abuses or censorship undertaken by the Government of North Korea or any person acting for or on behalf of that Government in the most recent year ending before the submission of the report.

(2) **CONSIDERATION.**—In preparing the report required under paragraph (1), the Secretary of State shall—

(A) give due consideration to the findings of the United Nations Commission of Inquiry on Human Rights in North Korea; and

(B) make specific findings with respect to the responsibility of Kim Jong Un, and of each individual who is a member of the National Defense Commission of North Korea or the Organization and Guidance Department of the Workers' Party of Korea, for serious human rights abuses and censorship.

(3) **SUBMISSION AND FORM.**—

(A) **SUBMISSION.**—The report required under paragraph (1) shall be submitted not later than 120 days after the date of the enactment of this Act, and every 180 days thereafter for a period not to exceed 3 years, and shall be included in each human rights report required under sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d) and 2304(b)).

(B) **FORM.**—The report required under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(C) **PUBLIC AVAILABILITY.**—The Secretary of State shall publish the unclassified part of the report required under paragraph (1) on the website of the Department of State.

(b) **DESIGNATION OF PERSONS.**—The President shall designate under section 104(a) any person listed in the report required under subsection (a)(1) that—

(1) knowingly engages in, is responsible for, or facilitates censorship by the Government of North Korea; or



(2) knowingly engages in, is responsible for, or facilitates serious human rights abuses by the Government of North Korea.

(c) **SENSE OF CONGRESS.**—It is the sense of Congress that the President should—

(1) seek the prompt adoption by the United Nations Security Council of a resolution calling for the blocking of the assets of all persons responsible for severe human rights abuses or censorship in North Korea; and

(2) fully cooperate with the prosecution of any individual listed in the report required under subsection (a)(1) before any international tribunal that may be established to prosecute persons responsible for severe human rights abuses or censorship in North Korea.

#### **TITLE IV—GENERAL AUTHORITIES**

##### **SEC. 401. SUSPENSION OF SANCTIONS AND OTHER MEASURES.**

(a) **IN GENERAL.**—Any sanction or other measure required under title I, II, or III (or any amendment made by such titles) may be suspended for up to 1 year upon certification by the President to the appropriate congressional committees that the Government of North Korea has made progress toward—

(1) verifiably ceasing its counterfeiting of United States currency, including the surrender or destruction of specialized materials and equipment used or particularly suitable for counterfeiting;

(2) taking steps toward financial transparency to comply with generally accepted protocols to cease and prevent the laundering of monetary instruments;

(3) taking steps toward verification of its compliance with applicable United Nations Security Council resolutions;

(4) taking steps toward accounting for and repatriating the citizens of other countries—

(A) abducted or unlawfully held captive by the Government of North Korea; or

(B) detained in violation of the Agreement Concerning a Military Armistice in Korea, signed at Panmunjom July 27, 1953 (commonly referred to as the “Korean War Armistice Agreement”);

(5) accepting and beginning to abide by internationally recognized standards for the distribution and monitoring of humanitarian aid; and

(6) taking verified steps to improve living conditions in its political prison camps.

(b) **RENEWAL OF SUSPENSION.**—The suspension described in subsection (a) may be renewed for additional, consecutive 180-day periods after the President certifies to the appropriate congressional committees that the Government of North Korea has continued to comply with the conditions described in subsection (a) during the previous year.

##### **SEC. 402. TERMINATION OF SANCTIONS AND OTHER MEASURES.**

Any sanction or other measure required under title I, II, or III (or any amendment made by such titles) shall terminate on the date on which the President determines and certifies to the appropriate congressional committees that the Government of North Korea has—

(1) met the requirements set forth in section 401; and

(2) made significant progress toward—

(A) 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;

(B) releasing all political prisoners, including the citizens of North Korea detained in North Korea’s political prison camps;

(C) ceasing its censorship of peaceful political activity;

(D) establishing an open, transparent, and representative society; and

(E) fully accounting for and repatriating United States citizens (including deceased United States citizens)—

(i) abducted or unlawfully held captive by the Government of North Korea; or

(ii) detained in violation of the Agreement Concerning a Military Armistice in Korea, signed at Panmunjom July 27, 1953 (commonly referred to as the “Korean War Armistice Agreement”).

##### **SEC. 403. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—There are authorized to be appropriated for each of fiscal years 2017 through 2021—

(1) \$3,000,000 to carry out section 103 of the North Korea Human Rights Act of 2004 (22 U.S.C. 7813);

(2) \$3,000,000 to carry out subsections (a), (b), and (c) of section 104 of that Act (22 U.S.C. 7814);

(3) \$2,000,000 to carry out subsection (d) of such section 104, as add by section 301 of this Act; and

(4) \$2,000,000 to carry out section 203 of the North Korea Human Rights Act of 2004 (22 U.S.C. 7833).

(b) **AVAILABILITY OF FUNDS.**—Amounts appropriated for each fiscal year pursuant to subsection (a) shall remain available until expended.

##### **SEC. 404. RULEMAKING.**

(a) **IN GENERAL.**—The President is authorized to promulgate such rules and regulations as may be necessary to carry out the provisions of this Act (which may include regulatory exceptions), including under section 205 of the International Emergency Economic Powers Act (50 U.S.C. 1704).

(b) **RULE OF CONSTRUCTION.**—Nothing in this Act, or in any amendment made by this Act, may be construed to limit the authority of the President to designate or sanction persons pursuant to an applicable Executive order or otherwise pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

##### **SEC. 405. AUTHORITY TO CONSOLIDATE REPORTS.**

Any and all reports required to be submitted to appropriate congressional committees under this Act or any amendment made by this Act that are subject to a deadline for submission consisting of the same unit of time may be consolidated into a single report that is submitted to appropriate congressional committees pursuant to such deadline. The consolidated reports must contain all information required under this Act or any amendment made by this Act, in addition to all other elements mandated by previous law.

##### **SEC. 406. EFFECTIVE DATE.**

Except as otherwise provided in this Act, this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

The PRESIDING OFFICER. Under the previous order, there will be up to 7 hours of debate equally divided in the usual form.

The Senator from Tennessee.

Mr. CORKER. Mr. President, I start by thanking the leader for bringing to the floor today the bipartisan North Korea Sanctions and Policy Enhancement Act.

This legislation passed unanimously out of the Senate Foreign Relations Committee to address a critical national security issue—the nuclear and ballistic missile threat from North Korea.

We know all too well that the past two decades of North Korean policy, including both Republican and Democratic administrations, have been an abject failure. While there is no silver bullet solution, it is clear that Congress must play a proactive role in providing a more robust policy tool to the

executive branch to confront this threat.

There has been a lot of attention on North Korea in the weeks following North Korea’s fourth nuclear test, but Senators CORY GARDNER and BOB MENENDEZ demonstrated leadership on North Korea long before recent events, and I thank them personally—Senator GARDNER chairing the subcommittee that looks after policy relative to North Korea and Senator MENENDEZ coming together with a robust piece of legislation. I thank Senator GARDNER for his leadership. He is new to the committee but certainly not new to addressing problems our Nation faces, and I thank him for that. I thank them for their efforts over many months to focus attention on the threat posed by North Korea and to work with Senator CARDIN and myself to develop a bipartisan Senate bill.

I want to single out Senator CARDIN and his staff for the collaborative and constructive manner in which they worked with my team on this important bipartisan piece of legislation. Senators SHAHEEN and MARKEY also made important contributions as well.

Senator CARDIN just arrived late, but I want the Senator to know I was just boasting about his tremendous efforts. If he would please know that has occurred.

This was truly an all-hands-on-deck bipartisan committee effort to ensure a piece of legislation that the Senate, the Congress, and the country can be proud of.

Over the past decade, the Senate Foreign Relations Committee has convened every couple of years at the full committee level to assess the state of U.S. policy toward North Korea. There has been surprisingly little variation in their overall descriptions of the danger and recommended policy prescriptions. Former U.S. officials have all characterized North Korea’s nuclear and ballistic missile activities as posing serious and unacceptable risk to U.S. national interests. These same officials also all stressed the importance of standing with our close regional allies, South Korea and Japan, in the face of destabilizing North Korean provocations. In addition, they all cited the necessity of cooperating with the international community to deter further North Korean provocations and prevent the spread of sensitive technologies to and from North Korea. They all noted the importance of enforcing U.N. Security Council sanctions on North Korea, specifically the need for China to exercise greater influence over Pyongyang.

Let me say this. I am personally very disappointed at the way the U.N. Security Council is functioning—whether it is Iran, where we had two ballistic missile tests and yet nothing has been done at the U.N. Security Council level. Most recently, China sent a delegation to meet with North Korea right before this last test in order to try to influence them, and the country of China was embarrassed by the fact that

North Korea went ahead with this ballistic test. Yet, in spite of that embarrassment, in spite of the fact it is their neighbor on their border that is conducting these provocations, they still have not agreed to U.N. Security Council resolutions to put into place sanctions against North Korea. That is very disappointing.

In the recent years, U.S. officials have spoken increasingly of the deplorable human rights situation in North Korea, including highlighting North Korea's notorious prison camps. Of course, there have been some differences in approaches toward North Korea over the years, particularly with respect to the tactics of engaging North Korea and the appropriate balance of carrots and sticks. Yet it is apparent that the past several decades of U.S. policy are not working. North Korea continues to advance their nuclear and ballistic missile capabilities unchecked. They have orchestrated malicious cyber attacks that threaten our allies as well as our own national security. Meanwhile, the North Korean people remain impoverished and subject to brutal treatment at the hands of the Kim regime.

I appreciate the complexity of risks posed by North Korea and our limited options. However, there is certainly more we can and should be doing in addressing this issue. Our bill sets precedent and puts in place strong mandatory sanctions and establishes for the first time a statutory framework for sanctions in response to North Korean cyber threats. The President will be required to investigate a wide range of sanctionable conduct, including proliferation of weapons of mass destruction, arms-related materials, luxury goods which affect the elite in that country, human rights abuses, activities undermining cyber security, and 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. Penalties include the seizure of assets, visa bans, and denial of government contracts.

I am also pleased this bill goes beyond just these sanctions—which, by the way, are very strong—and I want to underline the word “mandatory.” It establishes a more robust policy framework, including tools to improve enforcement, and shines a brighter spotlight on North Korea's abhorrent human rights record, such as their forced labor practices. 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 issues. There are reporting requirements related to these strategies as well as a report on political prison camps and a feasibility study on providing communications equipment to the people of North Korea.

After the careful work over many months by a bipartisan coalition in Congress, we have a piece of legislation that I believe will begin to allow our country, working with our allies, to begin seizing the initiative in constraining North Korea's ability to threaten its neighbors and the world with nuclear weapons while also continuing to focus world attention on the plight of the North Korean people.

I look forward to hearing the perspectives of my colleagues on the significance of this legislation that I expect will receive wide bipartisan support and eventually become law.

Mr. President, I yield the floor to my distinguished friend and the ranking member, Senator CARDIN.

THE PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, let me first start by thanking Chairman CORKER.

The Senate Foreign Relations Committee has a proud tradition of working on national security and foreign policy issues in the best interest of our country and putting partisan differences aside so we can speak with a strong voice. Chairman CORKER has carried out that tradition and has elevated it to a level that I think has been not only in the best interest of the Senate but the best interests of our country. That is particularly true in the North Korea Sanctions and Policy Enhancement Act of 2016. So I thank him for the manner in which he brought different views together. We all had the same objectives, but as the Presiding Officer knows, when dealing with 100 Members of the Senate and the 19 Members of our committee, we each have different views, and to try to harmonize that so we can get legislation done in a timely way takes a great deal of talent and patience. Senator CORKER has both talent and patience, and I thank him very much for the way he led our committee to bring a bill to the floor of the Senate that I think will get overwhelming support, will become law, and will advance U.S. national security interests.

I have my two chairmen here. Senator GARDNER is the chairman of the East Asia and Pacific Subcommittee in the Foreign Relations Committee. He understood the importance of North Korea, its nuclear weapon program, its weaponization program, and the impact it has globally. That is for sure, but East Asia is a particular concern, and Senator GARDNER understood that, working with our allies in East Asia to develop the right U.S. leadership so we will have an international coalition isolating North Korea because of its conduct. So I thank Senator GARDNER for introducing the original bill in the Senate and working with Senator MENENDEZ particularly—who introduced it on our side—to bring together legislation that is a proper role for Congress.

I want to underscore that. This legislation represents what Congress needs

to do. We are the policymakers of America. We pass the laws. Then the executive branch, which is critically important to foreign policy—don't get me wrong—but we enable the tools to be able to carry out this foreign policy. What this legislation shows is Congress speaks with a very clear voice, that we will not tolerate North Korea's proliferation of weaponry, its intimidation of its neighbors, its human rights violations, and that we will use the strongest possible measures to ensure that we contain that type of nefarious conduct.

Quite frankly, the legislation we have before us is similar to the approach we took with Iran and the congressionally mandated sanctions we had on Iran that made it clear we were going to isolate Iran until they changed course on their nuclear weapons program. What this legislation does is take the product that came over from the House of Representatives—it was a good bill that came over from the House of Representatives, but we strengthened it. We made it more effective through the input of the members of the Senate Foreign Relations Committee. So it is a strong message—unified, bipartisan, working with the administration to produce a strong policy.

North Korea's foreign policy challenges are known by all. It has been known by every American President since the start of the Korean war. They have tested four nuclear weapons and they tested a long-range ballistic missile in defiance of numerous international obligations.

U.S. leadership is absolutely critical in standing up to North Korea's activities. We must isolate North Korea to prevent it from getting international help to further its illegal weapons program. That is the basic point of sanctions. We want to prevent commercial interests anywhere in the world from trying to help North Korea get the type of weapons, equipment, and resources it needs in order to further its illegal weapon program. The United States must lead in effective diplomacy to provide incentives and disincentives toward North Korea's conduct. We need to form strong alliances and partnerships in the region. We have to work in close coordination with our allies, and quite frankly our goal is a peaceful and reunified peninsula. We think that is in the best interest of all the Korean people.

Over the last two decades, the North Korean regime has moved steadily forward in their nuclear weapons development program and in the production of nuclear material. They have continued to develop this ballistic missile program, they possess hundreds of short- and medium-range missiles, and they are seeking ICBM capabilities. They have active uranium and plutonium programs that pose a proliferation threat. They have tried in the past to help Syria build a nuclear reactor and have been a source of nuclear material



missile technology to rogue states, including terrorists. It is not just about one country-state. It is about what they are doing in helping other countries that support terrorism and terrorist groups itself. It is critically important we act.

North Korea represents a grave and growing threat to the United States, the region, and the international community. To respond to North Korea's continued belligerence, the legislation we have before us includes mandatory sanctions—and the chairman mentioned that these are mandatory sanctions—directed against specific entities that violate U.S. law and United Nations Security Council resolutions, including proliferation of weapons of mass destruction, arms-related materials, human rights violations—and we will get to that because it is an important part of this legislation—and activities that undermine cyber security.

Our legislation targets for investigation those who support these activities by providing the regime with industrial inputs, such as coal that provides economic support for North Korea's illicit activities or luxury goods that allow the regime to continue to exercise its control.

We are going after the source of their financing of their illegal weapons program. It is not always the direct equipment that goes into building the weapons; in many cases, it is the mineral wealth of the country that they are using in order to finance that. This legislation targets those sectors. The President is mandated to sanction any person who has contributed to or engaged in or helped to facilitate these actions.

Even isolated regimes like North Korea are nonetheless tied to the global financial order in ways that provide the international community with leverage to seek changes in North Korea's behavior.

This legislation also codifies existing cyber security sanctions in response to North Korea's increasing capability and provocations in the cyber domain, including the attack on Sony. This is an important step in building and enforcing international norms when it comes to cyber space. One of the areas that we have strengthened in the House bill is to make it clear that our concerns about North Korea go well beyond their nuclear weapons tests but also to their cyber attack activities.

The vast majority of North Koreans endure systematic violations of their most basic human rights. Chairman CORKER talked about this. Many of these violations constitute crimes against humanity. It is a fact that is well-documented by the United Nations Commission of Inquiry. Widespread malnutrition, torture, and fear have made North Korea one of the most egregious human rights violators, unparalleled in the contemporary world. They are the worst.

These crimes by the North Korean regime should shock the conscience of

humanity. Building on the important work of the U.N. Commission of Inquiry, the United Nations Human Rights Commission and General Assembly adopted by overwhelming margins resolutions calling for accountability for North Korea's human rights abuses. Just last year, the United Nations Security Council took up the DPRK's grave human rights injustices on their standing agenda for the very first time. These multilateral resolutions need to be backed up by appropriate action, and that is exactly what we are doing.

It is well past time to hold North Korea responsible for its human rights violations, and this legislation does just that. In response, this legislation imposes sanctions not just for North Korea's nuclear programs and continued provocative behavior but for the severe human rights abuses committed in North Korea as well. This is new and necessary policy ground for the United States with regard to North Korea.

Although tough sanctions have worked on North Korea when applied in the past—and I think it is important to point out that sanctions do work. In 2005 the United States designated Banco Delta Asia, BDA, as a money laundering concern for facilitating North Korean illicit activities and banned all U.S. financial institutions from dealing with that bank. It worked. It had a major impact on North Korea. The problem is, that was 2005 and we let up. We didn't keep the pressure on. This legislation will correct that oversight and remedy the reasons why these sanctions are not effective today.

This legislation acknowledges that sanctions and diplomacy are the most effective way when integrated into a comprehensive strategy that engages all of our instruments of national policy. The North Korea Sanctions and Policy Enhancement Act of 2016 includes instruments to improve the enforcement of multilateral sanctions, an overall strategy to combat North Korea's cyber activities, and other efforts to address human rights abuses. The legislation also protects important humanitarian assistance programs.

This is another point I want to underscore: We have no problem with the people of North Korea. It is the government. It is the government that is not only threatening its neighbors, it has damaged, threatened, and killed its own people. This legislation makes it clear that we will continue to try to get humanitarian assistance to the people of North Korea.

Finally, effectively enforcing sanctions against North Korea is not something the United States can do alone. It requires our allies, our partners, and the rest of the international community to join us in this effort. This legislation seeks to create the policy environment that makes such a multilateral effort at the United Nations Security Council possible.

The onus is now on China. Chairman CORKER is actually right in what he

said. China is as much a threat as any country in the world as a result of North Korea's activities. China can make a huge difference in isolating North Korea and changing their behavior to denuclearize the Korean Peninsula. That is their objective. China has told us that. They need to take action. They shouldn't be blocking U.N. Security Council action. They should not only be supporting that, they should be using their influence over North Korea to bring about a change of behavior of North Korea as it relates to proliferation of weapons. So it is on China.

The United States will do what it must do to safeguard our interests and that of our allies. And that, we will do. But we hope China, which claims to share our same goals on the denuclearization of the Korean Peninsula, will agree on the meaningful steps necessary so that we can achieve that goal.

Let me be clear. The United States and Republic of Korea alliance remains as firm and resilient as ever and stands ready to support the Korean people against any and all provocations by North Korea. Just this weekend, the alliance made a decision to begin formal consultations regarding improvements to the THAAD missile defense system operated by U.S. Forces Korea. I support this decision, as it is both an important element of our extended deterrence architecture and it sends the right signal of U.S. resolve to protect our allies and partners in the region. We will look for new defense systems to help the Republic of Korea and our friends in the Korean Peninsula.

I also wish to commend President Park for her leadership in responding to this growing threat. She has demonstrated the necessary political will to strengthen cooperation and consultations within the alliance and with partners in the region to forge a united and strong international response to North Korea's reckless behavior.

We must also continue to look for opportunities to enhance trilateral cooperation between the United States, Japan, and South Korea. Japan and South Korea are our most important allies in the region, and as we approach North Korea, to be most effective, we need to act together.

Strong, clear-eyed, forward-looking leadership will be necessary if we hope to pursue eventual denuclearization on the Korean Peninsula. It calls for close coordination with our regional allies, South Korea and Japan, particularly in the areas of missile defense and information sharing. And it calls for U.S. leadership to strengthen the existing counterproliferation regime, to ensure that North Korea's most dangerous weapons are contained as we work toward their elimination. This legislation does that. It strengthens U.S. policy and allows us to ensure that North Korea will pay a price for its continued nuclear ambitions, while providing the administration with the toolkit it needs to develop and implement a more

effective approach to North Korea. I urge all my colleagues to join us in supporting this very important legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. GARDNER. Mr. President, I want to add to the comments made by Chairman CORKER, my colleague from Tennessee and chairman of the Foreign Relations Committee, as well as Senator CARDIN, my colleague on the Subcommittee on East Asia, about the work we have done over the past year to put this before the Senate today.

One of the first meetings we held in the office of Chairman CORKER was to speak with my colleagues on the concern we shared about North Korea, the concern that while we have rightfully focused on the Middle East and the conflicts that have arisen in Syria and in various places around the country, at the same time we cannot take our eyes off of North Korea.

Of course, Senator CARDIN from Maryland and I have worked together on a variety of committee hearings. The first series of committee hearings we held on the East Asia Subcommittee were to address cyber security issues, the cyber attacks from North Korea, and the situation in regard to security on the North Korean Peninsula. I think the work we have laid out over the past year is setting ground for this strong sanctions bill today.

I rise to speak in support of H.R. 757, the North Korea Sanctions and Policy Enhancement Act, as amended by the unanimous amendment that came out of the Foreign Relations Committee on January 28. This legislation is a momentous achievement, and I thank the members of the committee and particularly Senator MENENDEZ for working closely with me as we came together with a strong bipartisan solution to what is the problem with North Korea. I also thank House Foreign Affairs Committee Chairman ED ROYCE, the sponsor of the underlying House legislation, for his years of tireless work and dedication on this issue. Having served with Chairman ROYCE in the House for a number of years, I know his passion and his dedication and his commitment to bringing peace to the peninsula.

This legislation comes at a critical time. Those of you who had a chance to see the news this morning woke up to a story in Reuters where yet another top military official in the Kim Jong Un regime was assassinated by Kim Jong Un, following a long list of others in his administration who have been killed, assassinated, tortured, including his own uncle, including those who have been killed by anti-aircraft guns.

North Korea poses a serious and growing threat to its neighbors, our allies, South Korea, Japan, and others. It poses a threat to our homeland, the United States, and to global security. While the threat is growing daily, our

policies are failing to deter the forgotten maniac in Pyongyang, Kim Jong Un.

This past weekend, on February 7, North Korea conducted a satellite launch, which is essentially a test of an intercontinental ballistic missile that would be capable of reaching the U.S. mainland. Last month, on January 6, North Korea conducted its fourth nuclear test, which is the third such test during the Obama administration. Moreover, North Korea has claimed that this test was a test of a thermo-nuclear device, also known as a hydrogen bomb—a vastly more powerful weapon than the atomic devices the regime has tested in the past. Regardless of whether the claim that it was a hydrogen bomb is true, this test represents a significant advancement in North Korea's nuclear weapons capability.

North Korea has violated a series of United Nations Security Council resolutions, including Resolutions 1718, 1874, 2087, and 2094—all while the regime's stockpile of nuclear weapons continues to grow exponentially. Most recently, nuclear experts have reported that North Korea may currently have as many as 20 nuclear warheads, with potential for over 100 in the next few years.

Yesterday James Clapper, the Director of National Intelligence, testified before the Senate Armed Services Committee that North Korea has restarted its plutonium reactor at Yongbyon and “could begin to recover plutonium from the reactor’s spent fuel within a matter of weeks to months.” The regime’s ballistic missile capabilities are rapidly advancing. DNI Clapper stated that “North Korea has also expanded the size and sophistication of its ballistic missiles forces—from close-range ballistic missiles to intercontinental ballistic missiles [ICBMs]—and continues to conduct missile test launches. . . . Pyongyang is also committed to developing a long-range, nuclear-armed missile that is capable of posing a direct threat to the United States.”

ADM Bill Gortney, the head of U.S. Northern Command, NORTHCOM, which is based in my home State of Colorado, at Peterson Air Force Base in Colorado Springs, has publicly stated that North Korea may have already developed the ability to miniaturize a nuclear warhead, mount it on their own intercontinental ballistic missile—something called the KN-08—and “shoot it at the homeland.” Those are not the words of a committee chairman or the words of a subcommittee chairman; those are the words of our commander of NORTHCOM, who believes that they may have developed the ability to shoot it at the homeland.

North Korea has demonstrated time and time again that it is an aggressive, ruthless regime that is not afraid to kill innocent people. On March 26, 2010, North Korean missiles sank a South Korean ship, killing 46 of her own crew,

and several months later, North Korea shelled a South Korean island, killing 4 more South Korean citizens.

Pyongyang is also quickly developing its cyber capabilities as another dangerous tool of intimidation, as demonstrated by the attack on the South Korean financial institutions and communication systems in March of 2013 or the Sony Pictures hack attack in November of 2014.

According to a November 2015 report by the Center for Strategic and International Studies, “North Korea is emerging as a significant actor in cyberspace with both its military and clandestine organizations gaining the capability to conduct cyber operations.”

According to the Heritage Foundation:

Contrary to perceptions of North Korea as a technically backward nation, the regime has a very robust and active cyber warfare capability. The Reconnaissance General Bureau, North Korea’s intelligence agency, oversees 3,000 “cyber-warriors” dedicated to attacking Pyongyang’s enemies. A South Korean cyber expert assessed that North Korea’s electronic warfare capabilities were surpassed only by the United States and Russia.

We should also never forget that this regime remains one of the world’s foremost abusers of human rights. The North Korean regime maintains a vast network of political prison camps where as many as 200,000 men, women, and children are confined to atrocious living conditions and are tortured, maimed, and killed.

On February 7, 2014, the United Nations Commission of Inquiry on Human Rights released a groundbreaking report detailing North Korea’s horrendous record on human rights. The Commission found that North Korea’s constituted a crime against humanity.

What then has been this administration’s policy to counter the North Korean threat? Our policy is something called “strategic patience,” which started in 2009 under then-Secretary of State Hillary Clinton. The main idea behind strategic patience, it seems, is to patiently wait until Kim Jong Un peacefully surrenders.

The latest developments show that we are reaping the rewards of this ill-conceived policy, and it can no longer be allowed to remain in effect. The simple fact is that strategic patience has been a strategic failure. All that our so-called “patience” has done is to allow the North Korean regime to continue to test nuclear weapons, to expand its testing of intercontinental ballistic missiles, to grow its military power, and to develop cyber warfare technologies while systematically continuing to torture its own people. We have neither militarily deterred this regime nor effectively used our punitive tools.

Our sanctions policy toward North Korea has been weak. This was noted in that same CSIS report:

The sanctions against North Korea pale in comparison to the level of sanctioning

against Iran. . . . The number of individuals and entities sanctioned by the U.S. and UN are 843 (U.S.) and 121 (UN) for Iran, but only 100 (U.S.) and 31 (UN) for North Korea.

When we do impose sanctions against North Korea, they are often repetitive or ineffectual. Again, I quote from the Heritage Foundation report:

In response to the North Korean cyberattack on Sony, President Barack Obama issued Executive Order 13687, which, though expansive in legal breadth, was only weakly implemented. The Administration targeted 13 North Korean entities, three organizations already on the U.S. sanctions list, and 10 individuals not involved in cyber warfare.

That was our response to North Korea. To date, we have not imposed specific human rights sanctions on a single North Korean individual. There are 200,000 men, women, and children in political gulags in North Korea, and the United States has not imposed a specific human rights sanction on a single North Korean leader. It is a disgrace given the gravity of the abuses that have been perpetrated by this regime.

These policy failures are why a year ago I began working on the legislation that is before us today that would reverse course and apply the pressure necessary to stop the forgotten maniac in Pyongyang.

Last August, I had an opportunity to visit South Korea and meet with South Korean President Park. We talked about the situation on the peninsula, and we agreed that the status quo with North Korea is no longer sustainable. To witness the proximity of the threat for our South Korean allies, I visited the demilitarized zone, or the DMZ. Only days after I departed, North Korea fired artillery across the border, further illustrating the danger that South Koreans live under each and every day and the danger of armed escalation of this conflict.

I also traveled to China and met with Foreign Minister Wang as well as high-ranking officials of the People's Liberation Army to discuss North Korea. From my conversations, however, it became evident that although they are growing exasperated with the North Korean regime, Beijing has done little with the intention of undertaking meaningful action to stop Kim Jong Un.

Last October, I introduced S. 2144, the North Korea Sanctions and Policy Enhancement Act. I thank 17 of my colleagues in this Senate for cosponsoring this legislation. The substitute before us today represents a slightly modified version of S. 2144. In particular, this legislation mandates and not simply authorizes that the President impose sanctions against persons who materially contribute to North Korea's nuclear and ballistic missile development and who import luxury goods into North Korea; mandatory sanctions against perpetrators who enable its censorship and human rights abuses, who engage in money laundering and manufacture of counterfeit

goods and narcotics trafficking, who engage in activities undermining cyber security or have sold, supplied or transferred to or from North Korea precious metals or raw metals, including aluminum, steel, and coal for the benefit of North Korea's regime and its illicit activities.

These sanctions are tough, and we know that a significant portion of the foreign currency that North Korea receives is for trade in its precious metals, raw materials, aluminum, steel, and coal. We know that about 90 percent of North Korea's economy is through its relationship with China.

Senator CARDIN previously mentioned that nobody faces a greater threat than South Korea's neighbors Japan and China, which border a regime that is killing its own people and testing ballistic missiles in violation of China's determinations, the United States' determinations, and certainly the United Nations determinations.

I will note that the mandatory sanctions on North Korea's cyber activities and the mandatory sanctions on the minerals are unique to the Senate legislation. This bill also codifies the Executive orders that the President issued last year, 13687 and 13694, regarding cyber security as they applied to North Korea, which were enacted last year in the wake of the Sony Pictures hack and other cyber incidents. That is also a unique feature of the Senate bill.

Lastly, if enacted and signed into law, the mandatory sanctions on cyber violators will break new ground for Congress. It is something that we can take as a model and apply to other nations that perpetrate against the United States. We need to look for every way to deprive Pyongyang of income to build its weapons programs, strengthen its cyber capabilities, and abuse its own people.

We have to send a strong message to China, North Korea's diplomatic protector and largest trading partner, that the United States will use every economic tool at its disposal to stop Pyongyang.

Finally, I would like to quote the Washington Post editorial board from this past Monday, February 8:

President Obama's policy since 2009, "strategic patience," has failed. The policy has mostly consisted of ignoring North Korea while mildly cajoling China to pressure the regime.

The editorial concludes:

Both China and North Korea must see that they will pay a mounting price for what, to the United States, should be Mr. Kim's intolerable steps toward a nuclear arsenal. "Strategic patience" is no longer a viable option.

Mr. President, I ask unanimous consent that the Washington Post editorial be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 8, 2016]

NORTH KOREA'S ROCKET LAUNCH SHOWS THAT MR. OBAMA'S 'STRATEGIC PATIENCE' HAS FAILED

(By Editorial Board)

Assessing the behavior of North Korean ruler Kim Jong Un is necessarily a matter of guesswork. In light of North Korea's launch Sunday of another long-range rocket, however, our favorite theory is a simple one: Mr. Kim is responding rationally, even shrewdly, to the outside world. The 30-something dictator no doubt noticed that after the regime's latest nuclear test, on Jan. 6, there was no response other than rhetoric from the U.N. Security Council, China and the United States. Moreover, he surely observed that his provocation served to widen a rift between Washington and Beijing over how to handle him. So why not double down?

The three-stage rocket launched Sunday, which supposedly put a satellite into Earth's orbit, could also serve as an intercontinental missile. If North Korea has succeeded, as it claims it has, in miniaturizing a nuclear warhead, Mr. Kim could target Hawaii and Alaska, or perhaps even the western U.S. mainland. The threat is not imminent—and yet it is likely to become so if the United States does not devise a more effective strategy for containing and deterring the Kim regime.

President Obama's policy since 2009, "strategic patience," has failed. The policy has mostly consisted of ignoring North Korea while mildly cajoling China to pressure the regime. As the supplier of most of the isolated country's energy and food, Beijing has enormous leverage. But Chinese President Xi Jinping appears even more committed than his predecessors to the doctrine that it is preferable to tolerate the Kim regime—and its nuclear proliferation—than do anything that might destabilize it.

Since the nuclear test, China has been saying that it will support another U.N. resolution on North Korea, but it is balking at significant new sanctions. Instead it calls for "dialogue," by which it means negotiations between North Korea and the United States. This sounds reasonable; the problem is that talks on curbing North Korea's nuclear program and missiles have failed repeatedly, and Mr. Kim is now insisting that the regime be accepted as a nuclear power.

What is needed is a return to the only non-military strategy that brought results: sanctions that strike at the regime's inner circle. Mr. Kim and his cronies are still managing to import luxury goods from China, in spite of a U.N. ban; they still use Chinese banks to do business with the rest of the world. Those links could be curtailed if China, like Iran before it, were designated as a money launderer and U.S. sanctions were slapped on Chinese banks and other businesses that supply weapons and luxury goods.

Pending U.S. sanctions legislation, already passed by the House and scheduled for a Senate floor vote this week, would mandate these steps, while providing the administration with some flexibility. It should pass, and Mr. Obama should sign it. The administration and South Korea have taken one positive step, by announcing formal consultations on deploying an advanced missile defense system in South Korea as quickly as possible. That sensible step had been on hold because of China's objections.

Both China and North Korea must see that they will pay a mounting price for what, to the United States, should be Mr. Kim's intolerable steps toward a nuclear arsenal. "Strategic patience" is no longer a viable option.

Mr. GARDNER. This legislation begins the process of reversing course

from these failed policies toward building the strong policies that we need to stop the forgotten maniac.

I urge my colleagues to support this bill—this amendment—which passed with unanimous support out of the Foreign Relations Committee. We can make a difference today. We can strengthen our partnership among South Korea, Japan, and the United States. We can stop the torture of the people of North Korea, and we can lift the threat of a nuclearized North Korea, which threatens to harm not just its neighbors or our allies but the people of this country, our homeland.

I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER (Mr. SULLIVAN). The Senator from Tennessee.

Mr. CORKER. Mr. President, I know we have a number of speakers who are interested in this legislation. I think they will be coming to the floor between now and vote time. I ask that the other Members who wish to speak on this legislation come to the floor so we can fill in the gaps.

Again, I thank Senator GARDNER and Senator MENENDEZ for their efforts on the front end of this legislation. I think this is a meaningful piece of legislation. I was with the Presiding Officer yesterday during a lunch meeting, and I think he is OK with my sharing the fact that the Senate is playing a role in really projecting our strength. We continue to do so both through the Armed Services Committee that he serves on and also through the Foreign Relations Committee. I think this is a very strong piece of legislation.

A lot of times it is difficult for us to make a difference. Let's face it. The Commander in Chief has such powers and such staff at their disposal. However this is one of those pieces of legislation where I am certain we are going to make a difference.

Will it end North Korea's activities? It will take collective efforts to make that happen, but I think this begins the process of moving that along.

I have to say that I am so disappointed in the way the U.N. Security Council is behaving. Again, I don't want to rehash old discussions, but I know when we looked at the snapback provisions that were a part of the Iran nuclear agreement—when you are dealing with partners like China, which wants to buy oil from Iran, and Russia, which wants to sell them arms, I hate to say it, but our European friends are just dying to do business in the different ways that they are—mean nothing. They mean nothing.

It is the fact that Iran had two ballistic tests that have taken place, violating U.N. Security Council resolutions, and nothing has happened because Russia and China have blocked those. In many ways that means that for us to continue the project to cause change to occur, this body itself has to be even more proactive.

Senator GARDNER has visited the DMZ, just as I have, and has seen the

28,500 troops that we have there. I know Senator SULLIVAN has done the same thing. We understand the constant danger that South Korea and Japan face, as well as others. North Korea is right on the border of China, and China is the entity that can make the biggest difference. Yet China—again, after being embarrassed when North Korea paid no attention whatsoever to their reach-out when they tried to keep this last test, in particular, from occurring—was unwilling to listen.

So when we have “partners” on the U.N. Security Council unwilling to take steps, it means even more so that this body, of probably the greatest Nation on Earth, has to be proactive.

I commend the Senator from Colorado. I commend the Members of this body who I think are certainly interested and will pass this piece of legislation overwhelmingly.

Again, I thank Senator MCCONNELL and Senator REID for allowing this legislation to come up in this manner. I too thank Chairman ROYCE and Ranking Member ENGLE. They have worked well together to cause us to project strength in this regard. They sent the base bill over, and it is a very good bill and a strong piece of legislation that the Senate, by passage later today, will strengthen.

This is a collaborative effort. I hate to even use words like that, but it is a collaborative effort by two bodies of Congress and two committees. Ultimately, at the end of the day, I think the two bodies will fully pass this legislation and it will become law. This is going to begin to make a difference in the way North Korea is behaving.

What is happening there is important. It is one of the greatest humanitarian crises, and this bill also addresses that.

I thank Senator GARDNER for his comments on the floor. More importantly, I thank him for his efforts in helping to bring this piece of legislation to the floor and for his leadership in the committee in helping to design this bill.

I look forward to our having a successful day in the Senate.

Mr. GARDNER. Will the Senator yield?

Mr. CORKER. Yes.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. GARDNER. The Senator from Tennessee talked about his disappointment with the United Nations. I want to go back over some of the points we talked about earlier today.

Senator CARDIN, our colleague from Maryland, mentioned the fact that the United States has very similar approaches to our sanctions that brought Iran to the negotiation table in the first place—sanctions that we levied against Iran brought them to the negotiating table—and the fact that the United States has levied almost eight times more sanctions against Iran than we have a regime that does possess a nuclear weapon.

I think we have more work to do in the United States. This bill is a great step, but also the United Nations—and your expression of disappointment with the United Nations is well stated.

Mr. CORKER. Mr. President, I think it is good that the Senator from Colorado brings up the fact that when we began putting these sanctions in place, there was a lot of push back because, in essence, for these things to work properly or make the biggest difference in outcomes, we need to have an international effort that takes place. When we began the Iran sanctions process, it was unilateral. And while we stressed on the front end—I know we passed an amendment in the Banking Committee where that one originated—to really put in place efforts to make it multilateral, over time it did and, because of that, the world community obviously is joining us, so we were able to force a behavior change.

I would have liked to have had a better outcome when they got to the table, and I think most people in this body would have. But this bill, I would point out, does seek and does push the administration not only to implement these by mandatory statements, but it also, again, encourages them to work with others.

I had those same conversations in China that the Senator from Colorado had years ago. The Chinese, with such emphasis on stability—and I understand it is right on their border which, to me, should make these provocations even more infuriating and more important, relative to the security of their own country. But it just seems that they, too, have exercised the patience the Senator spoke about earlier that our country has exercised.

I really do believe that passage of this bill today, and an ultimate signature by the President, has the potential to unleash the same chain of events that occurred relative to Iran, hopefully with a better outcome.

Again, I thank the Senator for his efforts.

Mr. President, I ask unanimous consent that any time spent in a quorum call before the vote in relation to H.R. 757 be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. HIRONO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. HIRONO. Mr. President, I rise to speak in strong support of the North Korea Sanctions Enforcement Act.

This legislation serves as a critical component of the U.S. response to the North Korean regime's dangerous and destabilizing acts. These acts are just

the latest in a series of flagrant violations of the U.N. Security Council's resolutions against North Korea's use of ballistic missiles and nuclear technology.

North Korea's unpredictable behavior, combined with their commitment to advancing their nuclear and missile capability, present a serious threat to our country and our allies.

My support of this bill is grounded in my belief that the United States must stand with our allies and lead an international response that condemns North Korea's actions and reassures our allies, especially Japan and South Korea. Strengthening and expanding sanctions demonstrate that North Korea's behavior is unacceptable and that there will be consequences.

The Gardner-Menendez substitute amendment codifies and makes mandatory important cyber security sanctions on North Korea that were enacted in Executive orders in the wake of the Sony Pictures hacking incident. The amendment also requires the President to target Pyongyang's trade in key industrial commodities that are used to fund its weapons program.

The bill requires a strategy to promote improved implementation and enforcement of multilateral sanctions, a strategy to combat North Korea's cyber activities, and a strategy to promote and encourage international engagement on North Korean human rights-related issues, including forced labor and repatriation.

While passing this legislation is a critical part of the U.S. response, we also must work with our allies, as I mentioned before, to stand as a united international community.

Today, our allies Japan and South Korea took additional measures against Pyongyang. Japan declared that all North Korean ships, including those for humanitarian purposes, would be banned from coming to Japanese ports. Third-country ships that visited North Korea would also be banned from entering. South Korea announced it would pull out of a joint industrial complex that it ran with North Korea at Kaesong.

I agree with Secretary Kerry that the U.N. Security Council must act swiftly to impose penalties for North Korea's violations of U.N. resolutions. China needs to join the international community in supporting sanctions against Pyongyang and should use its leverage as North Korea's largest trading partner to expand U.S. sanctions.

This is an opportunity for the U.S. and China to work together toward a common goal—a denuclearized Korean peninsula.

While our country is engaged in the campaign to destroy ISIL, North Korea's serious provocations demonstrate that we cannot take our attention away from the Asia-Pacific region. The United States has longstanding strategic interests and commitments to the security of the Asia-Pacific area. It is a priority to maintain stability in

the region where the United States has five treaty allies and many security partnerships. We must ensure that our solid commitment to defend South Korea and Japan remains firm.

While passing this sanctions bill is important to demonstrate our resolve and leadership, clearly this is not enough in the face of North Korea's provocations. We need to cooperate with our allies on missile defense. As the north continues its provocative missile launches, our alliance with South Korea means that we must enhance our defenses against these threats. Pyongyang's missile capabilities threaten not only our allies and our servicemembers stationed in South Korea and Japan, but also the U.S. territory of Guam, my home State of Hawaii, Alaska, and much of the west coast.

South Korea's decision yesterday to begin formal talks with the United States to deploy a THAAD missile defense system is a major step toward this kind of missile defense cooperation. THAAD can target short, medium, and intermediate ballistic missiles in flight.

Again, stability in the Asia-Pacific area with key allies, largest and fastest growing economies, and provocative actors like North Korea and China, is critical to our national security. We must continue our commitment to an all-of-government Asia-Pacific rebalance with military, economic, and diplomatic attention and resource priorities to this part of the world.

Since my election to the Senate, I have made it a priority to visit this region every year. Most recently, this past summer, I visited Japan and Guam. I traveled to South Korea in 2013, and I know that our allies are counting on us to keep our focus on the Asia-Pacific and work with them to maintain stability and prosperity in this part of the world.

I urge my colleagues to send a strong message to North Korea and our allies by not only supporting the North Korean Sanctions Enforcement Act, but also by supporting the rebalance to the Asia-Pacific.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COONS. Mr. President, many of my colleagues, both Republicans and Democrats, have taken to the floor today in support of the North Korea Sanctions and Policy Enhancement Act. It is a bill that I, too, am pleased to support.

This bill was developed in the Senate Foreign Relations Committee through the same spirit of collaboration and

collegiality in America's best interests that we have seen in this committee time and again. Senators GARDNER and MENENDEZ deserve real praise for their work together drafting this bill, and I thank and commend Chairman CORKER and Ranking Member CARDIN for leading an open amendment process within the committee that strengthened the bill with truly constructive changes—among them an amendment from Senator MARKEY to crack down on transfers of conventional weapons to and from North Korea, and another from Senator SHAHEEN, which makes sure these new sanctions will not impede our ability to recover the remains of any lost American servicemember in North Korea.

I want to thank Senators CORKER and CARDIN not only for advancing this bill but, just as importantly, for leading the Foreign Relations Committee in a bipartisan spirit that reflects the best of the Senate in an uncertain world. This is a strong bill, and I am confident it will enhance sanctions against North Korea in response to the regime's nuclear test last month and its dangerous nuclear missile launch last weekend. It is a clear, direct response that sends an unmistakable signal to North Korea and the world that we intend to continue to be actively engaged.

Frankly, the floor debate this week at some moments has not always reflected that same bipartisan spirit and the same spirit in which the House overwhelmingly passed a similar bill last month. Somehow the debate has at times shifted from questions of how best to punish North Korea for its illegal actions and how we can pull together in that effort to questions about President Obama's broader policy goals and motives. Suggestions that the President somehow enabled North Korea to engage in this provocative behavior by pursuing a separate nuclear agreement with Iran only distract from our shared goal that serves as the foundation and bipartisan purpose of this legislation.

I urge a more constructive course. We should apply the same bipartisan spirit in which we developed the North Korea Sanctions and Policy Enhancement Act toward passage of the Iran Policy Oversight Act, which was led by Ranking Member CARDIN and which will ensure that Congress can exercise effective oversight of the nuclear agreement with Iran.

Just as members of the Foreign Relations Committee worked together to develop a sanctions bill on North Korea, Republicans and Democrats in this body should come together to enforce the terms of the nuclear deal with Iran and to push back on Iran's support for terrorism in the Middle East, its ongoing human rights violations, and its illegal ballistic missile tests. The Iran Policy Oversight Act offers us an incredible way to accomplish all of these goals.

When it comes to the recent nuclear agreement with Iran, also known as

the Joint Comprehensive Plan of Action or the JCPOA, too often we find ourselves distracted from the core question as to whether that deal has made Iran less able to pursue development of a nuclear weapon. We are seeing the same tendency play out today as some of my colleagues have promoted a false comparison between the JCPOA and the 1994 agreed framework, which the United States negotiated with North Korea with the goal of stopping North Korea from developing a nuclear weapon. These comparisons make a false implication that just because the 1994 framework utterly failed to keep North Korea from pursuing an illicit nuclear weapons program, the JCPOA is destined to similarly fail with regard to Iran. I will take a moment to explain why this comparison is inaccurate at best and dangerously misleading at worst.

First the 1994 framework with North Korea was just that—a brief framework or outline, its text just three pages long. The nuclear agreement with Iran, on the other hand, is nearly 160 pages—thorough, detailed, and comprehensive, outlining the international community's expectations, specifying deadlines of deliverables, and laying out in clear terms the consequences for violations of the deal.

The second difference between the two is just as fundamental. The 1994 agreed framework with North Korea did not seek to block North Korea's plutonium pathway to a nuclear weapon. Not only does it eliminate its ability to produce weapons-grade plutonium, but international inspectors have recently certified Iran actually did so by filling the core of the Arak heavy water reactor with concrete.

The importance of including this provision in the JCPOA was made even clearer yesterday when James Clapper, the U.S. Director of National Intelligence, confirmed that North Korea has restarted its plutonium production reactor and may begin recovering spent plutonium fuel in a matter of weeks. If Iran even attempted to do the same, the international community would now know and would be able to take action long before it could achieve its objective.

The third key difference is this. The JCPOA allows the IAEA, the International Atomic Energy Agency, full access to monitor Iran's entire nuclear fuel cycle, from uranium mines to mills, to centrifuge production workshops, to enrichment facilities. Never before—including back in 1994 with North Korea—has a nuclear agreement given international inspectors such comprehensive access to monitor and inspect compliance. In fact, when I recently visited the IAEA headquarters in Vienna, Austria, the head of the agency said the access they have gotten to Iran's entire range of nuclear activities goes well beyond the access it had in North Korea in the 1990s.

The fourth difference is just as crucial. The JCPOA requires Iran to abide

by the so-called Additional Protocol and other additional measures, which guarantee the IAEA can seek access to suspicious undeclared locations. This Additional Protocol, a key deterrent to cheating, didn't even exist in 1994. The nuclear deal with Iran contains defined timelines for access to suspect potential nuclear sites and a dispute resolution mechanism that will resolve differences between Iran and the international community in favor of accessing inspection. The 1994 agreed framework didn't include any of these protections.

Fifth, the JCPOA is an agreement between Iran and the international community. While the United States maintains its ability to snap back international sanctions to punish Iran, the strength of the deal is not just from U.S. support but from buy-in from our P5+1 partners—the United Kingdom, France, Germany, Russia, and China—and we have to continue to work together tirelessly on a bipartisan basis to ensure that those partners remain partners in enforcement of the deal.

Sixth, the JCPOA puts incentives in the right place, halting any sanctions relief for Iran until after the international community verified it had complied with the core terms of the deal. The 1994 framework allowed North Korea compensation and sanctions relief simply for signing up before the agreement was even implemented—clearly a fatal flaw.

Finally, and in some ways most importantly, although Iran and North Korea are dangerous, radical regimes—revolutionary regimes—and they are both ostensibly led by Supreme Leaders, they exist in different regions, have different goals, and exist in different contexts. I do think that Iran, rightly or wrongly, seeks and needs integration with the world economy, and North Korea continues to be a rogue regime isolated from the rest of the world.

The seven differences this Senator has just briefly outlined show the fundamental differences between the 1994 agreed framework with North Korea, which failed, and the JCPOA with Iran, which I hope and pray will still prove to be successful. We must focus on enforcing rigorously the terms of the JCPOA and pushing back on Iran's bad behavior in a bipartisan fashion and in the same spirit in which my colleagues in the Foreign Relations Committee developed this vital and important North Korea bill.

One way we could do so is to pass the Iran Policy Oversight Act, a bill led and developed by Senator CARDIN and the members of the Foreign Relations Committee who were both supporters and opponents of the JCPOA. The Iran Policy Oversight Act would clarify ambiguous provisions in the JCPOA, establish in statute our commitment to enforcing the deal, engage in comprehensive efforts to counter Iranian activities in the Middle East, and provide increased support to our allies in

the region, especially our vital ally, Israel.

I commend Senator CARDIN for his leadership in drafting a bill strong enough to earn the cosponsorship of both supporters and opponents of that nuclear deal.

Even in a dysfunctional Congress, today's debate and passage of the North Korea Sanctions and Policy Enhancement Act shows that we can come together to make our country safer in the face of a dangerous world. Congress did the same last May when we came together to enact the Iran Nuclear Agreement Review Act, which gave Congress a clear and focused opportunity to review the terms of the JCPOA before it was finalized. We can and must do similar things again.

We should work together, Republicans and Democrats, in the spirit of the North Korea Sanctions and Policy Enhancement Act and the Iran Nuclear Agreement Review Act to introduce, debate, and pass legislation to show Iran and our allies that the United States is serious about continuing to hold them accountable for their bad behavior and to continue to demonstrate our leadership in the Pacific region and our determination to contain North Korea's dangerous nuclear activities.

Thank you, Mr. President.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. PERDUE. Mr. President, I rise today to speak on an amendment I submitted to the North Korea Sanctions Enforcement Act. This bill we are considering today will provide a more robust set of tools to confront the nuclear threat from Pyongyang by expanding and tightening enforcement on North Korea.

This bill goes beyond sanctions and calls for a more forceful response to North Korea's cyber attacks and human rights abuses. We now have an opportunity to highlight North Korea's cooperation with Iran on nuclear weapons and ballistic missile development. North Korea's nuclear cooperation with Iran is widely suspected, and yet the Obama administration has been reluctant to disclose what it knows to Congress.

Last month, North Korea conducted its fourth nuclear weapons test. Iranian officials reportedly traveled to North Korea to witness its three previous nuclear tests in 2006, 2009, and 2013. Given this trend, it would not be surprising at all if Iranians were actually present in North Korea's test just last month. Just before North Korea's 2013 test, a senior American official was quoted as saying "it's very possible that the North Koreans are testing for two countries."

Yesterday, the Director of National Intelligence, Jim Clapper, provided written testimony to Congress, which stated that Pyongyang's "export of ballistic missiles and associated materials to several countries, including Iran and Syria, and its assistance to



Syria's construction of a nuclear reactor . . . illustrate its willingness to proliferate dangerous technologies."

We have known that Iran and North Korea have been cooperating on ballistic missile technology, and it has been suspected for over a decade that they are also working together on nuclear weapons development as well as ballistic technology. In the wake of the nuclear agreement with Iran, Iran is starting to see a flow of funds from sanctions relief of potentially over \$100 billion. As Iran gets this flow of cash, this Senator is concerned that we will see this illicit cooperation increase and that Iran will use some of these funds to pay North Korea for further testing and technology.

This amendment No. 3294 would require a semiannual report to Congress; that is all. This report would cover North Korea's cooperation with Iran on nuclear weapon and ballistic missile testing, development, and research. We have been asking for this information and have not received it in a timely fashion.

The administration would also be required to disclose to Congress the identity of individuals who have knowingly engaged in or directed material support for or exchanged information between the governments of Iran and North Korea for their nuclear programs in this semiannual report. In order for us to tackle this problem head-on and to take steps to halt this illicit cooperation, we need a full report from the administration. It is as simple as that. That is all this amendment does.

I am glad to see this body moving so swiftly to enact punitive sanctions on North Korea for its recent actions, and this amendment will help further strengthen efforts to punish rogue regimes.

I would also like to applaud the efforts of my colleagues on the Foreign Relations Committee—Senator GARDNER, Chairman CORKER, and Senator MENENDEZ—for their work on getting this bill through committee and to the floor. Their leadership on this issue has been tremendous, and I look forward to working with them on the floor to see its passage.

Thank you, and I yield back.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORKER. Mr. President, while we are waiting on Senator PETERS to be here, I wanted to go through some of the history relative to the North Korean program. I think sometimes there has been so much focus on other countries' programs—I know Senator GARDNER alluded to some aspects of it in his comments—but North Korea's nuclear program actually dates back to the

1950s, when they pursued nuclear energy cooperation with the Soviet Union.

In ensuing years, North Korea acquired a full nuclear fuel cycle, including plutonium, reprocessing, and uranium enrichment capabilities. So this goes back to the 1950s, but in 2003 North Korea announced its withdrawal from the Nuclear Non-Proliferation Treaty and conducted four nuclear weapons tests in 2006, 2009, 2013, and 2016.

Experts believe the first two nuclear tests were plutonium based, and analysts assess the third nuclear test may have used highly enriched uranium. So they are on a two-track route. On January 6, 2016, North Korea announced that it successfully tested its first hydrogen bomb. We don't have verification of that. We don't have intelligence back that would verify that was the type of test that took place.

Today North Korea possesses nuclear weapons, a longstanding plutonium nuclear program at Youghyon, and a uranium enrichment capability which it revealed in 2010 after years of denials. Open-source estimates of North Korea's nuclear arsenal vary from 10 devices to nearly 100 weapons, but most experts believe North Korea's nuclear arsenal is somewhere in the range of 10 to 20 devices that are made of both plutonium and highly enriched uranium.

North Korea's weapons of mass destruction extend beyond its nuclear capabilities to include biological and chemical weapons programs. It also maintains an extensive long-range ballistic missile program which poses a direct threat to allies, U.S. forces in the Asia-Pacific, and the United States.

The Presiding Officer lives in a part of the world that is most directly certainly at threat. North Korea's nuclear program dates back to the 1970s. In 1984, North Korea conducted its first ballistic missile test of a Scud-B ballistic missile. North Korea's ballistic missile arsenal includes shorter range Scud missiles that can travel nearly 300 miles, No Dong missiles that can travel upward of 800 miles, and several longer range missiles that can travel from 4,000 upward to 6,000 miles.

In April 2012, North Korea displayed at a military parade a new long-range missile variant known as KN-08. The missile was displayed on a Chinese-made transporter erector launcher. In the fall of 2015, North Korea again displayed, at a military parade, the same missile on a Chinese TEL. In December 2012, North Korea successfully launched the Unha-3 launch vehicle, placed a satellite into orbit, representing a significant advancement in North Korea's missile technology capabilities.

On February 7, 2016, North Korea announced it had successfully launched another satellite into orbit using the Unha-3 launch vehicle. Although the KN-08 missile has not been tested, it is believed that the space launch vehicle technology has some similar techno-

logical features of an ICBM. The head of the U.S. Northern Command, ADM William Gortney, has stated our government assesses that North Korea could miniaturize a nuclear weapon and place it on the KN-08, which would reach the U.S. homeland. Pretty amazing, really, to think about the progress that has occurred without any real actions taking place.

Again, this has gone through multiple administrations. North Korea stands as one of the most foremost proliferators of WMD-related materials and ballistic missile technologies. North Korea has engaged in WMD-related and missile cooperation with several states, including Iran, Pakistan, and Libya.

North Korea also assisted Syria in the construction of a plutonium-based nuclear reactor at al-Kibar, until Israel destroyed that facility in 2007. In addition, it has been reported that North Korea assisted both Iran and Pakistan with nuclear weapons design activities. Again, I think it is very timely that we are taking this up—actually beyond time—with the most recent activities that have taken place. This is timely.

Obviously, the policy—again, through multiple administrations, multiple Congresses—has really been left untouched in a significant way. I truly do believe the legislation that hopefully will pass this body today with overwhelming support will be the beginning of a process. We just have seen, by the way, with it being known that the U.S. House and Senate were probably going to pass a very strong piece of legislation—we are now seeing other countries in the region stepping up.

Again, it speaks to the power of us speaking in one voice and again pushing, as we did on Iran years ago, pushing the international community to join in with us. Again, as I said earlier, I am still disappointed that the U.N. Security Council cannot function—cannot function—in a way to speak more collectively in that way, but I am glad to see that countries in the region, as a result of certainly the stances being taken here and as a result of their own concerns about what is happening with North Korea—I am glad to see it looks as though we are beginning to push toward more international efforts against North Korea.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GARDNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GARDNER. Mr. President, one of the things that I think we have to continue to reiterate during today's debate is that this debate is not about the people of North Korea. It is about the dictator of the regime, the forgotten maniac, Kim Jung Un, and his

reign of terror in North Korea, not only with the 200,000 people who are subject to imprisonment in political camps—200,000 men, women, and children who have been tortured and maimed—but it is about his leadership that seems to go along with him, a leadership that would aid and abet in the torture and maiming of innocent people.

I think perhaps this chart, this picture, this satellite image of the Korean Peninsula, best illustrates what the people of North Korea are subjected to each and every day. You can see North Korea right here, a big vast, empty space at night, very little light, maybe Pyongyang, the brightest light point compared to Seoul, compared to South Korea, compared to their neighbors in the south because they have been deprived of an economy, because they have been deprived of an opportunity, and because the people of North Korea have been deprived of the freedoms their South Korean neighbors have enjoyed.

Standing on the DMZ—and I know the Presiding Officer has been there as well—standing on the DMZ, you can see the differences between the development of North Korea and South Korea. In just a few moments—I notice my colleague from Michigan is here and is scheduled to speak. In just a few minutes I will go into this chart a little bit more about how this bill not only creates mandatory sanctions but also will give us tools to help the people of North Korea.

With that, I will yield the floor to my colleague Senator PETERS from Michigan, whom I have had great opportunities to work with before on legislation from telecommunications to cars that communicate with each other. I am grateful he is here to speak on this bill as well.

The PRESIDING OFFICER (Mr. ROUNDS). The Senator from Michigan.

Mr. PETERS. Mr. President, I rise in support of legislation currently before the Senate to crack down on the North Korean regime's repeated nuclear provocations. I would certainly like to thank my colleague Senator GARDNER for his leadership on this issue as well.

Four days ago, on February 6, the world watched North Korea launch a rocket into space, in what was clearly an effort to test its advanced ballistic missile technology. The North Korean satellite is now tumbling in orbit and incapable of functioning in any useful way. Last month, the regime announced it had successfully detonated a nuclear device as part of its rogue nuclear program, the fourth test we have detected in North Korea since 2006.

This combination of incompetence, aggression, and defiance of the international community is dangerous and simply cannot stand.

Just yesterday, the Director of National Intelligence, James Clapper, testified it is likely North Korea has restarted the plutonium reactor that has been shuttered since 2007 and could begin to recover fissile material within weeks.

These defiant acts fly in the face of existing international sanctions and must be met with a strong and unified response from the world community. It is a step in the right direction that the U.N. Security Council has strongly condemned North Korea's actions and vowed to adopt significant new punitive measures against the regime.

However, the dangerous path North Korea continues down poses a direct threat to the United States and our allies, particularly South Korea and Japan. We must go further and take action to punish the North Korean regime and those who aid and abet in its provocative actions.

The legislation before us today would significantly enhance our ability to curb the North Korean nuclear program. The bill requires the President to sanction anyone who knowingly supports the North Korean regime, whether by furnishing materials for North Korean weapons programs or by selling luxury goods to corrupt government officials while so many North Koreans live in poverty.

The bill also provides exemptions for humanitarian organizations that work to relieve the suffering of millions of North Koreans. We must continue to let the people under the rule of this brutal regime know that we stand with them in their democratic aspirations, even as their government continues to threaten the international community. I commend the efforts of the Foreign Relations Committee and particularly Senators Menendez and Gardner for their work on this important legislation.

The United States has long led the world in working to curb the threat of nuclear proliferation. We lead through sustained commitments to securing fissile material, such as spearheading the effort to secure loose nukes after the fall of the Soviet Union. We lead through precedence set in the bilateral 123 agreements, agreeing to share civilian nuclear technology so partner countries can diversify their energy mix while explicitly preventing them from enriching uranium on their own soil.

In the years to come, our leadership is necessary to raise this global standard even higher for every country regarding the enrichment of uranium. We do not aim to deny peaceful nuclear energy to nations that seek it, but we must make clear that there is no universal right to enrichment. The United States has moral authority on this issue because we have led by example, committing to reductions in our own nuclear arsenal in the interest of a safer world. We must continue to work with unity of purpose and act to stem the spread of nuclear materials to rogue states and terrorist organizations.

Nowhere is American leadership more necessary than in the case of the Iranian nuclear program. I was proud to cosponsor the initial effort to pass sanctions against Iran in 2009 and help

pass additional sanctions in the years since. I firmly believe crippling sanctions are what brought Iran to the negotiating table and the threat of additional sanctions enhanced our bargaining position during the painstaking negotiations that led to the JCPOA. Our work to unite world powers behind this effort led to an agreement that curbs Iran's nuclear program in the short term, but in the longer term we need to stand ready to act swiftly and decisively against any Iranian violations of the JCPOA, large or small.

The JCPOA is not the end of our multilateral efforts against Iran and its illicit behavior, just as the legislation before us today is not the end of our multilateral efforts against the North Korean regime and its repeated affronts to international security. We will continue to punish regimes that support terrorism, violate human rights, and illegally seek nuclear weapons. Surely our response to the North Korean provocations will be watched closely by the Iranian regime, which is why we must respond swiftly and why we must respond strongly.

The sanctions bill before us today is not a Democratic issue, it is not a Republican issue. The goal of preventing nuclear proliferation has been a uniting principle of the American foreign policy for decades, and it must continue to be so. We must come together today to pass this bill quickly and without opposition to demonstrate in no uncertain terms our unity of purpose in preventing the spread of nuclear weapons.

I yield the floor.

The PRESIDING OFFICER. The assistant majority leader.

Mr. CORNYN. Mr. President, I thank the Senator from Colorado, Mr. GARDNER, for his leadership on this issue—together with the chairman of the Foreign Affairs Committee, Senator CORKER—for bringing us to this moment. This is a rare bipartisan moment, where the Senate has come together and agreed to debate, vote, and pass an important bill that imposes sanctions on one of the most dangerous regimes in the world.

Recently, I was in Hawaii at the Pacific Command and we asked Admiral Harris, a four-star U.S. Navy admiral who heads Pacific Command, to rank the areas of the world that he was most concerned about, the regimes that he thought represented the biggest danger to peace. He listed North Korea as No. 1.

That may be because of the proximity of his area of responsibility to North Korea, but there is no question an unstable leader with nuclear weapons and intercontinental ballistic missiles is a threat not only to the region but to the United States as well.

We know over the weekend North Korea successfully launched a long-range rocket and put a satellite into orbit. This was done in defiance of sanctions and represents a dangerous

trend of an increasingly hostile and unstable North Korea. It was particularly alarming for several reasons.

First, the same technology that put that satellite in orbit can be used to deliver a nuclear weapon. Long-range ballistic missiles have the potential to hit the U.S. homeland. That is why North Korea has been considered a serious threat to our country, not just the region but our country as well. The timing of this launch was also very concerning because just last month North Korea claimed it had tested the components of a hydrogen bomb, a thermonuclear weapon that is more powerful than an atomic bomb—which we knew they had, but this represented an escalation, if it is true.

The idea that North Korea could soon develop advanced nuclear weapons, along with intercontinental ballistic missiles, and deliver them to our shores is a frightening proposition. Unfortunately, every day we grow closer to that reality.

I will just pause for a minute to say this is another reason why our missile defense systems are so important, not just to the safety of our friends and allies but also increasingly to the United States. I know in Colorado a lot of those efforts are headed up to provide that effective deterrent and missile defense system to the threat of the intercontinental ballistic missiles.

I have to be honest with you and say I am puzzled why the President hasn't done more on this issue to date, but while the President sits on the sidelines—I think somebody called it strategic patience—it has been a failure, not just patience. Patience I think of as a virtue but certainly not in this context.

Nevertheless, the Senate will do its part to make sure the regime in North Korea feels some consequences for its belligerent, illegal actions. Today we will vote on the North Korea Sanctions and Policy Enhancement Act. This bill mandates new sanctions on North Korea's nuclear and ballistic missile program, and, importantly, it will provide an overall strategy to help address North Korea's human rights abuses and combat its cyber activities. I don't think most people realize that in addition to its belligerence and its violating international norms, North Korea is a serial human rights abuser. Literally, because of its focus on its finances on military arms and its standing army, North Korea has seen many, many, many of its people starve to death for lack of an adequate food supply. So this is a rogue regime, it is a dangerous regime, and one we need to make sure feels the consequences of its actions.

This bill will help hold North Korea accountable, which is more than we have seen from the administration. I want to point out that North Korea's provocative actions are just another symptom of the Obama doctrine gone wrong. I mentioned strategic patience, which is hardly a strategy for keeping the world safe.

Unfortunately, this is not an isolated incident. Through his words and deeds, the President continues to discredit and undercut American leadership around the world. As a result, the world is even more unstable and conflict-ridden than when he assumed office. It is absolutely the fact that in the absence of American leadership, tyrants, thugs, and bullies feel emboldened, and our friends and allies question our loyalty and whether they can rely on us or whether they have to go it alone and build the capacity to defend themselves in the absence of a strong America.

Many recall that when he ran for office, the President heavily criticized the foreign policy choices of his predecessor, particularly the surge in Iraq. I happened to be in the Senate during that time. I remember those debates. The Democratic leader, Senator REID, said the surge would never work, and many were skeptical because frankly it represented a bold dramatic move.

Well, not only did President Obama's decision to hastily withdraw in Iraq after the successful surge—not only did his decision to hastily withdraw from Iraq squander the hard-won progress achieved by the surge, that country is now one of a number of countries in the Middle East in shambles. We are seeing our friends and our allies—together with American advisers on the ground, special operations forces in a train-and-assist mission—trying to regain control of cities such as Ramadi that were won as a result of the blood and the treasure of the United States.

Let's look at a few things where they stand today. Over the past 2 years, ISIS has captured city after city where American troops shed that blood, sweat, and tears to bring relative peace. The border that used to exist between Syria and Iraq is gone. It has literally been erased. In spite of President Obama's misguided nuclear deal with Iran, Iranian influence in Iraq has grown, not waned. I do find it interesting that speaker after speaker—even though we are talking about North Korea—is trying to come to the floor and speak about Iran after having allowed the President's ill-advised nuclear deal to go through, which guarantees a pathway for Iran to acquire nuclear weapons.

As a result of the administration's paralysis, Syria, too, has plunged deeper and deeper into chaos. Now we not only have a security problem on our hands, we have millions of Syrian and Iraqi refugees internally displaced or flooding across international borders into places such as Turkey, Jordan, Lebanon, and Europe. I have visited some of those refugee camps in Turkey and Jordan. These people are doing what we all would do. They are fleeing for their survival because frankly, once the President drew that red line in Syria, when it came to the use of illegal weapons, the President never did anything to enforce it or make sure that Bashar al-Assad felt or suffered

any consequences. So the President's inaction, time after time, place after place, has real consequences. The vacuum left as a result of the U.S. retreat in the Middle East has provided an open door for other countries to expand their influence there, as we have seen and as we continue to see on a daily basis.

Russia is the prime example. It continues to extend its influence through indiscriminate bombing campaigns that yield little regard for civilian lives. The Russian bombing campaign doesn't distinguish between combatants and civilians. Russian forces are even actively fighting against American-backed groups and working to undermine them at every turn.

Of course this doesn't even touch on Russia's aggressive actions along its own border with respect to Ukraine in NATO's backyard. Unfortunately, Russia has no reason to believe that the United States, under the current leadership of the Commander in Chief, will challenge it anywhere—not in the Middle East, not in Europe.

I could go on and on about other countries that are feeling emboldened, like a belligerent China in the South China Sea, or, as I mentioned a moment ago, a newly financed and emboldened Iran, the No. 1 state sponsor of international terrorism. When the administration basically wrote a check for \$50 billion to Iran, that Secretary Kerry, Vice President BIDEN, and others acknowledged could be used to finance international terrorism, it seemed to have no impact whatsoever because they were so determined to cut this bad deal with Iran.

The point is that our retreat and our lack of leadership around the world only underscore the President's lack of a larger foreign policy strategy. We have asked him time and again: Please tell us what your strategy is. The President sends over a proposed authorization for the use of military force against ISIS, and we find out the real reason he did that is not because he thinks he lacks authority to do what he is doing now but because they want to tie the hands of future Presidents in terms of what that President could do under that authorization for the use of military force. But we keep asking, and all we hear is crickets—silence. We keep asking for a serious, comprehensive strategy to guide the foreign policy and national security efforts of the United States, and the President simply doesn't feel like it is his obligation to deliver one, opting instead for tactics that are guaranteed not to win, saying: Well, we bombed ISIS.

Well, that is all well and fine. But at some point, once you bomb ISIS, unless you have somebody who can occupy that territory, the terrorists are going to come right back in. We have friends and allies, such as the Kurds and other countries in the Middle East that have said: Well, we will help be the boots on the ground if you will help supply us,

to which they are not provided any sort of answer.

I believe the American people do deserve better, and the men and women in uniform who have put their lives on the line deserve better. They deserve a strategy. They deserve the support to be able to accomplish the mission their country has asked them to accomplish.

So I am glad that in the absence of leadership from the White House, the Congress has decided to take up some of the slack here to fill the gap left by the President's inattention to this important issue. If the President won't step up to the plate and take these threats seriously enough to come up with a strategy to actually defeat them, the American people can trust the Senate to address it, and we will do so today on a bipartisan basis, insofar as it applies to the threat in North Korea.

So it is my hope that we will send a strong bipartisan message to North Korea that their repeated provocations will not go unanswered.

#### MENTAL HEALTH AND OUR CRIMINAL JUSTICE SYSTEM

Mr. President, I just came from a Senate Judiciary Committee hearing, which was one of the most unusual hearings I have attended since the time I have been in the Senate—certainly on the Judiciary Committee. Usually on the Judiciary Committee the habit is for the majority to select witnesses and then the minority gets to select witnesses, and then witnesses come out and are proxy fighters for the particular policy differences that members of the committee have—not today. Today, thanks to Chairman GRASSLEY, the senior Senator from Iowa, the Judiciary Committee had a consensus panel on the subject of mental health and its intersection with our criminal justice system.

What we heard was that, increasingly, our jails and our prisons, our criminal justice system, and the homeless that we see on our streets are a product of a failed policy—one that said: Yes, we need to move people out of institutions and out of hospitals. But, of course, there is the promise—or at least it was the hope—that they would have somewhere else to go to get treatment and housing and the like.

Today what we heard reaffirmed from the sheriff of Bexar County, TX—San Antonio, my hometown—and from so many of the other witnesses from across the country is that now our jails, our prisons, and the criminal justice systems have become de facto warehouses for the mentally ill, completely ill-suited to deal with what they need, which is treatment, supervision, and help—and the families, too, who need additional tools available for them to turn to when they need help with a loved one who has become mentally ill.

So I have introduced legislation that we talked about during the hearing today called the Mental Health and Safe Communities Act, modeled off of

successful experiments and programs in places like North Carolina, which we heard from before, San Antonio, Virginia, and elsewhere. I am sure there are a number of good stories.

This is the way I think Congress ought to legislate, rather than to dream up here behind closed doors some grand scheme—the masters of the universe trying to decide what is good for all 320 million of us in a one-size-fits-all approach. We have seen the disastrous consequences of that sort of thinking. Rather than that, let's look at what has actually proven to work in our cities, counties, and our States, and then scale that up, where appropriate, to apply more broadly after we have proven that it actually works. That is what my legislation, the Mental Health and Safe Communities Act, is designed to do.

As we will look—I believe tomorrow—in the Judiciary Committee at the opioid and heroin crisis that is being experienced in so many parts of our country and as we look, as we have, at reforming our prison systems to provide more incentives for people who are low-risk and mid-level offenders, if they will accept the opportunity to help themselves to deal with their underlying drug or alcohol problem, to learn a skill, to get a GED, to better prepare for life on the outside based on the experiences in Texas and elsewhere, we can actually lower crime rates, lower recidivism rates, and save taxpayers a lot of money.

So whether it is dealing with the mental health issue and its intersection with the criminal justice system or dealing with our prison system, which used to believe that rehabilitation was an important part of what their obligation was, or dealing with this opioid and heroin abuse, we have a lot to do to make sure that our criminal justice system is brought into the 21st century and that we no longer punish people who mainly need help.

As somebody who is a recovering member of the Texas judiciary for 13 years, I certainly believe there are some people whom you can't help and whom you must punish. But there is a large segment of people—whether it is drug or alcohol related, or whether it is mental health issues—who will accept our help and will turn their lives around if given that opportunity.

I just wanted to say a few words about that because I feel so strongly about the importance of what we talked about at that hearing.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I thank my friend from Texas for the work he is doing on the Judiciary Committee. I hope we can continue in that bipartisan spirit to deal with addiction and, I hope, improvements in our criminal justice system, providing resources to people who have addiction needs. I know there is a strong bipartisan effort to deal with community mental health so we can get services in our commu-

nity. This is not a partisan issue. I am glad to see that the work by the Judiciary Committee is productive in trying to lead to those conclusions.

I do want to, though, comment a little bit on what was said in regards to the Obama administration. We are here together with a bill on North Korea that is not partisan at all. Democrats and Republicans are working together. There is no division between Congress and the White House. We all believe we have to isolate North Korea and its conduct. The administration has been very strong in actions in the United Nations, keeping us closely informed, and we very much want to work with a strong, united voice. That is how we keep our country the strongest, and that is what we should do on national security. So let me just try to fill in the record a little bit from the previous comments made about the Obama administration.

Let us remember that the Obama administration took over after, I would say, a failed policy in the Middle East in which we went into Afghanistan—as we should have because of the attack on our country. But before completing Afghanistan, the previous administration went into Iraq, using our military first rather than looking for a solution that would provide the type of stability in that region to prevent the spread of radicalization. Instead, governments were formed that didn't represent all of the communities, and we saw splinter groups formed and the recruitment for extreme elements.

President Obama was able to develop international coalitions to work together. I think America is always best when we lead and we can be joined by the international community. The President also understood that it shouldn't be up to America's military to solve all of the problems, that there is not a military solution to the spread of radicalization, that internal support in the countries must come from the countries themselves, that we do not want to be seen as a conquering power, and that it is for the region to defend itself. Yes, we will help, but we are not going to put our ground troops in a situation where they are used as a recruitment for radical forces. We also understand that America leads best when we can get our ideals of good governance with governments that represent all the communities so there is no void. President Obama and his administration have been very strong in those areas.

With regard to dealing with ISIL, the radical forces that exist today, a policy is well understood: Cut off their support. Cut off their support in regards to recruitment by having representative governments. Cut off their support by dealing with their oil supplies and their looting and extortion. Cut off their support by taking back territory in a way that we can control that territory. That is what we have seen happening, certainly in the last several months, as territory that was formally

held by ISIL is now being held by the Government of Iraq, particularly, but also Syria.

So I just wanted to correct on this day when we are bringing up the North Korea bill, that every President since the Korean War has had challenges in dealing with the problems in North Korea and that we are together on this issue as a Congress and as a Nation to isolate North Korea. It is not just their nuclear weapon program. As I pointed out earlier, it is their cyber attacks, their human rights violations, and all those issues to which we are speaking with a very strong voice today. I hope that as Democrats and Republicans, the House and Senate, the President and Congress speak with a strong, unified voice, America's national security interests will be better served.

I yield the floor.

**THE PRESIDING OFFICER.** The Senator from Colorado.

**Mr. GARDNER.** Mr. President, throughout this debate we continue to remind the people around America that this North Korea Sanctions and Policy Enhancement Act is not intended to bow to the people of North Korea. Rather, our efforts are to try to help ensure that we are doing everything we can to help stand up for the people of North Korea, to give them the kinds of economic opportunities and freedoms from which they have been deprived by this regime under Kim Jong Un.

Today's sanctions act and the mandatory sanctions that will be levied here today by this act, if adopted and signed by the President—which I believe it will be with the overwhelming bipartisan support that it has—are about the Kim Jong Un regime itself. This is about a forgotten maniac in North Korea who has deprived his people of economic opportunity, who has imprisoned 200,000 men, women, and children, who has tortured his people, and who has assassinated members of his own inner circle and leadership. Today in the morning papers, an article outlined the death of his chief of staff of the army—again, the continued purge of top-level officials under the Kim Jong Un regime.

You can see the situation the people of North Korea are facing each and every day. This is a satellite image of the Korean Peninsula at nighttime. You can see the developments in South Korea, and you can see Seoul, Korea. There are millions of people who live right across the DMZ. And you can see the conditions the people of North Korea are suffering under—an economy that has failed, an economy that has failed to develop to give them the same kinds of opportunities other people in the Korean Peninsula are sharing.

This bill also promotes human rights. I want to point out section 301. This section requires the President to study the feasibility of bringing unmonitored and inexpensive cellular and Internet communications to the people of North Korea and trying to break through the emptiness of North Korea—the commu-

nication barriers, the firewalls—to try to get around the North Korean regime that doesn't want the people of North Korea to understand they can live better lives.

Section 302 directs the Secretary of State to develop a comprehensive strategy to promote human rights in North Korea and combat its forced labor practices, including a diplomatic outreach plan and a public diplomacy awareness campaign, what we can do together to try to bring awareness to North Koreans. Let them know that if they have family members in South Korea—what kind of opportunities people in South Korea are sharing.

It wasn't that long ago—a few decades ago—that North Korea had a more vibrant economy than South Korea, but that is certainly not the case today. If you stand on this line, if you stand on the DMZ and you look north into North Korea, you see the hillsides that have been completely deforested and all of the vegetation removed because people lacked food in North Korea, so they cut down the trees and created wood soup so they would have something to fill their stomachs because the North Korean regime of Kim Jong Un failed to do so. You look at the south, and you can see the hills, vegetation, development, prosperity. We can help bring peace to the peninsula with the passage of this act today.

I know my colleague from New Jersey, Senator MENENDEZ, is coming to the floor today. He has been a great leader when it comes to North Korea, a great leader when it comes to the issue of human rights, and he has worked with me on this legislation. I worked with him to make sure we created a bipartisan solution to this great challenge that is North Korea today. I commend Senator MENENDEZ for the work and the opportunity to present the bipartisan solution before the Senate today.

I yield back and will listen to the words of Senator MENENDEZ.

**THE PRESIDING OFFICER.** The Senator from New Jersey.

**Mr. MENENDEZ.** Mr. President, let me first start off by thanking the leadership of the Senate Foreign Relations Committee, Chairman CORKER and Ranking Member CARDIN, for creating the environment to have strong bipartisan legislation on a critical issue that affects the national interests and security of the United States and beyond that, in general, creating a strong bipartisan environment that I think is critical to U.S. foreign policy. It is a tone I tried to set when I had the privilege of being the chairman and Senator CORKER was the ranking member, and I appreciate his leadership in continuing in the same spirit, and, of course, Senator CARDIN, who worked very hard on maintaining that environment. I appreciate that they created the wherewithal to bring us here today.

I also thank Senator GARDNER, the East Asia Subcommittee chairman, for working with me to bring legislation in

which we can come together in a strong bipartisan voice because when the Nation speaks with one voice, it speaks most powerfully to both friends and foes across the world. It has been a privilege to work with Senator GARDNER and to see his vision of how we deal with this and merge my vision of how we deal with it, and together I think we have come up with the most comprehensive strategic effort to deal with North Korea. I want to salute him, and I thank him for working with me.

Given the North Korean regime's recent test of what most agree is a ballistic missile—what U.N. Secretary General Ban Ki-moon characterized as “deeply deplorable” and in violation of Security Council resolutions—one thing is abundantly clear when you look at this photograph: It is time to take North Korea seriously.

For too many years, the standard response of Republican and Democratic administrations alike whenever North Korea stages a provocation has been to dismiss the seriousness of the threat. We tend to see it as a strange regime seemingly disconnected from geopolitical reality, something of a parallel universe that doesn't function in the same way as the rest of the international community, a strange regime run by crazy leaders and certain to collapse any day, that there is no need to worry, it will not and it can't survive.

Well, four nuclear tests, three Kims, two violations of U.N. 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.

In fact, today it is estimated that North Korea has accumulated enough fissile material for more than a dozen nuclear weapons. It has now conducted four nuclear explosive tests, as you can see from this chart, starting in October of 2006, and with it, the quake magnitude has risen with virtually every test. It has developed a modern gas centrifuge uranium enrichment program to go along with its plutonium stockpile. It has tested ballistic missiles. It is seeking to develop the capability to match a nuclear warhead to an intercontinental ballistic missile.

Kim Jong Un has consolidated his grip on power, and he seems determined to proceed on a course of “byungjin,” Kim Jong Un's policy that strengthens both his military and his economy as opposed to strengthening one or the other.

Taken together, these developments present a growing danger that could set North Korea on a path to becoming a small nuclear power. It is a scenario which could lead other nations in the region to reconsider their own commitments to nonproliferation, and it could embolden North Korea in its relations with other bad actors such as Syria and Iran.

I know it has been referenced, but I think it is worthy that when the Director of National Intelligence—the person in charge of amassing all of our intelligence as a country—James Clapper, in testimony before the Armed Services Committee, says the following, it is worth repeating:

North Korea's export of ballistic missiles and associated materials to several countries, including Iran and Syria, and its assistance to Syria's construction of a nuclear reactor, destroyed in 2007, illustrates its willingness to proliferate dangerous technologies.

Director Clapper went on to say that following North Korea's third nuclear test, Pyongyang said it would "refurbish and restart" its nuclear facilities, to include the uranium enrichment facility at Yongbyon—shut down in 2007—and that it has followed through by expanding its Yongbyon enrichment facility and restarting the plutonium production reactor which has been on-line long enough to begin recovering plutonium from spent fuels within weeks or maybe months.

He told the committee:

Pyongyang is also committed to developing a long-range, nuclear-armed missile that is capable of posing a direct threat to the United States; it has publicly displayed its KN08 road-mobile ICBM on multiple occasions. We assess that North Korea has already taken initial steps toward fielding this system.

Finally, according to the Director of National Intelligence:

North Korea probably remains capable and willing to launch disruptive or destructive cyberattacks to support its political objectives.

Although it hasn't received the attention it deserved during today's debate, the Gardner-Menendez substitute addresses the cyber security threat with robust sanctions against those who control North Korea's cyber warfare apparatus. The adoption of the Gardner-Menendez legislation creates a new policy framework that combines effective sanctions and effective military countermeasures that can stop North Korea's nuclear ambitions, address cyber security issues, and bring some sanity back to the political calculus—a new policy framework that 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.

This bipartisan bill, approved unanimously by the Senate Foreign Relations Committee in January, expands and tightens enforcement of sanctions from North Korea's nuclear and ballistic missile development and other destructive activities of the Kim regime. It requires the President to investigate sanctionable conduct, including proliferation of weapons of mass destruction, arms-related materials, luxury goods, human rights abuses, activities undermining cyber security, and the provision of industrial materials, such as precious metals or coal, for use in a tailored set of activities,

including weapons of mass destruction proliferation activities or for use in prison and labor camps.

Under our substitute, the President is mandated to sanction any person found to have materially contributed to, engaged in, or facilitated any of those above activities. Penalties would include the seizure of assets, visa bans, and denial of government contracts.

To provide some flexibility, we have ensured that this and future administrations retain the discretionary authority to sanction any entity or person transferring or facilitating the transfer of financial assets and property of the North Korean regime.

The bill also requires the Secretary of the Treasury to determine whether North Korea is a primary money laundering concern, and if such a determination is made, assets may be blocked and special measures applied against those involved.

From a strategic perspective, the bill would promote a strategy to improve 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 relating to these strategies as well as a report on political prison camps and a feasibility study on providing communications equipment to the people of North Korea so we can permeate the opportunity for information to flow to the people of North Korea.

Last but not least, under the Gardner-Menendez substitute, the State Department is required to expand the scope and frequency of travel warnings for North Korea.

That is what we think about most of the time when we think about North Korea, but there is another dimension beyond nuclear challenges, missile challenges, proliferation of weapons of mass destruction, and that is the concern that there remain serious, unanswered questions about human rights and the lot of the North Korean people. We need only read headlines like the ones on this chart: "Life in a North Korean Labor Camp: 'No Thinking . . . Just Fear'"; "Kim's former bodyguard tells of beatings, starvation in North Korean prison camp"; "North Korean prison camp is one of the most evil places on earth—home to 20,000."

Under the rule of Kim Jong Un, North Korea is one of the most harshly repressive countries in the world. All basic freedoms have been severely restricted under the Kim family's political dynasty. A 2014 U.N. Commission of Inquiry found that abuses in North Korea were without parallel in any other country. Extermination, murder, enslavement, torture, imprisonment, rape, forced abortions, and unspeakable sexual violence are part of the ongoing story of this bizarre regime.

We know that North Korea operates a series of secretive prison camps where opponents of the government are sent

and are tortured and abused, starved on insufficient rations, and forced into hard labor. Collective punishment is used to silence dissent and instill fear in the North Korean people that they could be next. The country has no independent media. It has no functioning civil society, and there is, of course, not even a hint of religious freedom except for the bizarre worship of the line from which Kim Jong Un hails. That is the reality, making it abundantly clear that, though security concerns may be our most important priority on the Peninsula, they are not and should not be our only priority.

The legislation we are proposing creates for the first time the basis in law to designate and sanction North Korea for its human rights violations. Such sanctions would elevate human rights and the fundamental issue of human dignity to be as important as nuclear weapons and ballistic missiles.

At the end of the day, there is no basis for successfully dealing with the North, absent a solid foundation for a policy that is rooted in the U.S.-South Korea alliance. In President Park we have an important partner. I have visited South Korea and met with President Park. He is someone we can easily consult with and work closely with to chart out a future course in dealing with North Korea. Our partnership with Japan presents new opportunities for building a more effective approach to dealing with Pyongyang.

Whatever one's views on the various U.S. policy efforts of the past 2 decades—what has worked, what has not worked, and why—there can be little question that these efforts have failed to end North Korea's nuclear ambitions or end its missile programs. They have failed to reduce the threat posed by North Korea to our allies, failed to alleviate the suffering of North Korea's people, and failed to lead to greater security in the region.

Let me be clear. I have no illusions that there are easy answers when it comes to dealing with a regime like North Korea. With the passage of this legislation, we have acted in concert not only in a bipartisan effort but with our values, and we will have established a policy for dealing with an unpredictable, rogue regime equal to the challenge. I urge this body to have a unanimous vote. It is not enough to condemn North Korea's provocation, which is, by all accounts, a violation of U.N. Security Council resolutions and international will. It is not enough to convene the United Nations Security Council for another round of hollow rhetoric that does nothing to the Kim regime but signal a lack of international commitment to enforcing international will. It is not enough to do what we have always done and minimize the obvious threat from a rogue state living in its own false reality.

As the coauthor of the sanctions that brought Iran to the negotiating table, I know that the sanctions regime we are structuring here can have a real effect.



Those who want to deal with North Korea and North Korea's pursuit of missile technology and nuclear weapons will see a consequence to them far beyond North Korea. With this bipartisan legislation, we have before us a series of meaningful steps that speak the only language North Korea's regime can understand: aggressive, material consequences for aggressive, reckless provocations.

This legislation is the most comprehensive strategy to deal with the challenge that North Korea presents. The launch over the weekend and recent nuclear tests makes it clear that when I introduced this bill last year, it was timely then. We didn't get to act on it then, but we can do so now.

I urge the Senate, and I urge my colleagues on both sides of the aisle, to unanimously pass the North Korea Sanctions and Policy Enhancement Act. I urge my colleagues in the other Chamber to concur, and I look forward to the President quickly signing this legislation into law.

If the international community is serious about meeting the threat that North Korea poses, we should see measures like this act adopted by the United Nations and implemented by all of its member states. The international community should stand together with a single voice and one clear message: Any provocation will be met with consequences that will shake the Kim regime to its foundation. That is the opportunity we have to set the course here today in the Senate. I think one of the most powerful moments is when the Senate acts in a strong, bipartisan fashion that sends a message that will create a ripple effect not only here but across the world.

I look forward to what I hope will be an incredibly robust, if not unanimous, vote on this legislation.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, I thank Senator GARDNER and Chairman CORKER for their leadership and tireless efforts within the Foreign Relations Committee in dealing with the national security challenges posed by North Korea.

As a member of the Senate Armed Services Committee, I periodically receive intelligence briefings on North Korea's military capacity and the political will of North Korea's leaders to threaten the United States and our interests abroad. Based on these briefings and the extensive intelligence in forming them, I believe we need to embrace an "all of the above" approach to confront North Korea's continued development of ballistic missile, nuclear, and cyber technologies. These threats have become too serious to ignore and far too complex to confront with anything short of a coordinated strategy that is prepared to employ the full force of the United States Government, including all of our diplomatic, intelligence, economic, and military resources.

As Americans, it can be easy for us to forget just how lucky we are to live in a free and open society. Most of us, myself included, simply have no idea of what it is like to live under a totalitarian regime like the one that has kept North Koreans in a state of impoverished servitude, cut off from the rest of the world for generations. But every so often the mask slips, and there is an event that gives the world a clue about what can happen when a nation-state operates and thrives behind a veil of mystery and secrecy. For me, and many of my fellow Utahans, one of these clues came nearly 12 years ago when a young man from Utah suddenly went missing in southern China.

In August 2004, David Louis Sneddon disappeared while hiking in the Yunnan Province of China. He was 24 years old at the time and a student at Brigham Young University in Provo, UT. Having spent his summer studying Mandarin in Beijing, David wrote to his family about his plans to hike the scenic Tiger Leaping Gorge along the Jinsha River in southern China. That was the last time David's family would ever hear from him. His passport and credit cards were never used again; they were never seen again. David Sneddon was never seen again.

What happened to David Sneddon? To my knowledge he is the first American since the 1970s to go missing in China without an explanation. What happened to him? How can a young man, who is skilled in a country's language and knowledgeable of their culture, simply vanish without a trace?

These questions have answers. For more than a decade, David's family members, friends, and loved ones, as well as regional experts, reporters, and embassy personnel have searched for those answers in vain. For their part, local authorities point to the Jinsha River for answers. They contend that the lack of physical evidence surrounding David's disappearance could indicate that he fell and was swept away by the river, despite the fact that his body was never found. Well, it is certainly possible for that to happen to an unsuspecting tourist hiking on unfamiliar terrain, but David was not a novice outdoorsman by any stretch of the word. He was an Eagle Scout and an avid hiker who had years of experience trekking over rugged landscapes across the American West.

In recent years investigational reporters and regional experts have suggested an alternative explanation of David's disappearance. For instance, on April 25, 2013, Melanie Kirkpatrick, a senior fellow at the Hudson Institute and a well-regarded expert on North Korea, wrote an excellent article in the Wall Street Journal.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the The Wall Street Journal, April 25, 2013]

NORTH KOREA'S KIDNAPPERS AND THE FATE OF DAVID SNEDDON

(By Melanie Kirkpatrick)

North Korea's recent bellicosity seems to have subsided for the moment, but the regime's malign practices continue. The United Nations Human Rights Council last month established an international commission of inquiry into what it describes as North Korea's "systematic, widespread and grave violations of human rights." The commission's mandate includes examining North Korea's abductions of foreigners and the likelihood that some victims are imprisoned in the North. Pyongyang is believed to have kidnapped nationals of at least 12 countries.

One such victim may be an American citizen. David Sneddon disappeared in China in August 2004, when he was a 24-year-old student at Brigham Young University. He was vacationing in Yunnan Province after completing several months of study at Beijing International University and before returning to the U.S. for his senior year. Speaking in Tokyo last month about Mr. Sneddon's disappearance, Keiji Furuya, Japanese minister of state for the abduction issue, told me: "It is most probable that a U.S. national has been abducted to North Korea."

The charge that an American citizen was likely kidnapped by North Korea is noteworthy in and of itself. It is even more so coming from a cabinet-rank member of the Japanese government about a citizen of another country. The minister added: "I would not like to speak further about it because it would be an intervention in the domestic affairs of the United States."

Japan is in a unique position to evaluate North Korea's kidnapping operation, having investigated it for more than 30 years. North Korean agents infiltrated Japan in the 1970s and 1980s, snatched Japanese citizens and took them back to North Korea. Japanese traveling in Europe were also kidnapped. North Korea forced the abductees to teach Japanese language and customs at its spy schools so that its agents could travel the world posing as Japanese nationals.

In 2002, the late dictator Kim Jong II admitted to the visiting Japanese prime minister, Junichiro Koizumi, that North Korea had kidnapped 13 Japanese citizens. Kim did so in the expectation that his confession would pave the way for the normalization of relations with Japan. The move could have had the salutary effect for North Korea of attracting Japanese investment and reducing North Korea's economic dependence on China. Instead, Kim's confession inflamed Japanese public opinion and made normalization impossible.

North Korea allowed five of the abductees to go home. It said the other eight victims had died, but the death certificates supplied by Pyongyang were found to be fake. Japan believes those eight victims—as well as others whom Kim Jong II did not acknowledge—are alive in North Korea.

In recent years, Pyongyang's kidnappers have turned their attention to China, where they have abducted South Korean humanitarian workers. The South Koreans were targeted because of their work helping North Koreans escape on an underground railroad across China to eventual sanctuary in Seoul.

This brings us back to David Sneddon. In addition to speaking Chinese, Mr. Sneddon is fluent in Korean, having spent two years in South Korea as a Mormon missionary. This unusual linguistic ability may have thrown suspicion on him. The Sneddon family believes that David was kidnapped by North Korean agents who mistakenly thought he was helping North Korean defectors. Yunnan

Province, which borders Laos, Burma and Vietnam, is along the underground railroad's usual route out of China. North Korean security agents are known to operate there, apparently with Beijing's permission.

At the time of David's disappearance in August 2004, China told the Sneddon family that its investigation had concluded that the young man likely had a fatal mishap while hiking through Tiger Leap Gorge. That theory was disproved by facts uncovered by David's father and two of his brothers three weeks after he went missing. The three Sneddons retraced the young man's steps in Yunnan and found witnesses who reported seeing him during and after his hike through the gorge.

The Sneddons have had their share of frustrations in dealing with the U.S. State Department. A senior diplomat wrote the family last year that "Under the Privacy Act, we are not permitted to release any information about David's case unless we have his written consent to do so." The diplomat noted a health-or-safety exception but only if the family "has convincing information as to where the U.S. citizen is located or what his/her condition may be."

"We're living a Catch-22," says David's brother, Michael Sneddon. "If our family had 'convincing information' as to David's whereabouts, David would no longer be missing. It's absurd." The Washington-based Committee for Human Rights in North Korea plans to file a Freedom of Information Act request for information on actions the State Department has taken on the Sneddon case, says executive director Greg Scarlatou.

The Sneddons refute speculation that David may have disappeared voluntarily. He had purchased a plane ticket home, put a down payment on his student housing for the fall semester, and made arrangements to take the LSAT exam for entry to law school. His Beijing roommate, who traveled with him until a few days before his disappearance, says David was planning to go home.

Last year, a Tokyo-based research organization published a report citing new evidence that North Korea kidnapped Mr. Sneddon. A source in China told the National Association for the Rescue of Japanese Abducted by North Korea that in August 2004—the date of his disappearance—Yunnan provincial police arrested an American university student who was helping North Korean refugees. A second Chinese source told the Japanese researchers that the Yunnan police handed over the American to North Korean security agents. In both cases, personal details about the unnamed student correspond with facts known about David Sneddon. Seven Japanese parliamentarians traveled to Washington last May to present this evidence to the State Department and Congress.

For one former Japanese intelligence official, the Sneddon disappearance is a case of *déjà vu*. The official, who asked not to be identified by name, compares it to the abduction cases he tracked in the 1970s and 1980s. "The evidence is always fragmented and isolated," he says. Until Kim Jong II confessed to kidnapping 13 Japanese citizens, he notes, some in the Japanese government refused to acknowledge the abductions for fear of alienating Pyongyang. The former intelligence official has looked at the Sneddon evidence and believes there is a strong possibility that North Korea kidnapped the American.

The U.N. commission of inquiry will spend one year gathering and evaluating information on North Korea's abductions. Let's hope it discovers what happened to all those who disappeared—including the American David Sneddon.

Mr. LEE. Mr. President, Kirkpatrick's research shows that David's

disappearance in China fits the pattern of foreign national kidnappings by North Korea in East Asia since the 1970s. While this might sound strange to Americans—because it is indeed strange to us as Americans—it is an issue with which the people of Japan and South Korea are tragically all too familiar.

The circumstances of David's disappearance add a level of credibility to this theory. For instance, the area where David was traveling is a well-known thoroughfare on an underground railroad for North Korean dissidents trying to escape to Southeast Asia. As a result, this area is monitored and patrolled by North Korean Government agents who were involved in the capture of a high-level North Korean defector and his family in the area only months before August 2004.

David was fluent in Korean, thanks to having spent 2 years serving a mission for the Church of Jesus Christ of Latter-day Saints in South Korea. He matched the profile of activists in this area who were thought to be assisting North Korean escapees.

In a coincidental twist of fate, David disappeared only a month after Charles Robert Jenkins, an Army deserter, was released by the North Korean Government after having spent nearly 40 years imprisoned in the totalitarian state, forced to teach English to North Korean intelligence agents. An American who spoke fluent Korean would be an attractive replacement for Charles Jenkins.

Three weeks after his disappearance, David's father and two of his four brothers traveled to China and retraced David's planned steps through the Tiger Leaping Gorge. The results of their factfinding mission, including their conversations with local residents, businesses, tour guides, and travelers have been shared with the State Department and detailed in an excellent piece by Chris Vogel published in *Outside Magazine* in 2014.

One of the most compelling pieces of evidence discovered by David's father and brothers is that several people, including a trail guide who had been hiking the Tiger Leaping Gorge around the time of his disappearance, remember interacting with a young man fitting David Sneddon's description. David's family also met with the owner of a small Korean restaurant in the city of Shangri-La, a bustling tourist outpost with a convenient access to the Tiger Leaping Gorge. When she saw a photograph of David, the young restaurant owner lit up. She immediately remembered David, and for good reason. Not only did David stand out because of his fluency in Korean, but he reportedly visited the restaurant on three separate occasions over the course of 2 days while he was in that city.

Indeed, according to the *Outside Magazine* article, the last time anyone saw David, which was on August 14, 2004, he was reportedly leaving a Ko-

rean restaurant. At first glance, this may seem like a minor detail, but seen in the right light, it is, in fact, an ominous clue.

According to many regional experts, there is a historical pattern of North Korean agents using Korean-run restaurants in China, Japan, and elsewhere to prey on their targets for kidnapping and abduction. Despite these reports, there have been no further or more fruitful leads regarding David's whereabouts. People move away or change their stories. Embassy and State Department staff move to different assignments, and the trail grows cold.

For nearly 12 years, along with his family, we have been looking for David. There are many people who deserve credit for the contributions they made to this effort. In particular, I wish to thank Ambassador Robert King, the special envoy for North Korean human rights issues and a longtime personal friend of mine, as well as his office, for the attention they have given to David's case and the good-faith efforts they have made over the years to try to find answers. I commend Ambassador King for his work on this complex, sensitive, and very important issue.

There is still work yet to be done. An upstanding American citizen is still missing, and an aggrieved family—indeed, an entire community—continues to wait and pray for a resolution, which is what brings us here today.

The first and most important responsibility of the United States Government is to ensure the safety and freedom of the American people at home and abroad. When American citizens travel overseas, the State Department plays a critical role in fulfilling this core constitutional duty.

The amendment I am filing today—which I plan to submit as a stand-alone resolution with Senators HATCH, FISCHER, and SASSE—gives the sense of the Senate that the State Department, in conjunction with the intelligence community, should continue to fulfill that obligation to David Sneddon and his family. A companion bill will be introduced in the House of Representatives by my friend Congressman CHRIS STEWART and the rest of the Utah delegation.

The State Department's responsibilities in this matter include investigating all plausible explanations behind David's disappearance and leaving no stone unturned in trying to return one of our brothers to his family.

At the time of his disappearance, David had his whole life ahead of him. In fact, he was already planning for it. Before setting out to hike the Tiger Leaping Gorge on that fateful day in August of 2004, David had signed up to take the law school admissions test—the first step toward applying to law school, he had arranged business meetings back home in Utah to get an early start on pursuing his dreams of entrepreneurship, and, eager to get back to

BYU's beautiful campus, he had already paid for his student housing for the upcoming fall semester, but he never had the chance to do any of those things, and the Sneddon family deserves to know why.

The greatest threat to totalitarian regimes in any part of the world is the truth; that the world may learn of the horrors they perpetrate every day against their own people and that their people may learn that there is a world full of freedom and opportunity beyond the ironclad borders of their enslaved homeland.

It is in pursuit of the truth—about David Sneddon's whereabouts—that I file this amendment today.

Thank you, Mr. President.

Mr. CARDIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TILLIS). Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak as in morning business for up to 20 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### CUSTOMS AND TRADE ENFORCEMENT LEGISLATION

Mr. WYDEN. Mr. President, I rise this afternoon to speak about a matter that will come before the Senate tomorrow when the Senate votes on whether to invoke cloture on the customs and trade enforcement conference report.

Last year, Democrats and Republicans in both Chambers of the Congress came together and said it was time for a fresh policy on international trade—a fresh, modern policy that I describe as trade done right. At the heart of trade done right is a tougher, smarter plan to fight the trade cheats who are ripping off American jobs.

Now, the inventiveness of these ripoff artists takes our breath away. It is something I know a fair amount about because a few years back, as chairman of the Trade Subcommittee, we put together a sting operation and in effect invited those ripoff artists from around the world to cheat, and we were just flooded—flooded with those who were interested in skirting the laws. They have extraordinarily inventive ways of moving their operations, concealing their identities, and shipping their products into our country through shadowy, untraceable routes. Sometimes sneaking illegal imports into this country is as simple as slapping a new label on a box. We call it merchandise laundering, and we saw it again and again and again as we conducted this sting operation.

So it is long past time to come up with a new and tough approach to en-

forcing our trade laws. In my view that is what this debate is about and that is what the vote will be about tomorrow.

The lingo of trade policy, as we call it, TPA—the trade promotion authority—what are the rules for trade and then the various agreements and what, of course, is being considered now, the Trans-Pacific Partnership—it is hard to keep track of this lingo under the best of circumstances. I think in beginning this discussion, what I want to note for the Senate is this is not—not—about the consideration of a new trade agreement. No trade agreement—no new trade agreement—is going to be considered by the Senate this week. What this debate is about is whether the Senate is going to put in place tougher, smarter, more modern trade enforcement policies, and when we have these policies, actually follow up on them and stand up to anybody around the world who is trying to figure out a way to get around them. My view is that tough, smart trade enforcement ought to be a priority for every Senator, no matter how they choose to vote on a particular new trade agreement.

My bottom line is that past trade policies were too old, too slow or too weak to keep up with the trade cheats, but that is what this legislation is going to change. This legislation says those days are over.

I wish to take just a few minutes to describe why I believe this package we will vote on is the strongest set of trade enforcement policies the Congress has considered in decades.

At its core, what trade law enforcement is all about is rooting out the universe of scofflaw tactics that the cheats rely on. They use fraudulent records and shell games and sophisticated schemes to evade duties and undercut our American producers. Foreign governments bully American businesses into relocating factories and jobs are turning over lucrative intellectual property. They spy on American companies and trade enforcers, steal secrets, and then they lie about it in the aftermath, and they try to undercut American industries so quickly that our Nation has been unable to act before the economic damage is done.

With the vote we are going to cast this week, we have an opportunity to say strongly and loudly that we are done sitting back and just watching our companies get their clock cleaned by trade cheats. This country is going to take trade enforcement to a new level to protect workers and businesses in Oregon and nationwide.

In my view, the center of this effort is the ENFORCE Act, which goes after what I consider to be one of the biggest of the trade loopholes; that is, merchandise laundering. This is a proposal that a number of Senators have worked for years to get enacted. What it will do is put a stop to the evasion of duties that are put in place to protect our workers, protect our manufacturers, and particularly when it comes to the

steel industry, a pillar of American industry. The ENFORCE Act ought to be understood to be clearly a priority matter for those who work in the steel industry and the companies for which they work.

Second, the legislation, once and for all, closes a truly offensive loophole that allowed products made with slave and child labor to be imported to the United States. My friend Senator BROWN has championed this issue. He and I believe that in 2016 and beyond, the Congress cannot allow for the perpetrators of slave or child labor to have any place in the American economy. So the old system that leaves the door open to child or slave labor, if it is used to make a product that isn't made in the United States, that system has to end and with this legislation it will. The old system essentially said that when it came to child labor, in the past, economics would trump human rights. Economics just mattered more than protecting vulnerable children. Senator BROWN said: No way. That is a grotesque set of priorities. And we closed that loophole. It is closed, once and for all.

Another major upgrade in this trade package is what I call an unfair trade alert. I have heard for years and years from union leaders, from companies and others that the trade cheats often try to exploit the fact that trade law enforcement moves along at a snail's pace. What happens is that the rip-off artists break the rules. They hope the damage is going to be done before anybody in Washington catches on. That way the factory lights go out at the plant, and the plant is shuttered before our country does anything about it. What we have done with this new unfair trade alert system is to ensure that there are going to be warning bells going off long before the damage is done.

Next, the package includes an important initiative from Senator STABENOW to mobilize the institutions of government into a permanent ongoing enforcement center so that we have all hands on deck to fight the trade cheats. With Senator STABENOW's proposal we are going to make sure that when it comes to fighting the trade cheats, the left hand and right hand are working in Congress.

The package creates a new trust fund for trade enforcement developed by Senator CANTWELL to drive America's investment in fresh ideas and do it in a way that will help protect our workers and businesses.

The proposal also ensures small businesses and their employees are going to be able to find an easier path into the winners' circle on international trade. It is going to lower the cost for a lot of small businesses in Oregon and nationwide that import products into our country. For my home State, this effort led by Senator SHAHEEN, who has done great work on the Small Business Committee, is hugely important because in my State, when you are done

counting a handful of big businesses, you have covered the big employers in our State. We are overwhelmingly about small business, and because of the good work of Senator SHAHEEN, we are going to give small businesses more tools they can use to reach new markets overseas. It is going to help guarantee that all our trade agencies are looking for opportunities to help small businesses grow.

I could go on with others. I think Senator FEINSTEIN has done very important work. For example, we have been looking for a model for trade-based humanitarian assistance. Senator FEINSTEIN's contribution has helped us secure that goal, and I appreciate greatly her leadership.

When it comes to trade policies, environmental protections are a special priority for me and for Oregonians and for the American people. I want one judgment about this bill to be very clear as we start this debate. This legislation cannot and will not in any way prevent the United States from negotiating a climate agreement. Not only that, the package tackles some particularly important environmental issues head-on. It directs our trade negotiators to act against illegal fishing and fishing subsidies that destroy our oceans. It is going to help guarantee that the Customs personnel are better trained to fight the trade of stolen timber from places like the Amazon. These are big improvements over the old playbook of trade enforcement.

Many Senators on both sides of the aisle are very concerned about currency manipulation. In the process of bringing this bipartisan, bicameral package together, it was clear that there were some differences between the Senate and the other body on this legislation and that the other body was willing to go only so far on currency questions. When Senators vote—and I know currency is important to them—I hope that they will reflect on the view that I am going to articulate. This legislation goes further than ever before to fight the currency manipulators. One of the major reasons it does is because of our colleague Senator BENNET. Senator BENNET has been working with all sides diligently on this issue. He has clearly given us a policy that we can build on in the years and days ahead. I intend to work with Senator BENNET and all of our colleagues on both sides of the aisle at every opportunity to head off the currency manipulators, to stop them from undercutting American jobs and American businesses. There is no question in my mind that this legislation goes significantly further than ever before to fight currency abuse and manipulation.

Now, it has been my judgment for years that a more progressive approach to trade and stronger trade enforcement are two sides of the same coin. Last year, the Senate said loudly and clearly that future trade deals have to raise the bar for American priorities such as labor rights and environmental

protection. Because of Senator CARDIN, we will now have a new focus on human rights. Now the Senate has an opportunity to stand up for workers and businesses in Oregon and across the country by kicking the enforcement of trade law into high gear. This landmark trade enforcement proposal ought to have strong bipartisan support.

Also included in the conference report is a permanent extension of one of the most popular economic policies on the books today, the Internet Tax Freedom Act. Former Congressman Chris Cox and I introduced this bill back in 1998. For nearly two decades, this legislation protected working families, especially against regressive taxes on Internet access.

Working families are the focus of this bill. Working families who use the Internet, for example, get information about employment opportunities and educational opportunities. They shouldn't face a wave of new regressive taxes. Clearly, ensuring that they don't get hit by these regressive taxes has saved our working families and our small businesses hundreds of dollars a year.

But for all that time, this has been a kind of temporary stop-and-go policy that required its being renewed again and again. My hope is that, as Senators look at this bill, which in my view is the toughest trade enforcement law in decades, and move to the very new approach that I call "trade done right," I hope Senators will see that this legislation also ensures that working families, senior citizens, and others of modest means don't get hit by this big regressive tax simply when they want to access the Internet for the kind of information so important to them, given a modest income and their desire to get ahead.

With this legislation and its extension running out this year, it is important for the Senate to act now so that you don't have a situation again at the end of the year with the prospect of the Internet Tax Freedom Act expiring and working families getting hit with these regressive taxes.

I urge Senators to support this proposal. There has been an awful lot of work done by Senators on both sides of the aisle to advance this legislation. I am particularly grateful to our colleagues on the Finance Committee with whom I have the honor to serve.

I will close simply by saying to colleagues that this is not about a new trade agreement. It is not exactly an atomic secret. There are pretty strong differences of opinion about new trade agreements here in this body. This is about whether we are going to get tough with the trade cheats who are ripping off American jobs. This legislation gives us the opportunity to do it, and I urge your support.

I yield back.

The PRESIDING OFFICER. The Senator from Oregon.

#### OUR "WE THE PEOPLE" DEMOCRACY

Mr. MERKLEY. Mr. President, the most important words in our Constitution are the first three words of that document: "We the People." These are words that the authors put in supersized print to tell us that this is what our government is all about—and also, what it is not about.

They did not start out this document by saying that we are a government to serve the ruling elites. They did not establish this Constitution to serve the titans of industry and commerce. And they did not write our Constitution to serve the best off, the richest in our society—quite the contrary. The genius of America was a government designed, as President Lincoln so eloquently summarized, to be "of the people, by the people, and for the people."

This Senator will be rising periodically to address issues that affect Americans across our Nation. It is important to a government of, by, and for the people to address issues that we should be addressing in this Chamber.

Today I will use this time to talk about the challenge we face in climate change. Last month, scientists reported that 2015 was the single hottest year on record. NASA says that this past year was a full 0.9 degrees centigrade. That is well over 1.5 degrees Fahrenheit hotter than the average during the 20th Century. Moreover, it rose significantly warmer from 2014, which was the previous hottest year on record—0.23 degrees Fahrenheit hotter than 2014. That is an unexpectedly massive increase in the challenge of global warming.

These numbers come from the best scientific analysis. They take the combined temperatures from the land, water, and air to get a comprehensive picture of what is going on in our beautiful blue green planet. In total, 15 of the hottest years our planet has experienced while humans have tread this Earth have been in the last 16 years.

These temperature records send a strong message to us, but there is also a message coming from what is happening on the ground—the facts on the ground. We see the impact of global warming on our own communities. We see the impacts in terms of the pine beetle expansion because the winters are not cold enough to kill them off. We see it in terms of the red zone that comes from that. We see it in terms of the longer fire season—60 days longer in the last 40 years in my home State of Oregon. On the Oregon coast we are having trouble with oysters reproducing because the first few days it is difficult to form a shell with waters 30 percent more acidic than they were before the Industrial Revolution. We see it in the Cascade Mountains, where the snowpack has been smaller. It affects our winter sports, and it certainly affects the runoff that serves our farms. We have had massive, difficult droughts in southern Oregon in the Klamath Basin.

These changes are not just happening in Oregon. They are happening across

our Nation. They are happening across the world. This change is driving huge costs that can be measured in lost lives, lost homes, lost farms, lost businesses, burnt forests, and billions of dollars in disaster relief.

Scientists agree that we must keep the warming of our planet under 2 degrees Celsius to avoid catastrophic impacts. We are seeing severe impacts now, but these will be nothing compared to what is anticipated if we allow global warming to continue. At this stage below 2 degrees Celsius or 3.5 degrees Fahrenheit, we must pivot off of the fossil fuels to a clean energy economy. That means pursuing energy efficiency in our vehicles, in our freight transportation, and in our homes. It does mean investing in renewable energy, noncarbon electrical energy produced by sunlight and by wind.

The simple, sobering fact is this: Energy efficiency and renewable energy will not be enough to stop the warming of our planet unless we leave 80 percent of the currently known fossil fuel reserves in the ground. That is a powerful statement because there are enormous financial forces that seek to extract those proven reserves, to burn those proven preserves, and in doing so will destroy our planet.

You and I, fellow citizens, are owners together of a vast amount of fossil fuels, of coal, of natural gas, of oil. This is the oil and gas and coal that is underneath our public lands and water. We should use our "We the People" power to manage these fossil fuel reserves for the public good, and the public good is to move away from an era where the U.S. Government facilitates the extraction and burning of our citizen-owned fossil fuels to a new era where the Federal Government, together our "We the People" government, leads the transition from fossil fuels to a clean energy economy. As we face the threat of catastrophic climate change, the public good in regard to these fossil fuels is to keep them in the ground.

When we do a new lease for the extraction of our citizen-owned fossil fuels, we lock in carbon extraction for 20 years, 30 years, 40 years, even 50 years into the future. That is unacceptable. That is morally wrong because that extraction, decades into the future, will do enormous damage to our planet, to our forests, to our farming, and to our fishing. This is an assault, first and foremost, on rural America, and it is our responsibility to stop it.

That is why I introduced the Keep It in the Ground Act. This legislation ends new leases for coal and oil and gas on public lands and waters, and it would drive a transition from fossil fuel extraction and combustion toward a renewable energy economy.

Critics might argue that we cannot simply end consumption of fossil fuels tomorrow. They might point out that society still depends on fossil fuels for electricity and for transportation, and they might know the leases that have

already been put out there provide extraction opportunities decades after this bill is enacted. That being said, it is all the more important that we not do new leases, that we not do new leases that empower more extraction decades into the future. Time is short and public lands and waters are citizen owned. Public lands and waters are the right place to start, and it is critical to the future of our planet.

The success of this moment, the "keep it in the ground" movement, will depend on grassroots organizing. The grassroots stopped the Keystone Pipeline, which would have turned on the tap for some of the dirtiest fossil fuels in the world. Grassroots organizing has driven the administration to suspend and possibly to stop drilling in the Arctic waters—drilling, which is the height of irresponsibility in the fragile Arctic region, and just recently grassroots organizing and energy has encouraged the President to put a pause on coal leasing to evaluate its climatic impacts.

While these are important steps in the right direction, I want to encourage our President to go further. Just as he has suspended new leases for coal, President Obama has authority to do the same for oil and gas. Last week I joined with nine other colleagues in calling on the Department of the Interior to strengthen its climate commitments by dropping all new fossil fuel leases from the 5-year Outer Continental Shelf Oil and Gas Leasing Program.

I emphasize grassroots organizing as critical because this building on Capitol Hill is full of individuals, such as I, who have been elected, and in our elections vast funds from the fossil fuel industry are holding sway. So it is going to take citizens and a "We the People" government—of, by, and for the people—to be able to continue to drive what we all know is right. It will be essential to sustain and expand the "keep it in the ground" movement.

Not so long ago, when individuals outside of this building were talking about "keep it in the ground," and then inside this building we started to have that conversation, many said: It is just too much of a stretch. It is just too much of a paradigm change from the past, when we sought to lease out our fossil fuels, that this wouldn't work.

Where are we now? Not only did we have success in the Keystone, not only did we have success in the Arctic, not only did we have success in terms of suspension of coal leases, but we have a broader conversation about ending all of these new leases in each of these areas of fossil fuels on our citizen-owned property.

Senator BERNIE SANDERS, who is a cosponsor of my keep it in the ground bill, said in November:

We cannot continue to extract fossil fuels from Federally owned land.

He continued and said:

You can't talk the talk and say I'm concerned about climate change. And at the

same time, say we're going to extract a huge amount of oil, coal, and gas from federal land.

Last Friday Secretary Clinton called for banning fossil fuels or banning fossil fuels on public land a "done deal," and she went on to say: "No future extractions, I agree with that." That is what she said. So we have come a long way in a short period, from action in three specific areas to the leading Presidential contenders on the Democratic side calling for moral action to take on this threat.

Moving forward, there are two options before us. Our Federal Government can be a government of, by, and for the titans, and it can be complicit in digging our carbon hole even deeper and doing more damage to the land we love or our Federal Government can be the "We the People" government that was laid out by our Constitution, and it can lead this effort to manage our fossil fuels on public lands for the public good and work with our partners around the globe to save our planet.

It has been said we are the first generation to see the impacts of global warming and that we are the last generation that can do something about it. So the choice is simple. Let's move aggressively away from a fossil fuel economy to a clean energy economy. Let's work in partnership with the world to take on this worldwide challenge and let's do the smart thing. When it comes to our publicly owned fossil fuels, let's keep it in the ground.

Thank you, Mr. President.

**THE PRESIDING OFFICER.** The Senator from Hawaii.

**Mr. SCHATZ.** Mr. President I rise to join my colleagues in condemning North Korea's belligerence in East Asia.

For decades North Korea has starved its people, sponsored criminal misconduct and cyber attacks, and bullied South Korea. In the last month it has violated numerous U.N. resolutions regarding development of nuclear weapons and ballistic missiles. DNI Clapper recently stated that the regime is expanding its Yongbyon enrichment facility and restarting the plutonium production reactor. These actions are a threat to the United States, our allies, to their regional stability, and they remind us that the Kim regime has no interest in abiding by international rules.

The continued development of nuclear weapons and ballistic missiles threatens our military forces in Japan and South Korea and poses a risk to Seoul, Tokyo, and other major cities in the region. While North Korea regularly exaggerates its capabilities, it is clear that its belligerence is unending and its technology is improving.

This legislation will strengthen and expand the U.S. sanctions against North Korea. We should use every tool we have to increase pressure on the regime so it dismantles its nuclear weapons and ballistic missile programs, but it is not at all clear that they are responding to direct pressure from our

own country. If there is going to be meaningful change in the security situation on the Korean Peninsula, then China is going to have to exert more leverage over its neighbor.

While we certainly do not see eye-to-eye with China on many things, we can and must work together to address our shared concerns. China has a tremendous amount at stake too. Unfortunately, Chinese efforts to rein in North Korea have so far been underwhelming. In response to China's diplomatic overtures to stop the missile launch last Saturday, North Korea actually accelerated its plans and launched its missile on the eve of the Lunar New Year celebrations in China. If that is how North Korea treats its only ally, then we face an uphill battle, especially without China recalibrating its approach and increasing its pressure.

China must step up to the plate and recognize that dealing with the Kim regime now is better than dealing with it later. China ought to communicate to its ally that it is fed up with its belligerence and supports stronger U.N. sanctions. This is the way China will demonstrate its commitment to international peace and security.

The goal of this sanctions legislation is not to target the North Korean people. They are the victims of the Kim regime. They have borne the cost of these ballistic missile launches. One estimate is that it cost \$1 billion for the most recent launch, which would have fed the entire country for a year. Our goal is to convince North Korea that working with the international community is preferable to being isolated from it.

Since President Obama took office, the U.N. has adopted three major resolutions on North Korea's nuclear program. President Obama has signed three major Executive orders, further sanctioning North Korea's activities.

I support these efforts, and we must do more. This sanctions bill will give the administration additional tools to squeeze North Korea to change its behavior, but sanctions are not going to be enough. We need to reassure our allies in the region and provide the necessary resources to protect our forces in South Korea and Japan. After all, diplomacy is advanced when it is backed up by a strong defense.

To that end, we need to do three things. First, we must continue serious discussions with South Korea about deploying the Terminal High Altitude Defense System, or THAAD, to defend against the missile threat. This has probably become a necessity because of North Korea's recent actions. If it is deployed, we will have to reassure countries in the region that THAAD is intended to defend solely against the North Korean missile threat to avoid any misperceptions. Second, we need to pass a well-funded defense budget that provides for the readiness of the forces under Admiral Harris's command at PACOM, through which General Scaparrotti at United States Forces

Korea can keep our men and women ready to "fight tonight." Third, we ought to explore new opportunities to strengthen our ballistic missile defense, including increasing the protection of our forces in Hawaii and the Western Pacific by turning the Aegis Ashore Test Complex on Kauai into an operational site, a proposal Representatives GABBARD and TAKAI are working on with the Department of Defense.

These are preliminary steps we can take to reassure our allies and forces in the region that we are committed to their security, and we should refine our thinking as the threat evolves. The sanctions bill reinforces that commitment and sends a clear message that it is time to step up all levels of pressure on North Korea to end its belligerence in the region.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Mr. President, recent developments in North Korea should have raised serious concern. As we have heard over and over again in the Senate from Members of both parties, they have raised serious concerns.

This weekend North Korea launched its latest so-called satellite into orbit. We know this was nothing but an attempt to conceal their development of ballistic missile programs that would actually check launch capability, not really launching a satellite.

On January 6, North Korea claims to have tested a hydrogen bomb, which, if true, would significantly increase and advance its nuclear capabilities. Even if not true, they have significant weapons in what everyone in the world would understand to be dangerous and even unstable hands.

In October 2014, the senior U.S. commander on the Korean Peninsula told reporters that North Korea has the capabilities to put together a miniaturized nuclear warhead that can be mounted on a ballistic missile. Now we see them continuing to check that launch and missile capability. They already tested atomic nuclear weapons in 2006, 2009, and in 2013, in all cases in violation of multiple U.N. Security Council resolutions and, frankly, in violation of the agreements they had made in the early part of 2003 and 2004.

Nuclear experts have reported that North Korea may currently have as many as 20 nuclear warheads and that the capital, Pyongyang, has the potential to possess as many as 100 warheads within the next 5 years.

Combined with what appears to be growing sophistication in their missile technology, they have been seeking a way to represent a direct threat—something potentially disastrous in a nuclear way—to the United States and certainly to our allies in the region.

They have shown capacity to proliferate nuclear weapons and technology to other dangerous regimes and, we have every reason to believe, dangerous individuals. U.S. officials recently connected Iranian officials to

North Korea and specifically mentioned two Iranians who, according to the report, "have been critical to the development of the 80-ton rocket booster, and both traveled to Pyongyang" to work on this. According to reports, Iran might coincidentally conduct a nuclear launch later this month. Now we see Iran doing what it is doing, and we see Korea with the capacity to do what it is doing.

Frankly, what we see in both cases, as well as Russia, are economies that are faltering, and people have every reason to wonder about those in charge of their government. The more that occurs, the more dangerous a government might be in an unstable country, trying to do everything they can to enemies they feel they need to defend themselves against and people they need to advance against.

We also know they have significantly increased their cyber capabilities. We continually hear from our intelligence community that a cyber threat is one of the greatest threats we face. We saw North Korea launch a cyber attack on Sony Pictures in 2014, which did incredible damage in many ways, including their ability to disrupt the critical infrastructure of our country in the same way they were able to get involved in the cyber world of one major company.

According to a November 2015 report by the Center for Strategic and International Studies, "North Korea is emerging as a significant actor in cyberspace with both its military and clandestine organizations gaining the ability to conduct cyber operations." When we look at North Korea's attempts to increase and/or exaggerate the potential they have with the weapons they have or their ability to develop those weapons and when we look at what North Korea is doing with their cyber activities, we see a continually growing threat.

The bill brought to the floor from Senator GARDNER's and Senator CORKER's committee, the North Korea Sanctions and Policy Enhancement Act, takes steps by providing the tools necessary to hold North Korea and its enablers accountable for what they do. The bill's overall goal is to peacefully disarm North Korea through mandatory sanctions that would deprive the regime of the means to build its nuclear and ballistic missile program and advance its malicious cyber activities. Specifically, it mandates sanctions against individuals who have materially contributed to North Korea's nuclear and ballistic missile development; individuals who have engaged in money laundering, the manufacture of counterfeit goods, or narcotics trafficking that would benefit those programs; and individuals who have engaged in significant activities undermining cyber security against the United States or foreign individuals.

In addition to these sanctions, the legislation targets additional areas that would deny North Korea the resources it needs to continue its malicious activities. For example, the bill



mandates sanctions on individuals involved in trading minerals and metals that could be part of a nuclear program.

This section would send a strong message, certainly to China, North Korea's chief diplomatic protector and largest trading partner. The things that could be used as sanctions would surely make China think twice about what they are doing with North Korea but also think twice about what North Korea is doing with the world. China purports to have a significant influence in North Korea. China purports to not want to see nuclear destabilization occur. This bill would be an incentive for China to live up to those claims. It has consistently failed to leverage its political or economic influence up until now. If China is getting serious about getting North Korea to change its behavior, we would like to see that happen.

In a new view of sanctions, there is a waiver in this bill, as there has traditionally been. The President of the United States will have a waiver of these penalties. But this waiver is much stronger from the legislative perspective in that the President can only use the waiver on a specific basis and has to report, as I understand it, what that basis is.

This measure also goes beyond the traditional sanctions regime because it requires the administration to put forth a comprehensive strategy to promote improved implementation and enforcement of how these sanctions would work and what they would do to combat North Korea's cyber activities, to promote and encourage international engagement on North Korean human rights violations, and to report back to Congress on what they found.

There can be no doubt that other would-be nuclear regimes are going to be watching this carefully. We saw the lack of appreciation for U.S. commitment in the early weeks and months of the unfortunate Iranian deal. Frankly, the Iranians should and will look back at 2003 and 2004 and wonder why the agreements with North Korea didn't work and wonder if we are committed to those agreements and wonder if we still are determined to stop North Korea when we see the kind of activities we see today. This begins to send that message, but the required implementation and reports will send that message in more aggressive ways than the Congress and consequently the country have before.

Finally, we need to ensure that all U.S. forces deployed in the region are appropriately equipped with the most up-to-date surveillance and counterballistic missile platforms. Our regional allies—particularly South Korea and Japan—need to be assured that the United States is committed to both the stability and defense of all our partners and interests in the region. South Korea and Japan should also be encouraged to undertake any self-defense measures that are necessary to aug-

ment American forces already in the region.

North Korea remains a serious threat to peace and stability in the region and the world. North Korea continues to be a bad example of what happens when the United States makes agreements and isn't prepared to follow through on those agreements.

The world is watching. I hope my colleagues will join me in sending a clear message that North Korea's provocations are not acceptable and that its continuing pursuit of illicit nuclear weapons will not be tolerated. We will get a chance to vote on that issue today. I hope we send a strong message. I hope the administration becomes a stronger partner in this message than the messages we are failing to send right now on Iran. I think this is an important moment for the country and the world.

The PRESIDING OFFICER. The Senator from Colorado.

MR. GARDNER. Mr. President, we have heard a lot of great discussion and debate today about the sanctions bill on North Korea. Of course, one of the issues that continue to come up is the lack of response from the United Nations. As they are considering and deliberating what exactly to do with North Korea, I hope they will hear not only the words being discussed here on the floor of the Senate but also the actions that are taking place around the globe and particularly in South Korea.

We have long been aware of the Kaesong industrial complex. This is a look at it, somewhere just north of Seoul, basically right on the DMZ line, right in between North Korea and South Korea. It is actually inside North Korea, where this industrial complex is a joint venture, so to speak, a number of efforts from South Korea where they are funding manufacturing facilities using labor from North Korea.

The purpose of this manufacturing center, the Kaesong industrial complex, was to create additional opportunities for North Korea and South Korea to come together economically and for them to perhaps join together in unification efforts as they continue to see that they can work together economically.

Earlier this year, in one of the first committee hearings I held in the East Asia Subcommittee, we heard testimony from Dr. Victor Cha, a professor of government at Georgetown University. He is the senior adviser and Korea chair at the Center for Strategic and International Studies. We had testimony on North Korea several months ago—at the beginning of the year—as we focused on how we were going to address this challenge and the Kim Jong Un regime.

In his testimony in the House of Representatives a few weeks ago, Dr. Cha talked about some of the steps that could be taken by the United States and South Korea to address this North Korea threat. He talked about asym-

metric pressure points that we have which we can apply to try to bring peace to the peninsula.

In his statement, he said, "A new approach to North Korea must focus on those asymmetric pressure points." Then he talked a little bit about the Kaesong industrial complex:

Another useful asymmetric pressure point is the Kaesong Industrial Complex. A legacy of the sunshine policy, this project now provides \$90 million in annual wages (around \$245.7 million from December 2004 to July 2012) of hard currency to North Korean authorities with little wages actually going to the factory workers. The South Korean government will be opposed to shutting this down, as even conservative governments in South Korea have grown attached to the project as symbolic of the future potential of a unified Korea, but difficult times call for difficult measures.

Again, this is Dr. Cha's testimony before the House of Representatives just a few weeks ago saying that this is an asymmetric pressure point and that if we were to address something to Kaesong, perhaps that could apply pressure to the North Korea regime to change its behavior. But because of the investments, because of the amount of work and the opportunities there, closing that wouldn't happen. It is not supported by the government.

This shows you how serious North Korea's recent behavior has become. The testing of a fourth nuclear weapon—they claim it is a thermonuclear bomb. We don't have evidence yet whether hydrogen was there or not, but either way, as we stated before, it significantly increases their technical capability, nonetheless, whether it is hydrogen based or not.

We saw recently a missile launch, a satellite launch that they used to disguise a test of an intercontinental ballistic missile. South Korea believes this is such a serious situation that South Korea has now shut down the Joint Factory Park at Kaesong over the nuclear test and the rocket. Just a few weeks ago, experts said this wouldn't happen, but the severity of North Korea's actions, violations, continued infringements on any number of U.S. sanctions and U.N. sanctions has forced South Korea to take the very dramatic step of closing this facility that they hoped could bring and be a symbol of further unification.

Kim Jong Un and his reckless activities, forgotten maniac of North Korea, is now responsible for the loss of employment of 45,000 people in North Korea, and we wonder why there is no economic development taking place in North Korea. We wonder why there are limited activities. Because this regime is willing to put his own totalitarian regime ahead of the people of North Korea, placing them in political prison camps, torturing them, maiming them—hundreds of thousands of men, women, and children.

So South Korea has taken a very serious step to express their displeasure with the actions of North Korea. The United Nations and the United States

both continue to discuss and impose sanctions. The U.N. delay is disturbing.

We talk about China. We talk about the impact China could have on North Korea and their willingness to change their behavior and to denuclearize North Korea. We know China is responsible for somewhere around 90 percent of the economic activity of North Korea—right around 90 percent of the economic activity. We know trade, precious metals, coal, and raw metals have resulted in about 70 percent of foreign currency in North Korea.

That is another step this bill takes, a step to assure we are addressing any activity such as exports, coal, precious metals if the money derived from that goes to the illicit activities. That is why Kaesong was closed. That is why it was closed by South Korea, because they traced the money back from this industrial facility. The 45,000 employees who weren't making all the wages they were paying, a lot of that money was being siphoned off from the hard-working people of North Korea and given to the government and then used to fund weapons of mass destruction, nuclear proliferation. This effort that was used to try to unify the peninsula, to employ people, to find economic partnerships and opportunities was instead used by Kim Jong Un to further the building of billion-dollar rockets while his people starved, to further the efforts of nuclear tests while his people are tortured.

This bill attempts to break through that curtain of silence in North Korea, providing ways to effectively communicate with the people of North Korea, to show them what the outside world has to offer in freedom and opportunity if they were to escape the regime in the reign of Kim Jong Un. I think the closure of the industrial complex in Kaesong is one further example of the steps South Korea is being forced to take as a result of these militant activities and provocative activities out of North Korea.

I see Senator SHAHEEN of the Foreign Relations Committee is joining us in this debate today. She was an active member of the sanctions debate on North Korea. I thank the Senator for being on the floor today, and I yield the floor.

The PRESIDING OFFICER (Mr. FLAKE). The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I am happy to join my colleague, also from the Senate Foreign Relations Committee, CORY GARDNER from Colorado, in support of the North Korea Sanctions Enforcement Act. This is legislation that will help hold North Korea accountable for its dangerous weapons programs.

I know Senator GARDNER talked about today's news, North and South Korea, and in the past month we have witnessed a string of actions by the North Korean leadership that has demonstrated their determination to advance the country's nuclear weapons

and long-range ballistic missile programs. On January 6, North Korea conducted its fourth nuclear test, and just this weekend the country launched another long-range rocket. North Korea's goal could not be clearer or more serious. It is to place a nuclear warhead on an intercontinental ballistic missile capable of reaching the United States. Since North Korea's nuclear program was first uncovered in the mid-1980s, the United States has led the international effort to pressure the regime to abandon its nuclear activity. In large part, this pressure has come from the United States and United Nations sanctions. Although these sanctions have effectively halted most financial transactions between North Korea and the rest of the world, the North Korean regime and its benefactors continue to obtain hard currency to advance their illicit weapons programs.

One way the North Korean Government finances its nuclear program is by laundering money in banks outside of North Korea—banks that until this legislation have not been subject to secondary U.S. sanctions. This bill will change that situation. It gives the Obama administration the ability to effectively cut off offending banks from the international financial system. When faced with this prospect, I believe prudent actors in China and other parts of the world will cast aside those in North Korea who have supported its nuclear activity. I certainly hope so.

Let me also mention a provision I have added during the Foreign Relations Committee's consideration of the bill. It is an amendment that makes clear that the new and powerful sanctions this bill authorizes will not come at the expense of those American families still searching for their loved ones who served in the Korean war and who have never come home.

I especially want to thank a New Hampshire advocacy organization—the Coalition of Families of Korean and Cold War POW/MIAs—for working with me on this important provision. The coalition, led by Portsmouth's Rick Downes, expressed concerns that the new sanctions in this legislation could inadvertently hinder efforts to find the more than 7,800 Americans still unaccounted for from the Korean war. Obviously, no one here wants to interfere with this mission, and I am happy this final bill explicitly exempts POW/MIA accounting efforts from these new sanctions.

#### NOMINATION OF ADAM SZUBIN

Mr. President, I want to raise one concern that I do have as we are heading into a vote on this bill; that is, the ability of the Treasury Department to identify and target those who should be subject to these new sanctions because that is crucial to the success of this legislation and to our overall North Korea strategy.

The debate we are having today provides yet another illustration of why it is so essential to confirm Adam Szubin to be Under Secretary for Terrorism

and Financial Crimes at the Treasury Department. As the Under Secretary, Mr. Szubin would lead the Department in identifying and disrupting financial support to a range of actors that threaten our national security—North Korea as well as ISIS, Al Qaeda, Hezbollah, and others. Not only would Mr. Szubin be responsible for directly implementing a significant portion of the legislation we are expected to pass today, but he would also lead the Treasury Department's efforts to rally international support for these sanctions.

I think this last point is critical and sometimes doesn't get a lot of attention. Enforcing sanctions requires cooperation. It requires often nudging other foreign governments and financial institutions to work within the sanctions regime. The lack of a Senate-confirmed appointee in this position undermines the Treasury Department and our efforts to build international coalitions to target terrorism and financial crimes.

I am pleased the Senate is poised to pass the North Korea Sanctions Enforcement Act and increase the pressure on the North Korean regime, but I think it would make sense at the same time to confirm the person, Adam Szubin, who will be responsible for enforcing those very sanctions. Wouldn't it make sense for the Senate to strengthen Treasury's hand as they work to make the sanctions as effective as possible?

Adam Szubin was nominated on April 16, 2015—301 days ago. Although the Senate Banking Committee held a hearing on his nomination back in September, the committee still has not advanced that nomination to the Senate floor. No one doubts Mr. Szubin's qualifications for the position. At his nomination hearing, Chairman SHELBY called him eminently qualified.

Mr. Szubin has served in both Republican and Democratic administrations. He has bipartisan support in this body. When we are all here—Republicans and Democrats—talking about the need to increase the pressure on North Korea in order to deny Pyongyang the resources it is using to develop nuclear weapons and the missiles it needs to target the United States, shouldn't we be supporting a nominee whose job it is to do this exact work?

I think the Senate needs to vote on Mr. Szubin's nomination without further delay. I know he has the support of the chairman of the Senate Foreign Relations Committee. As I said, he has bipartisan support in this body, and it is very disappointing that we can't move him at the same time we are moving this bill. I hope the committee will change their minds and they will decide to take up his nomination and move it so we can ensure that the important tenets that are in this bill to help address what North Korea is doing will actually be enforced.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. Mr. President, for some time now power has been gravitating from the legislature to the President. Many in Congress, including myself, have been critical of the President's overreach. However, Congress bears some of the responsibility and some of the blame in that this body continues to abdicate and transfer our power to the President. Nowhere is this more obvious than in foreign policy.

During the debate over the Iranian agreement to end sanctions, many congressional voices lamented that these sanctions were enacted by Congress and should not be unilaterally ended by the President without congressional approval. As many observers noted, Congress has only itself to blame. For decades now, Congress has granted the President national security waivers to just about anything. These allow the Executive to do what they want, to terminate sanctions or continue spending without any new vote of Congress.

A good example was when Egypt was overtaken by a military regime. This was not a democratic government. This became a military junta. Our laws on foreign aid said Egypt should no longer receive foreign aid if they are not a democratically elected government. Yet the President continues to give foreign aid to Egypt because he simply uses a waiver we wrote into the legislation.

It is a mistake to continue to grant so much power to the Presidency, and by doing so, we have abdicated our own power. For decades now, Congress has granted the President national security waivers on just about everything. The waivers are so flimsy and open-ended that all he has to do is write a report, claim that it affects national security, and then he can do whatever he wants. Congress then complains that the President is overreaching. Yet we give him that very power.

Looking back at the North Korean sanctions, we find that President Clinton removed sanctions by using the national security waiver that Congress provided him. Furthermore, about a decade later, President George W. Bush did the same thing, relieving sanctions against North Korea by taking advantage of national security waivers.

When we jump ahead to the Iran agreement, we find President Obama using national security waivers provided by Congress to unilaterally repeal Iranian sanctions without congressional authority. In fact, President Obama has utilized congressionally provided loopholes 40 times to remove Iranian sanctions. Everybody complains, and now we are going to do the same thing. We are going to write a sanction bill with the exact same boilerplate language that we had in previous sanctions bills, which will allow the President the leeway to end the sanctions if he desires.

When we fast-forward to these new North Korean sanctions before us, the new sanctions bill does exactly what previous sanction bills have done;

namely, provide the President with the power to simply claim any nonspecific national security claim to waive sanctions.

Congressional critics of the President's use of national security waivers to end Iranian sanctions should decide now that they have no leg to stand on should a future President do the exact same thing with North Korean sanctions and decide to remove them without congressional approval. There are two examples of that—Clinton has already done this, and so did George W. Bush.

I propose that Congress take back their power. I propose that Congress not cede power to the Presidency, so I therefore ask unanimous consent to call up my amendment numbered 3301, which is at the desk. My amendment would remove national security waivers and give Congress its power back where it belongs.

The PRESIDING OFFICER (Mrs. ERNST). Is there objection?

Mr. GARDNER. Madam President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. GARDNER. Madam President, I thank the Senator from Kentucky for his passion on this issue. We took great care in making sure we devised a sanctions bill that was strong in terms of its effect on North Korea and that it eliminated any of the shortcomings of the sanctions we faced when dealing with Iran.

I certainly agree with the Senator from Kentucky when he said that we faced a President willing to grant broad relief from sanctions in terms of national security waivers, and that is why we were very careful in making sure we constructed case-by-case waivers in this act, the North Korea act. The President must investigate and explain to Congress that there are no broad grants or wide swaths of discretionary ability to waive the sanctions. As I said, there are mandatory investigations with mandatory reporting requirements, and so I object.

The PRESIDING OFFICER. Objection is heard.

Who yields time?

Mr. GARDNER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. HEITKAMP. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. HEITKAMP. Madam President, I ask unanimous consent to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL TRIBAL COLLEGES AND UNIVERSITIES WEEK

Ms. HEITKAMP. Madam President, today I rise to honor 37 tribal colleges and universities operating across 16

States on more than 85 campuses, 5 of which are located in North Dakota. Thank you to the more than 20 bipartisan Senators, including Indian Affairs Committee Chairman BARRASSO and Vice Chairman TESTER, who joined me in introducing a Senate resolution designating this week as National Tribal Colleges and Universities Week.

This resolution received unanimous support in the Senate last week, as it should. It shows that Native American issues and the support for education are part of this country's treaty and trust responsibilities, and it continues to be a bipartisan issue. While we too often hear about the hardships Native communities face due to the geographic isolation and insufficient access to resources, we should also highlight those who are doing great work to build future leaders and a future generation of leaders across Indian Country. We see so much of that happening today at tribal colleges and universities.

Tribal colleges and universities act as unique community institutions that work to strengthen tribal nations and make lasting differences in the lives of American Indians and Alaska Natives. The tribal community colleges, technical schools, and 4-year institutions plant resilient seeds of hope by sustaining Native languages and building trusting and important tribal economies.

Supporting tribal colleges and universities both upholds our trust responsibility and provides much needed resources for students. Signed into law in 1978, the Tribally Controlled Community Colleges Assistance Act supported tribally chartered institutions of higher education to help uphold the Federal Government's unique relationship with federally recognized Indian tribes. Today, TCUs like Turtle Mountain Community College and Sitting Bull College in my State of North Dakota provide educational resources to Native students who otherwise surely would go without.

But tribal colleges and universities don't simply educate Native students. The American Indian Higher Education Consortium, a national network of this country's TCUs, estimates that because of the schools' often rural locations, more than 15 percent of the students attending these tribal colleges and universities are also non-Indian.

Tribal colleges and universities offer students access to a well-rounded education from an accredited institution that provides knowledge and skills grounded in cultural traditions and values, including the all-important education in indigenous languages. This enhances Native communities and enriches both tribes and the United States by preparing students to succeed in their academic pursuits as well as to enter a global competitive workforce.

The results have been telling. In the 2012–2013 school year, 75 percent of graduates earned degrees, with 22 percent earning certificates. But while

this success is admirable, the tribal colleges and universities have been hindered by chronic underfunding. Although the Federal Government provides funding to some minority-serving institutions at levels equal to \$30,000 per student, tribal colleges receive literally a third of that. When we look at average numbers, it is around \$6,700 per student. Tribes and tribal colleges and universities have consistently figured out how to do more with less, but Congress should not shy away from its Federal responsibility.

I wish to speak about my experience this morning meeting with a number of tribal students. We can give all of these numbers and the critical importance of making this kind of education accessible, but what we will never see is the hope and the opportunity in the eyes of these students. I can't do that for my colleagues here. I can only tell their stories.

I met a young woman who served our country in the military and after 10 years went home and discovered the opportunity to learn more about her culture and the opportunity to get an education at the tribal colleges. She said she wished she had known earlier. She probably would have gone to college at the tribal college at Sitting Bull first before she joined the armed services.

I met another young woman who told me of her early life of abuse and neglect. She said that after having two children and really no hope, she found a tribal college. In that tribal college she found not only an opportunity for advancement and the dream and the hope of becoming a lawyer someday, but she found a family. She described the faculty and the staff and the other students as the family she had never had.

I talked to another young woman, who is 18 years old and literally homeless. She sleeps on a friend's couch. The only family she has to nurture her is her tribe and the tribal college. She tells me—her words were this: I will be great. She would not have that hope, she would not have that belief, and she would not have that vision if she didn't have access to education. She is going to be a nurse. And I can tell you she is already great, from what I have heard.

So the stories go on and on and on.

Because of the involvement in the tribal college at Spirit Lake Reservation, we have a student now, who, for the first time, graduated with an engineering degree from one of our 4-year institutions. He started out at a tribal college—first engineer ever from that tribe.

These are messages of hope in a world that all too often is a world of despair, a world of neglect, a world of abuse, a world of challenges for young people. But a tribal college gave them the foundation, the connection to their culture, the connection to a family and a group of people who cared about them, and an opportunity for something better—an opportunity to be

great, as the young woman I spoke with earlier said.

So I am very proud of the work we have done to support the tribal colleges. We need to do more. If we truly want to change the outcome and the paradigm for Indian people and for Indian children, we must invest in Indian education, and that goes all the way from our Head Start programs all the way up to our programs for higher education.

I want to give one last story. This past summer I attended the STEM education program for Native Americans at the University of North Dakota, and I met with a group of young people who talked about the difficulty of transitioning from the reservation into a major university—talking not so much about the challenges academically but about the challenges of loneliness, the challenges of the first time leaving what they knew and being the first generation in their families to actually attend a 4-year college. One young man said that he was so homesick and so shocked by the change in culture that he wanted to go home. I said: Well, did you? He said: No, I called my mom to tell her that I wanted to go, and she told me she would knock me upside the head if I came back. A brave mother—so he said he did what his mother asked him to do, and he was graduating with a degree in, I think, geology or some applied science.

That young man had a mother who kept him in that school. Many young people in Indian Country today do not have that kind of inspiration, and the great distrust people have for the outside world gets embedded. So these tribal colleges help prepare these students for the next step. They are critical for maintaining the cultural significance, critical for maintaining the pride that people have in who they are as a people, and then building on that for self-awareness, building on that for self-economic opportunity.

I am proud to represent five great institutions of higher learning in my State that are representative of the tribal colleges and universities.

Finally, I wish to talk about the wonderful men and women who run those institutions and what they do. These are people with Ph.D.s. These are people with amazing degrees who could go anywhere, and they continue to provide leadership to their people. Without their leadership and their support, these children would not have these opportunities. These returning vets would not have these opportunities, and these older-than-average students, with the challenges in their lives, would not have these opportunities.

So please join with me in recognizing tribal colleges and universities but also to take a look at the disparities in terms of reimbursements that these tribal colleges and universities incur, and let's make this investment. This is an investment in the lives and the

changes we need to see in Indian Country.

Thank you, Madam President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Madam President, I wish to comment on the statements that have been made by my colleague and friend from North Dakota, who has been an amazing leader, a very strong leader here in the Senate since she came, trying to shine a spotlight on issues particularly surrounding our Native American and Alaska Native children.

We are working together on a mission that really does help to drill down—to find those best supports that we possibly can for these children who in so many instances have been left behind.

The Senator from North Dakota spoke about our tribal institutions and our tribal colleges as that next step to launch our young people successfully, while recognizing that we have opportunities to grow and do better by our tribal colleges. I had an opportunity just yesterday to be visited by some students from Ilisagvik College, a small facility located in Barrow, AK. I had a chance to meet with two students, Olive and Jillian, from a very small village called Atkasuk. One described what it was like as a young student who wants that education—but just the idea that one would go hundreds of miles away to the big city in Fairbanks or Anchorage to pursue an education was simply not possible—and how these students have been given opportunities in ways that perhaps they and their families never dreamed possible.

So I stand with my colleague, as we have stood shoulder to shoulder on so many of these issues that impact our Native children, our young people, their futures, and their opportunities, and recognizing that education can be that key to a better life and a better path forward.

Ms. HEITKAMP. Madam President, will the Senator from Alaska yield for a question?

Ms. MURKOWSKI. Certainly.

Ms. HEITKAMP. Madam President, there is no better partner for me in this quest than the great Senator from the State of Alaska. We have spent so much time relating and recounting our experiences in visiting with Native Alaskans or, in my case, American Indians, talking about the challenges and talking about what needs to happen and how we need to shed a light on not only the despair, so that we all are motivated for change, but how we need to shed a light on the gratefulness and the great spirit that is happening. I know that my great friend has had those situations where you just wonder how resilient a young girl can be who experiences these kinds of challenges and this kind of abuse to come back and say: This is going to be a great future.

So I wanted to thank the Senator from Alaska for her strong and abiding

and great commitment to all the people of Alaska, and I want to thank her for her partnership.

Ms. MURKOWSKI. Madam President, I certainly appreciate the value of our partnership, and I know that we have a great deal of work ahead of us.

Madam President, I come to the floor today to express my support for the North Korea Sanctions Enforcement Act and the substitute that we will be voting on later this afternoon.

It is fair to say that the people of Alaska take great interest in this legislation, and it is not simply an intellectual interest. It stems from our geography, quite simply. At its closest point, Alaska is 3,100 miles from North Korea. Let me put that in context with where we are here. The distance between Washington, DC, and my hometown of Anchorage is 3,370 miles. So Alaska is actually closer to North Korea than I am to my home when I am working here in Washington, DC.

We are talking about the main population center in Anchorage and in the Mat-Su Valley area in south central Alaska, which is about 3,600 miles from Pyongyang. Perhaps it is a little longer than a North Korean missile can travel today or even in the near future, but it seems to me that North Korea is committed to advancing its nuclear capabilities. Its covert nuclear tests and the so-called satellite launch that we saw over the weekend appear to be purposeful steps in that direction.

Just to give a little vignette about how Alaskans pay attention to North Korea—we all go around and visit schools around our respective States—I was at a middle school and I had an eighth grader ask me a question. When asked what was on anybody's mind, what do you want me to know about, and how can I be a better representative for you back in Washington, DC, the first eighth grader that raised his hand said to me: Senator MURKOWSKI, what are you doing in Washington about this Kim Jong Un guy? This is an eighth grader.

I am not going to suggest to you that perhaps Alaskan eighth graders are more attuned to politics around the world. The reason I raise this is because around the dinner tables back home, people are talking about North Korea because our geography puts us within that range of sight, if you will. I use that term loosely, but when looking at the maps and understanding where Alaska is and where North Korea is and reading the news about what is happening with North Korea's nuclear intentions, it causes Alaskans to be worried enough to be discussing it at the dinner table, and eighth graders are saying: What is going on? It is real for us.

North Korea's actions demand decisive action here in Washington, DC, in Beijing, and at the United Nations. The Washington Post editorial just yesterday noted that the Obama doctrine of strategic patience is no longer an option. Mr. Kim seems to view that as a

sign of weakness. He seems to fancy playing Washington off against Beijing, and neither capital can afford him that luxury, lest North Korea make fools of both.

China has a major role to play in showing Mr. Kim the light. Mr. Kim wants the world to believe that he is smarter than all of us, and I would suggest that it is not in Beijing's interest to offer him a porous border. The United States and our allies have been patient enough with the carrot. We talk a lot about the carrot and stick when it comes to engagement. But this Senator suggests that we have been patient enough with the carrot, and now it is time to try the stick.

The sanctions bill that we are considering today is intended as a serious wake-up call to Mr. Kim's government. The sanctions are severe and they are targeted at those who enable Mr. Kim's regime to conduct business abroad. They are also intended as a wake-up call to Mr. Kim's advisers, who enjoy a pretty comfortable status quo, thanks to their leadership positions. But life is going to be a little bit tougher under our sanctions regime, if we advance this—no more luxury goods, no more creature comforts, and, if we are successful, no more access to hard currency—no exceptions.

This is an important shift for our government with regards to North Korea. As I mentioned, out of geographic necessity I follow developments in North Korea very closely, and I have since I came to the Senate. I have had the opportunity over the years to spend time with U.S. officials who have assumed the very difficult role of trying to conduct diplomacy with North Korea. Almost without exception, they have advised, when talking about North Korea, to choose respectful language, to avoid threats, to find ways to allow one's words and one's sincerity to penetrate. We are now at that point where some are saying quite strongly that this respectful approach hasn't really gotten us anywhere with this regime. This Senator would suggest that we can be and must be very firm while at the same time respectful.

Let me share a couple examples of some things that many of my colleagues may not have been aware of. I had an opportunity this past September to travel with a couple of my Senate colleagues to Svalbard, Norway. Svalbard is where one of the world's global seed vaults is located. The seed vault is intended to preserve a wide variety of plant seeds from around the world in the event there might be some kind of widespread regional or worldwide crisis that would wipe out local crops and seed. It is nicknamed "the doomsday vault."

I had an opportunity to go into this vault and just observe what various nations have sent to the top of the world up there. In that vault we saw one of the few instances of North Korean international cooperation. We saw

boxes of seeds from North Korea. There was a box that came in with over 5,700 plant crop seeds from that hermit kingdom. Just last month, North Korea signed the Svalbard Treaty, giving North Korea access to the Svalbard Islands.

We have also heard that North Korea has made use of the Northern Sea Route to assist with shipments to Russia. I put this out there because whatever reason there may be that North Korea signed on to this Svalbard Treaty and whatever the reason may be for its newfound interest in the Arctic, the point is that when the regime in North Korea sees that it is in its best interests to cooperate internationally, there is a willingness to engage. But to this point, they have not shown a willingness to engage when it comes to their nuclear and ballistic missile programs—at least not to any reasonable level of engagement where the terms are not dictated by the North Korean regime.

Here we are today. We have a bill on the floor directed to North Korean economic sanctions. It is not about an invasion or the use of offensive weapons against the people of North Korea. It is about bringing about peaceful change, firmly and respectfully.

In that vein, let me acknowledge that the people of North Korea are a proud, nationalistic people. Like all of the world's peoples, they wish to be respected by others. Yet they are governed by an intolerant and a very perplexing regime that tolerates hunger and poverty when it is clear that there are other choices.

If the people of North Korea were allowed to look across the border they would see an example of prosperity. They would see a strong commitment to traditional values. They would see family members with whom someday they would hope to reunify.

None of the world's nations are out to deny North Korea the opportunities for that prosperity, traditional values, and the reuniting of families. But we do rightly demand—and it is legitimate that we demand—that North Korea be a part of the community of nations. That means that Mr. Kim must abandon these nuclear ambitions.

I believe that it is important that our Nation be prepared for anything that may come our way. My home State of Alaska is host to our Nation's ground-based missile defense capabilities. I was pleased to read in yesterday's budget announcement plans to make a \$1 billion investment in the ground-based missile defense system. Significant investments are also made in the Long Range Discrimination Radar, or LRDR, which is slated for completion at Clear Air Force Station by the year 2020. That radar is exactly what the words imply—a radar that will enable our missile defenders to take a really good long look and better discriminate between threats and junk. I am also pleased to know that the United States is working through the

placement of missile defense batteries in South Korea.

These investments provide an increment of protection, but the truth is that they are second-best to a change in attitude coming out of Pyongyang. That is truly what I hope we will achieve through this sanctions vote today.

Thank you, Madam President.

I yield the floor.

Mr. HATCH. Madam President, today I wish to steadfastly support the North Korea Sanctions and Policy Enhancement Act of 2016.

Before I discuss the merits of this critical legislation, however, I wish to congratulate the author of the Senate version of this act, the junior Senator from Colorado. The bill he crafted will reinvigorate our Nation's efforts to thwart North Korea's continued development of nuclear weapons and ballistic missile technology. In addition, it seeks to further protect our Nation from cyber attack and begin to hold responsible those who have committed human rights abuses against the people of North Korea.

I also wish to commend the chairman and the ranking member of the Senate Foreign Relations Committee for working together to shepherd this bill through their committee with strong bipartisan support.

Once again the Senate turns its attention to confront one of the most atrocious regimes of the modern era: the so-called Democratic People's Republic of Korea—or North Korea. Instead of working to create the workers' paradise, which is purported to be one of the autocratic regime's primary objectives, millions have starved as part of North Korea's policy of placing the military first.

But make no mistake, the threat posed by North Korea is not an inconsequential concern about the domestic affairs of a distant land. On January 6, the regime conducted a subterranean nuclear weapons test, claiming to have detonated a hydrogen bomb for the first time. Even Russia decried the test as "a flagrant violation of international law and existing UN Security Council resolutions."

Then, this past weekend, the North Korean satellite launched on Sunday passed almost directly over the stadium where the Super Bowl was played an hour after the game, according to press reports. This hostile act is even more disconcerting when we remember that the technology to launch such a satellite into orbit is virtually identical to what is required to launch an intercontinental ballistic missile with a warhead.

Unfortunately, these provocative acts are only part of a recurring pattern orchestrated by North Korea over the past several years.

The pattern of closely pairing a nuclear test with rocket launches began in 2006, when the regime fired seven ballistic missiles, including the long-range Taepo Dong-2. Three months

later, North Korea conducted its first underground nuclear test.

These hostile acts prompted the U.N. Security Council to adopt, under Chapter VII, Resolution 1695—condemning the missile launch—and Resolution 1718—demanding that North Korea refrain from further nuclear tests and imposing sanctions on the regime.

Once again, in 2009, North Korea carried out a virtually identical pairing of rocket and nuclear tests. In April of that year, the rogue state launched a three-stage Unha-2 rocket. One month later, Pyongyang conducted another underground nuclear test. This second round of nuclear and rocket tests elicited U.N. Security Council Resolution 1874, which expanded sanctions, intensified inspections to prevent proliferation, and barred further missile tests.

Unfortunately, Pyongyang was not deterred and repeated its weapon and rocket pairing in late 2012 and early 2013. Specifically, in December 2012, the newly installed Kim Jung-un ordered the launch of another Unha-3 rocket. Two months later, North Korea conducted another underground nuclear test. The U.N. Security Council responded in kind with Resolution 2087—strengthening sanctions related to the missile launch—and Resolution 2094—tweaking sanctions related to North Korea's nuclear program.

In addition to the now-cyclical pairing of rocket launches and nuclear tests, North Korea has assumed the role of a petulant child in a variety of other areas. For example, North Korea has directly violated both the Korean Armistice Agreement and article 2 of the U.N. Charter by taking kinetic military action against South Korea.

In 2010 alone, North Korean forces sunk a South Korean patrol ship—according to a multinational commission that investigated the incident—and separately fired artillery rounds at a South Korean island, killing two Korean Marines and injuring 17 others.

North Korea has also been guilty of repeated acts of proliferation to rogue states around the world. The Washington Post and the New York Times reported that, in 2004, Libya received uranium hexafluoride of suspected North Korean origin. Similarly, the Office of the Director of National Intelligence revealed that North Korea assisted the Assad regime in constructing a nuclear reactor in northern Syria that Israeli forces destroyed in 2007.

I recite this partial history so that there is no misunderstanding. North Korea earned international condemnation not merely for its recent transgressions, but for countless bad dealings over the last decade. Unfortunately, previous U.N. resolutions and the sanctions imposed by our own government have not achieved the desired result of terminating North Korea's recalcitrant activity.

That is why the junior Senator of Colorado's legislation is so important. It provides our sanctions with greater teeth. It mandates sanctions on indi-

viduals who have materially contributed to North Korea's nuclear and ballistic missile program.

I also think it is important to pause here to notice that, unlike North Korean autocrats who have imposed their will on the North Korean people by sending vast numbers to forced labor camps and early graves, the United States' sanctions are directed only at those who facilitate violations of international law.

In sum, North Korea's repression is indiscriminate. Our sanctions are focused on punishing the guilty. Accordingly, the junior Senator's legislation requires the administration to identify human rights abusers in North Korea and direct sanctions against them.

The bill also addresses one of the growing threats to our nation: cyber attack. Therefore, the administration is tasked to devise a strategy to confront and counter North Korea's cyber attacks against the United States. It also directs the executive branch to designate sanctions against those responsible for these belligerent acts.

This is an important piece of legislation which tightens the ring of deterrence against a regime that continues to defy international law. This bill's objective is not to needlessly interfere in the affairs of a foreign nation; rather, it is to provide a tool to force an aggressor into compliance with international law and to deter North Korea from committing hostile acts not only against the United States and its allies, but also against the North Korean people. I urge the prompt passage of this legislation.

Mr. REED. Madam President, today I join my colleagues in supporting the North Korea Sanctions and Policy Enhancement Act of 2016. This legislation will send a strong message to the North Korean regime that there are consequences to its dangerous and destabilizing activities on the Korean peninsula. Just in the past month, North Korea has conducted its fourth nuclear weapon test and launched a satellite into orbit, both of which violate several United Nations Security Council resolutions. The bipartisan bill before us makes clear that Congress will not tolerate the North Korean regime's continuing and flagrant violations of international law.

This bill is comprehensive and addresses a number of important concerns. First, it prohibits defense exports to North Korea and withholds foreign assistance to those governments that provide lethal military equipment to the government of North Korea. Second, it codifies and makes mandatory important cyber security sanctions under Executive Orders 13681 and 13694 that are essential to countering North Korea's dangerous cyber attacks, like the one perpetrated against Sony Pictures Entertainment in November 2014. Third, it includes sanctions on individuals who knowingly engage in the serious human rights abuses that are perpetuated by the regime against its own people.



I would like to commend my colleagues from the Banking and Foreign Relations Committees who have worked to move this legislation forward. It is critical that we use all of our diplomatic and legal resources to further restrict North Korea's ability to fund its nuclear weapons and ballistic missile programs.

I urge my colleagues to support adoption of this important legislation.

Ms. COLLINS. Madam President, I wish to speak in support of the North Korea Sanctions Enforcement Act.

Last week, North Korea launched a space satellite into orbit in direct violation of U.N. sanctions. Last month, North Korea tested its fourth nuclear bomb since 2006. North Korea's steady march toward expanding its nuclear arsenal continues unabated. Even more troubling is North Korea's willingness to sell its nuclear and ballistic missile technology to the highest bidder, as demonstrated by its previous cooperation with Iran.

The North Korea Sanctions Enforcement Act is an appropriate and timely measure to expand U.S. sanctions against not only North Korea, but also those that facilitate North Korea's illicit and nefarious activities. In doing so, this legislation will deliver the message to the North Korean regime that its continued development and proliferation of nuclear weapons, material, and delivery systems will not be tolerated.

At the same time, the United Nations Security Council must address this issue with the same sense of urgency, unity, and commitment that the House has shown and the Senate will demonstrate in passing this bill later today.

First, U.N. member countries must fully understand and implement the many existing sanctions against North Korea already on the books. Unless they do, the sanctions will never work. The United States has minimal trade with North Korea, whereas China, a permanent member of the U.N. Security Council, accounts for 70 percent of all of North Korea's economic trade.

Yesterday, a new report released by a panel of U.N. experts found that North Korea continues to evade international sanctions because the sanctions have been seldom implemented, and some countries do not fully understand their obligations under the relevant U.N. Security Council resolutions. In other instances, there is simply a lack of political will to enforce the sanctions. This has to stop for sanctions to be effective against North Korea.

Second, the U.N. Security Council must adopt new sanctions to demonstrate to the North Korean regime that further violations of U.N. sanctions will not be tolerated. Even though North Korea has continued to evade sanctions for the past decade, the response at the United Nations should be to identify the ways to make sanctions more effective and targeted rather than to walk away from sanctions entirely.

We know sanctions can work because they have before. In 2005, the U.S. Treasury Department froze \$24 million in North Korean accounts important to the regime at the Banco Delta Asia bank. As a result of this action, which was taken pursuant to authority Congress provided in the USA PATRIOT Act, the North Koreans returned to the six-party nuclear talks. They stayed at the talks until the frozen assets were released 2 years later.

The bill we are considering today requires the Department of the Treasury to reevaluate whether North Korea should be considered a primary money-laundering concern, which would permit the President to enact the same type of sanctions that brought the North Koreans back to the negotiating table 10 years ago. I urge the Treasury Department to complete this review as quickly as possible so that the President has at his disposal the full array of options to persuade, coerce, and effectively contain the dangerous North Korean regime.

I thank Chairman CORKER and Ranking Member CARDIN for bringing this measure to the floor, and I thank Senator GARDNER and Senator MENENDEZ as well for their extensive work on this legislation to address the nuclear threat posed by the erratic and unstable North Korean regime.

I urge my colleagues to support this vital, bipartisan legislation.

• Mr. SANDERS. Madam President, the totalitarian state of North Korea is becoming more belligerent by the day. In January, the country detonated its fourth nuclear bomb since 2006—which the North Korean military claims was a small hydrogen bomb. Just last week, the country launched a rocket carrying a satellite into space, foreshadowing the possible development of a long-range ballistic missile capable of delivering a nuclear payload. According to National Intelligence Director James Clapper, North Korea recently expanded a uranium enrichment facility and restarted a plutonium reactor that could start recovering material for nuclear weapons within months or even weeks. I am deeply concerned by these actions.

We must exhaust every diplomatic option we have to pressure North Korea to abandon its nuclear weapons program, halt its aggressive military posturing with South Korea, and adhere to the tenets of international human rights law. That is why I strongly support the bipartisan effort to strengthen sanctions on the rogue North Korean regime.

These sanctions are an important tool in resolving the growing threat from Pyongyang. The legislation before the Senate would help prevent North Korea from obtaining goods or technology related to nuclear weapons, ban foreign assistance to any country that provides lethal military equipment to North Korea, and target the country's trade in key industrial commodities. These steps are absolutely essential if

we are to achieve our longstanding mission to end the North's nuclear weapons program. Certainly, sanctions are far preferable to preemptive military force, which I strongly oppose.

In addition to sanctions, the U.S. must work with the few nations that have diplomatic and economic relationships with North Korea—namely China—to pressure Kim Jong Un to stop threatening the stability of the region and join the community of nations. While China may have been a steadfast ally of North Korea's in the past, China now has far more shared interests with the U.S. than with Pyongyang. It is time to make resolving the Korean peninsula conflict a top diplomatic goal in terms of our own relationship with China.

I am pleased to see that the sanctions bill includes a waiver to allow humanitarian organizations to deliver much needed relief to ordinary North Korean citizens and authorizes \$2 million for humanitarian assistance. Sanctions come at a cost, and we must do everything possible to make sure the North Korean people—who already suffer so much under Kim Jong Un—do not pay an even greater price.

While I will be necessarily absent for the expected bipartisan passage of the bill, I strongly support the North Korea sanctions legislation. •

Mr. SULLIVAN. Madam President, today the Senate will vote on the North Korean Sanctions and Policy Enhancement Act, a bill I am proud to cosponsor with my colleague from Colorado, Senator CORY GARDNER. This legislation mandates new sanctions on North Korea's ballistic missile and nuclear program, targets cyber criminals and officials involved in censorship, and addresses the regime's long history of human rights abuses.

The recent rocket launch and the fourth nuclear test by North Korea last month is a stark reminder that it is a rogue state, under unstable leadership that will stop at nothing until it fully realizes its nuclear ambitions. The current policy of "strategic patience" has yielded nothing more than a flagrant testing of American resolve around the globe and a weakening of our Nation's credibility. North Korea's recent provocations have acknowledged that reality. Congress must act and do so loudly. Now, more than ever, we need to send a message to North Korea that reassures our allies, forewarns our adversaries, and puts the world on notice. This legislation accomplishes that.

Ms. MURKOWSKI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Madam President, we have a very significant vote coming up,

and people are not talking about it as much as they should. We had a hearing, and, of course, the Chair was there at the hearing, where we had James Clapper talking about the threat that we are faced with here in the United States.

James Clapper—just to remind people—has been around as the chief intelligence director or involved with intelligence in hearings in Washington for 43 years. This guy knows what he is talking about. He made a statement yesterday that we have never been in as high of a threat position in all of the 43 years that he has been there.

In fact, there was an article released yesterday where it was stated that “North Korea had expanded its production of weapons-grade nuclear fuel, making clear that the Obama administration now regarded the reclusive government in Pyongyang, rather than Iran, as the world’s most worrisome nuclear threat.”

That threat is real. We all recall when Kim Jong Un replaced his father, and as bad as his father was, he was at least a little more dependable in terms of predictability than Kim Jong Un.

Just yesterday it was reported that he killed the chief of his general staff. It was a year ago that he did the same thing. So if someone disagrees with him, they execute him.

Under the leadership of Kim Jong Un, North Korea has repeatedly violated Security Council resolutions regarding weapons of mass destruction and the means to deliver them. Since assuming power in 2012, his regime has conducted satellite launches in December 2012, and in February 2016 continues to develop its ballistic missile program. It has conducted missile tests from several launched locations, and he has conducted nuclear tests in February of 2013 and January 2016, so he just continued all the way through it. All of these things are in violation of the U.N. Security Council resolutions.

North Korea also continues to be involved in criminal activities around the world to include cyber attacks against organizations and governments. This bill that we are going to be considering—the passage of the North Korea Sanctions and Policy Enhancement Act that we will be voting on—toughens the sanctions against North Korea by authorizing comprehensive sanctions against countries, companies, and individuals who engage in certain trade with North Korea.

This is something that is a fairly recent attempt to get compliance with the arrangements that are being made by saying to a country: If you continue to do business in North Korea, then we will have sanctions against your country.

This is something that has worked to a degree in Iran. It is a system that should be set up, and we will have the opportunity to do that this afternoon.

If anyone engages in trade with North Korea, as well as those determined to be responsible for human

rights abuses, money laundering, counterfeiting, or undermining cyber security, this bill demonstrates America’s resolve in holding North Korea responsible for its actions, along with those countries, organizations, and individuals who are assisting them.

Of course, it is very significant that we go ahead and move forward with this, get this passed today, and send a very clear message, not just to North Korea but to all of those countries who might be tempted to be trading with them that they could be subject to the same sanctions.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. TOOMEY). The Senator from Tennessee.

Mr. CORKER. Mr. President, I know we have a little shift taking place, but I thank Senator INHOFE for his staunch national security support and certainly support of this legislation. I appreciate his comments, and I think we are going to have a successful day today in doing something that is important.

I think you know the administration has tried to work with the U.N. Security Council to get them to impose sanctions, as you would think they would wish to do. China has been the holdup there. You would think as a next-door neighbor they would be most apt to want sanctions and other actions to be put in place to push back against North Korea.

This is something that is important that we are doing in a proactive way, and hopefully it will spur other actions down the road.

Mr. INHOFE. Will the Senator yield?

Mr. CORKER. I yield to the Senator.

Mr. INHOFE. It was January 7 of 2013 that I was there on the DMZ. That is the largest active DMZ that is out there now—160 miles long, 2 miles wide. Even at that time, we were talking about the necessity of immediately getting sanctions in there to stop the threats. Because our intelligence—while it can be good and it cannot be so good, still there is speculation that they had that capability, and that capability has to be stopped.

I applaud the Senator and his team for moving forward with this issue.

Mr. CORKER. I thank Senator INHOFE. I think most Americans, unlike my colleague, don’t realize we still have 28,500 troops there. It is an area where easily something can get out of hand. So, again, I thank him for his support and for being here today.

I know Senator FEINSTEIN now has the floor. I yield to our distinguished colleague, Senator FEINSTEIN.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the chairman very much. I want Senator CORKER to know that I fully support his committee’s recommendation and believe the time has come to enforce and place some sanctions against North Korea.

I think we all judge the world’s leaders based on their actions and their stated intentions. To me there is no

question that Mr. Kim’s intentions are adverse to the well-being of our country. As a citizen of the western United States and a Senator representing nearly 40 million people in California, this is all very alarming, and it should alarm the world.

If you take stock of North Korea’s recent actions and their capabilities, the cause for concern is apparent. On January 6 of this year, North Korea detonated its fourth nuclear device. Regardless of whether it was a hydrogen bomb or not, Mr. Kim’s intention is clear: he seeks a nuclear arsenal.

Unfortunately, the measures the international community have adopted to date have been insufficient to stop him. In October of 2006, the North Koreans first detonated a device which had an estimated yield of less than 1 kiloton. In May of 2009, they detonated a second device, roughly 2 kilotons. In February 2013, they detonated a third device, 6 kilotons to 7 kilotons, and the one this year was the fourth. I would not be surprised if their most recent test had a greater yield than the last.

Not only have North Korean weapons become more lethal, but their stockpile has likely increased over time. According to a February 2015 analysis by the Institute for Science and International Security, North Korea has between 15 and 22 nuclear weapons. By the end of 2014, and they could have 20 to 100 nuclear weapons. That is deeply troubling, especially as North Korea continues to make advances in their missile program.

Again, experts at the Institute for Science and International Security have warned that North Korea likely has the capability to mount a nuclear warhead on its medium-range missiles.

Most of Japan and all of South Korea, each of which hosts tens of thousands of U.S. military and civilian personnel, are easily in range. And just this past weekend, they again tested an ICBM under the guise of placing a satellite in space. According to various reports, North Korea tested a three-stage likely Taepodong-2 rocket, which, in fact, did place a satellite into orbit.

Again, to me, the intention is clear. They want to build a missile capable of reaching the United States.

An ICBM on a launch pad is vulnerable to attack. So to evade this vulnerability, North Korea appears also to be developing a road-mobile ICBM, the KN-08, which it is estimated can reach the United States.

In April of this past year, ADM Bill Gortney, the head of the North American Aerospace Defense Command, said: “We assess that it [the KN-08] is operational today” and that the mobile nature of the KN-08 makes it a difficult target.

Gortney also said: “Our assessment is that they [the North Koreans] have the ability to put a nuclear weapon on a KN-08 and shoot it at the [U.S.] homeland.”

It is not just the nuclear weapons and missile program that give me pause. In

the last several years, North Korea has committed highly provocative acts. North Korea chose to sink a South Korean naval vessel in 2010, killing 46 soldiers. It has shelled South Korean islands and planted mines along the DMZ that maimed South Korean soldiers. It has undertaken sophisticated cyber attacks against U.S. companies, Sony Pictures, and South Korean banks.

Previously, North Korea walked away from the 1994 Agreed Framework and withdrew from the Nuclear Non-Proliferation Treaty. Most recently, it has repeatedly flouted U.N. Security Council resolutions and proliferated weapons of mass destruction technologies.

With respect to its own human rights record, a 2014 United Nations Human Rights Council report makes clear that North Korea's leaders should be prosecuted for crimes against humanity. The United Nations has found that North Korea is committing systematic, widespread and gross human rights violations against its own people. The regime selectively distributes food to privileged individuals and routinely uses starvation to punish dissent. Torture, forced disappearances, and inhumane detention conditions are routine. In the past, the regime even jailed three generations of dissidents on the concept of guilt by association. In its prison camps alone, the United Nations estimates that hundreds of thousands of dissidents have died.

One anecdote from the U.N.'s report demonstrates the total and diabolical suffering put upon the North Korean people under this regime. Ordinary Koreans must go to extraordinary lengths to survive, including prostitution, theft, and smuggling.

A U.N. investigator was told of an instance when a woman was pulled off a train, and a dead, small child—no more than 2 years old—was strapped to her back. State security suspected the woman was smuggling copper but could find no evidence. After interrogating the woman for some time, they asked her to place her child on a desk before them. The woman then broke down and began to cry.

When she finally placed the quiet, dead child on the desk, the officials noticed its stomach was red. They then opened the child's stomach and found about 2 kilograms of copper inside. To survive, this woman was forced to smuggle copper in her own dead child's stomach. No mother anywhere on Earth should be forced to such extremes.

When it comes to the international response to North Korea and its provocative behavior, I very much regret that China has not seen fit to do more. In my view, China, in its size and capability, has the ability to rein in North Korea and is probably the only country in the region that can do so.

North Korea's nuclear test facilities are close to China's border. Just like Japan and South Korea, China's security is threatened by an unstable nu-

clear power in its neighborhood. Yet China continues to provide the fuel, food, trade, and international protection that sustains Mr. Kim's government.

In my meetings with China's Ambassador Cui in Washington, DC, I have expressed to him that China can and must do more. I have tried to impress upon him that a nuclear-armed North Korea, with ever-increasing weapons, is not in China's security interests.

The United States cannot sit in silence in the face of North Korea's ever-advancing nuclear and missile programs. For some, Iran has been a big threat. For me, reading the intelligence and seeing the progress over the years of North Korea's nuclear arsenal, I believe North Korea is a very serious threat to the well-being of this country. We must protect and reassure our allies in the region. That may include placing more advanced missile defenses, both in South Korea and Japan, as well as closer trilateral military cooperation with these countries.

The fact that the North Korean Government has resisted international overtures and condemnation leaves us little choice. So I come to the floor today to support the North Korea Sanctions and Policy Enforcement Act of 2016. This bill will impose mandatory sanctions against North Korean persons and entities involved in weapons of mass destruction development, delivery, and proliferation; serious human rights abuses; trade in luxury goods; money laundering; smuggling; and narcotics trafficking. This legislation alone, though, will not cease North Korea's illegal activities. However, it is the beginning of a more comprehensive response to North Korea's increasingly dangerous behavior.

I thank the chairman and his committee for bringing forward this legislation. I certainly intend to support it. I thank the Senator.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Mr. President, I want to take one moment to thank Senator FEINSTEIN, who knows so much about the intelligence around this and has spent a great deal of her Senate career making sure she does, and she understands China probably as much as any Senator here. She has been involved in all kinds of bilateral meetings and discussions and has led the Senate in many ways in understanding what is happening within the country. So her comments—especially today with this important piece of legislation—are certainly well-received and appreciated. Again, we thank her for what she does to help keep our country safe and for her diligent efforts on the Intelligence Committee.

I know Senator MARKEY is next in line to speak. Before he does, I wish to thank him for his contributions to making this bill better. He amended the bill. I think he has other amendments he would like to see happen at some time.

I would say that there is probably no one here who focuses more on proliferation and ensuring that rogue countries—and actually some that aren't even so rogue but that have rogue constituents within their countries—don't continue to proliferate by sharing information, sharing technology, and sharing assets with other countries. So I thank him for his contribution in bringing this bill to the floor today, and I look forward to his comments.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. MARKEY. Mr. President, let me begin by thanking the chairman of the Foreign Relations Committee, the gentleman from Tennessee, for the focus he has brought to these issues of nuclear proliferation and for his great service to our country, having all of our people understand the threats that can come from Iran, from North Korea, and from other places across our planet. It is the ultimate issue. If we get it wrong, the consequences will be catastrophic. So I thank the chairman for continuing to have the hearings and continuing to develop legislation that focuses our people on this issue. We are the global leader. We have to set the example for the rest of the world to follow. I thank him for his great leadership on these issues.

The sanctions in this bill represent a firm response to North Korea's latest nuclear test on January 6 and to its launch of a long-range rocket last weekend. These brazen actions remind us of the serious threat Pyongyang poses to global and regional security and underscore the urgency of ending North Korea's nuclear and missile programs.

Together with our international partners, we must be vigilant against North Korea's development of boosted nuclear bombs which would allow Kim Jong Un's regime to shrink its weapons and load them onto missiles. And we must unequivocally convey to North Korea that any proliferation of nuclear technologies to other countries will lead to the gravest of consequences.

North Korea's nuclear and missile programs violate numerous U.N. Security Council resolutions. Those include Resolution 2094, which required North Korea to abandon "all nuclear weapons and existing nuclear programs" and imposed sanctions to pressure Kim to return to disarmament negotiations. These measures have not yet persuaded Kim to abandon his nuclear ambitions, in part because major gaps remain in the sanctions regime, particularly its enforcement by China.

In 2009 the Security Council imposed a conventional arms embargo on North Korea, but China insisted on a loophole allowing North Korea to import "small arms and light weapons." North Korea has exploited this loophole to continue its lucrative international trade in conventional arms. According to the U.N.'s own council of experts on North Korea, this trade remains "one of the

country's most profitable revenue sources." North Korea is especially well known for purchasing light weapons from China, which it then sells to other countries for cash.

Although North Korea's arms exports violate U.N. sanctions, the Chinese companies that sell the arms in the first place get off scot-free. The involvement of Chinese companies in North Korean arms smuggling is part of a larger pattern of China's lax enforcement of nonproliferation sanctions against North Korea.

As Assistant Secretary of State Tom Countryman acknowledged in a Foreign Relations Committee hearing last May and again in December, Chinese entities continue to sell technologies to North Korea that could assist in its development of nuclear-capable ballistic missiles. China's efforts to clamp down on these activities remain feeble at best.

If the United States is to continue to provide extensive assistance to China's nuclear power industry, China must in return crack down on those who enable North Korea's nuclear provocations and its weapons-smuggling networks.

The United States must also take action on our own. That is why I worked to include an amendment in this bill that will impose sanctions on anyone who facilitates North Korea's arms trade, including Chinese corporations. My provision will further reduce North Korea's access to revenue, undermine its international arms smuggling, and put pressure on Kim to return to negotiations.

We must also put financial pressure on North Korea by designating the country as a "primary money laundering concern." This would allow the Treasury Department to exclude North Korea from using the dollar-based financial system. The use of this designation in 2005 against the Banco Delta Asia in Macao disrupted North Korea's access to revenue and led one North Korean negotiator to admit that "you finally found a way to hurt us."

North Korea is one of the leading counterfeiters of U.S. currency. It uses front companies to hide its illicit earnings from trade in narcotics, weapons, and proliferation technologies. Although the Treasury has designated 18 financial institutions and 4 countries—including Iran—as primary money laundering concerns, it has never designated North Korea. For this reason, I filed an amendment in the Foreign Relations Committee—which I will work to include in the final version of this bill—that would require the Treasury Secretary to determine on an annual basis whether North Korea is a primary money laundering concern and to provide Congress with information about that determination, as well as any financial restrictions that result from it.

Just as we protect the international financial system from North Korea's counterfeit currency and money laundering, we must protect American investors who may unknowingly invest

their money in companies that do business with North Korea. The prospect of American companies investing in North Korea is quite real. One American company, Firebird Management, has publicly declared its intention to invest in North Korea's oil industry.

That is why I introduced another amendment in committee that would require companies that issue securities in the United States to annually disclose any investments in North Korea to the Securities and Exchange Commission. This requirement would not impose any regulatory burden on companies that do not invest in North Korea, but those companies that do should have that information made public because the American people deserve to know which American companies are investing in North Korea. Again, I hope to strengthen this bill down the line by incorporating that requirement.

We know that sanctions are not an end in and of themselves; rather, they are meant to pressure the Kim regime to return to disarmament negotiations. But at the same time, as we pursue that critical goal, we must work to reduce the risk that North Korea will use its nuclear weapon, whether deliberately or through miscalculation.

First and foremost, we must make clear to Kim that his regime will not survive any use of nuclear weapons. We must also reduce the risk of Kim lashing out in desperation. If he comes to believe that we intend to destroy his nuclear weapons in a preventive war, he will face pressure to "use them or lose them." Thus, even as we work to deter Kim, we must establish a means of communicating during crises to avoid the risk of accidental nuclear war. Ensuring deescalation at the same time as we pursue deterrence and denuclearization will not be easy. Nevertheless, given the devastating consequences of nuclear war, it is critical that we take a comprehensive approach.

Without additional sanctions, Kim will never disarm, but without a means of controlling escalation, we could one day wake up to a nuclear disaster that no one wants and everyone would lament. We should work on a continuous basis to make sure that—in the same way the Soviet President and the President of the United States were able to communicate to reduce the likelihood that we would have an accidental nuclear war, we have to make sure we have done everything in our power to accomplish the same goal with the North Korean Government, whether we like them or not.

I want to compliment the chairman, the Senator from Colorado, and the Senator from New Jersey for their great work on this legislation. It is going to be a long struggle to ultimately deal with that regime. I think we will have to return to it over and over again, but I think, as we are going forward, it is critical—through the Chinese or through others—to make sure

we have maximum communication. We could have an accidental nuclear war. It could happen. We have to make sure that is avoided.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Mr. President, I think Senator CAPITO is on her way down and is the next speaker. While we have a moment, I want to thank Senator GARDNER in his presence. And on an issue that is important to not just our security but the world's security, I thank Senator MENENDEZ for taking leadership in the way that he has and for working with Senator GARDNER, Senator CARDIN, and me to make sure we ended up with something that I believe is going to receive warm support. These are issues he has been concerned about for a long time. He has not only been concerned about them, he has shown leadership in putting together policies to combat them. Senator GARDNER knows and said earlier that even though this is a step—we all know it is a big step, really, especially with the U.N. Security Council unwilling to take actions in light of the violations that have occurred. There is going to be a lot of diligence that will be necessary to get in what we want to get in, but this is certainly a significant step, and I thank him for his efforts.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I thank the chairman. Earlier when the chairman couldn't be on the floor, I thanked him for his leadership in the committee, for creating an environment that is bipartisan. At a time in which bipartisanship in the Senate is a continuing challenge, it is particularly important in foreign relations—something that I tried to set out when I was a chairman. I appreciate the way his leadership has led the committee so that we could have moments like this and of course Senator GARDNER, who has very graciously worked together with me to bring a moment of what I hope will be an overwhelmingly, maybe unanimous vote in the Senate, because when we do that we send an incredibly strong message throughout the world. We generate leadership, where we may not see the will at the United Nations, particularly because of the Security Council's structure and the vetoes that exist on things like sanctions. Inevitably, when we have led as a country, we often get the world to join us and follow it, but sometimes it needs you to lead.

That is what I believe the Senate is doing today with an incredibly strong piece of legislation that, as I said earlier, was the most comprehensive strategy set to try to deal with the challenge that is North Korea itself. I appreciate the chairman's words and his leadership.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. ROUNDS. Mr. President, I ask unanimous consent to be allowed to

speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRADE FACILITATION AND TRADE ENFORCEMENT  
BILL

Mr. ROUNDS. Mr. President, I rise to voice my opposition to an upcoming cloture vote on the conference report for the Trade Facilitation and Trade Enforcement Act, commonly known as the Customs conference report. This vote is expected tomorrow.

While I am supportive of the conference report as it relates to the Customs legislation, added to the bill at the last minute is a measure known as the Internet Tax Freedom Act or ITFA for short. ITFA would put in place a moratorium to permanently prevent State and local entities from imposing existing sales and use taxes on Internet services.

In the past, I have expressed my support for ITFA as long as it was tied to the Marketplace Fairness Act, or MFA, which would allow State and local governments to collect sales and use taxes from online retailers without a physical presence within their State.

In South Dakota, this is a matter of fairness to the families who own small businesses and support our local communities. They collect sales taxes on their products and on their services. Internet sales providers are not required to provide a collection service for those States for services or products that are being delivered into those States. It requires congressional action in order to allow them to accomplish this.

Pairing these plans would have been a net benefit for States, local governments, and small business owners who are already required to collect sales and use taxes on their products and services. Together they would represent sound tax policy, but that is not what we are doing with the Customs conference report by including ITFA and not including the Marketplace Fairness Act.

ITFA, enacted by itself, would put in place a moratorium to permanently promote State and local entities from imposing taxes on Internet services at the State and local level with no consideration or offset for the tax revenue lost by States or local governments that already collect many of these taxes.

I am all for cutting taxes, but I am also a strong proponent for the Tenth Amendment and local control and tax fairness for South Dakota businesses. In places like South Dakota, we are actually pretty good at balancing budgets. In fact, we are required to do it every single year. Washington has no business telling States or city commissioners how to run their books.

ITFA has zero impact on the Federal budget, but it really impacts States and local communities. I believe ITFA paired with the Marketplace Fairness Act continues to make sense. One without the other does not.

My opposition is not based on disagreement over Internet access. We need it. We should make it available. My opposition is based on the principle that we are taking away important revenue sources for State and local governments without any means for them to recoup their losses so they can continue to provide essential services to our communities.

Let me explain why sound and comprehensive tax policy is so important and why ITFA and MFA should continue to be a package deal. If the President signs a Customs conference report into law in its current form with ITFA attached to it, municipalities in my home State, South Dakota, will lose \$4.3 million in revenue annually. That is a revenue they rely on to fund essential services, such as training for firefighters and police officers, maintenance for parks, upkeep of community centers and libraries, and repairs to critical roads and bridges.

Without any way of recouping the loss, local leaders will be forced to make a tough decision to cut those important services to the community or to raise other taxes. Why is Washington making this decision?

In addition to municipalities losing out on important funds, the State of South Dakota would also lose out to the tune of \$9.3 million annually. Maybe in Washington DC we don't care about \$9.3 million, but in South Dakota they do. Well, we don't balance our budget, but every single State out there or just about every State does.

When we step back in and we tell them we are going to unilaterally take away one source of revenue, but we still expect them to provide the services, it seems to me we are moving in the wrong direction. We don't have the luxury of South Dakota punting. We are required to balance our books every year. At the State and local level, every single dollar counts.

Singled out, it is not right for the Federal Government to dictate State and local budgets, as the ITFA part of the conference reports attempts to do, to cut a State and local revenue source.

It is unfair to States like ours, which operate under tight budgets and stretch every dollar to the maximum. In fact, in South Dakota we aren't overtaxing. Our State burden is the second lowest in the Nation. We don't have an income tax. We rely on a very broad sales tax. That is the way our people have wanted to do it. That is why conventional wisdom in this body and elsewhere has always been the ITFA, which would stop taxing the cost of Internet services, would be paired with the MFA—the Marketplace Fairness Act—because MFA lets State and local governments recover the losses from ITFA.

MFA would make certain that Main Street businesses aren't at a competitive disadvantage to companies that have no physical presence, employees or investments in States such as South

Dakota because right now they don't have to collect that sales tax or the use tax for products that are being delivered into the State. Brick-and-mortar businesses have that requirement.

Right now Main Street businesses are operating under a disadvantage. MFA would level the playing field. These brick-and-mortar stores are the businesses that provide good-paying jobs in South Dakota, pay local property taxes, sponsor community baseball leagues, and send their kids and grandkids to South Dakota schools and invest in the future of our State.

We have an opportunity to level the playing field for them, rather than picking winners and losers so they can continue to be successful and enrich the lives of South Dakotans. Let's let the States and local governments decide how to manage their finances.

Under MFA, South Dakota would bring in approximately \$25 million in new tax revenue, which would more than make up for the losses under ITFA. If we pass ITFA without MFA, it dramatically decreases the chance of MFA being passed in the years to come, which is a huge blow to the mom-and-pop businesses who are struggling to compete with online vendors.

MFA passing the Senate without ITFA is unlikely dead on arrival in the House. ITFA would see a similar fate if not dumped into the Customs conference report. It would not pass the Senate alone. There is simply no evidence to suggest that either measure would pass as stand-alone legislation, but together sound tax policy would move.

That is why it is so important that ITFA not be implemented without also implementing the Marketplace Fairness Act. Together the two can make a real impact on the lives of South Dakotans and all Americans by providing permanent tax relief to South Dakota families, leveling the field of play for brick-and-mortar businesses that are contending with an increasingly competitive online marketplace and at the same time assure State and local governments can continue to provide essential services to their constituents while balancing their budgets. That is something we could learn a lot about. Because the Customs conference report includes only ITFA and fails to address MFA, I will open oppose cloture on this legislation, and I encourage my colleagues to join me.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. DONNELLY. Mr. President, today the Senate will vote on legislation to significantly expand sanctions against North Korea in response to the country's dangerous provocations in recent months. This legislation has my strong support. In light of North Korea's recent actions, it is time we act decisively and call on the international community, particularly the U.N. Security Council in China, to do the same.

On January 6, North Korea conducted a nuclear test involving the underground detonation of a nuclear weapon. One month later, on February 7, they effectively conducted a long-range missile test under the guise of a satellite launch. Just yesterday in the Senate Armed Services Committee, Director of National Intelligence James Clapper testified that North Korea has expanded a uranium enrichment facility and restarted a plutonium reactor capable of providing fissile material for nuclear weapons.

Together these actions point to a dangerous trend of advancing and expanding North Korea's nuclear weapons program. While the antics of Kim Jong Un and his cronies may seem outlandish, the threat posed by North Korea should be taken seriously. Though open-source assessments cast doubt on Kim Jong Un's claim that he detonated a hydrogen bomb in January, the fact remains North Korea tested a nuclear weapon that caused a magnitude 5.1 earthquake.

Though the satellite North Korea fired into space spent yesterday tumbling in orbit and it may be unusable, the fact remains that according to South Korean officials, if the rocket launched by North Korea on Sunday were successfully reconfigured as a missile, it could fly more than 7,400 miles. That is far enough to reach the shores of the United States.

Although North Korea has never tested a long-range ballistic missile capable of delivering a nuclear warhead, there can be no question that Kim Jong Un is intent on building up a nuclear arsenal capable of striking the United States.

In my role as ranking member of the Strategic Forces Subcommittee, I was in South Korea last July. I listened to the input of General Scaparrotti, the commander of U.S. Forces Korea. I heard from our servicemembers at Yongsan and Osan, and I sat with South Korea's Defense Minister to discuss our shared interests and the importance of this critical alliance. I then traveled directly to Beijing to meet with Rear Admiral Li Ji of the Chinese Ministry of National Defense. We had a frank and meaningful conversation about these topics. Despite our many differences, it is not in the interest of either the United States or China to have a nuclear-armed North Korea destabilizing Asia and destabilizing the globe with irresponsible rhetoric and dangerous actions.

It is my sincere hope that the U.N. Security Council and our international partners will follow our lead to expand international sanctions against North Korea, applying the lessons we learned in blocking Iran's nuclear program. In the meantime, we must continue to enhance our missile defense systems both at home and abroad.

I look forward to working with Senator SESSIONS to continue our bipartisan work on the Armed Services Committee, to provide necessary re-

sources to the Missile Defense Agency, and to fulfill our commitment to key allies. We must continue to advance MDA's efforts to deploy additional sensors and to improve the reliability and effectiveness of ground-based interceptors.

This has the potential to be a pivotal moment for the international effort to counter North Korea's nuclear program, but the United States must lead the way. Strategic patience has worn thin, and it is time to act, by expanding tough sanctions, by strengthening our missile defense programs, and by calling on the international community—and especially China—to act responsibly and decisively in the face of the threat Kim Jong Un poses to global security.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MORAN. Mr. President, the pending legislation to enact tougher sanctions on North Korea is a welcome development as Congress once again begins to assert its role in defending national security and curtailing the growing number of nuclear weapons around the globe.

In the decade since North Korea's first successful nuclear test, the threat of nuclear proliferation has not diminished. The United States concluded an agreement with Iran that leaves its nuclear infrastructure in place, causing others in the region to declare their own interest in obtaining nuclear weapons.

Pakistan's nuclear arsenal is the fastest growing in the world, and it continues to destabilize the region through its ties to terrorist organizations. North Korea continues to build its nuclear stockpile and its ability to deliver future weapons.

In all three of these circumstances, Congress has been the source of pressure on these nations by enacting tougher sanctions on Iran, placing a hold on security funding for Pakistan, and now this legislation today builds on those previous efforts. The results may vary, but as I see it, my colleagues in this Chamber and in the House have been much more proactive than the administration in imposing costs for failing to adhere to international norms.

President Obama's approach of strategic patience has failed to accomplish the objective of bringing North Korea back to the negotiating table, and there is certainly no agreement by them to dismantle their nuclear arsenal and their nuclear program. North Korea has tested three nuclear weapons on the President's watch, and some experts believe its stockpile could grow to 100 weapons by 2020—from 10 to 15 weapons today. In addition to nuclear weapons, the regime is believed to possess chemical and biological weapons.

North Korea is advancing in missile technology and has engaged in cyber attacks against South Korea, Japan, and American entities. North Korean

missiles might not yet be able to reach the continental United States, but American servicemembers stationed in South Korea and Japan and tens of millions of innocent lives are menaced by the threat of weapons of mass destruction in the possession of an aggressive regime with little regard for what the world thinks of it.

The Arms Control Association notes: "North Korea has been a key supplier of missiles and missile technology to countries in the developing world, particularly in politically unstable regions such as the Middle East and South Asia." The recipients of such expertise are said to be Pakistan and Iran, among others. In fact, American intelligence judged the Syrian nuclear reactor destroyed by the Israeli Air Force in 2007 to have been constructed with North Korean assistance.

Equally worthy of attention is the brutal treatment by Kim Jong Un's regime of its own people. Just 2 years ago, the U.N. Human Rights Council published a report concluding that "the gravity, scale, and nature of these violations reveal a State that does not have any parallel in the contemporary world."

It would be disingenuous to stand here and place all the blame on the President or the administration. North Korea is one of the most difficult nations in the world to understand and regional complexities make it difficult to find a solution.

North Korea took advantage of lapses in American resolve during both the Clinton and Bush administrations by conducting its first nuclear test in 2006. Nevertheless, it is obvious to me that a change in approach is necessary. "Strategic patience" has been exhausted. Stronger measures are necessary. While the ideal approach is to work in concert with the U.N. Security Council, we cannot afford to wait for consensus on punitive measures from the U.N. that may never come.

The legislation that the Senate will pass today in a strong, bipartisan fashion seeks to compel Kim Jong Un to return to negotiations. My colleagues have written legislation that ensures sanctions are mandatory—to be waived only on a case-by-case basis that requires a written explanation justifying the waiver.

The secondary sanctions will penalize those outside of North Korea who assist in the regime's nefarious behavior. Without China's support in restricting North Korea's ambition, America and the world face an uphill battle. Up to this point, China has believed that an unstable North Korea is more dangerous than a North Korea with an advanced nuclear program; therefore, the enforcement of secondary sanctions is a necessary step to seek cooperation in dismantling their nuclear program.

I am pleased that the bill includes language to deter and punish cyber attacks by codifying sanctions as well as requiring the President to offer a counterstrategy to North Korea's cyber



capabilities. The ongoing cyber activities are damaging to our security and our economy as well as the economy and security of our friends. The bill also attempts to address the deplorable treatment of the North Korean people by their own government.

This legislation is certainly not without risk. China may retaliate in some manner, North Korea may become even more bellicose, and it could very well fail to pressure Kim's regime to surrender its nuclear program. Yet it is painfully clear that the status quo is not working and that global security is imperiled as our government stands by.

Fear of risk and failure will not stop us from exhausting all peaceful options to curb nuclear proliferation. Every effort must be made to convince North Korea to surrender its nuclear weapons. Congress is once again doing its part in the fight against proliferation.

Chairman CORKER, Senator GARDNER, and the members of the Foreign Relations Committee ought to be commended for their leadership on this issue, and I look forward to joining them in passing legislation later today that will put teeth to American diplomacy.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOEVEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOEVEN. Mr. President, I rise in support of the pending legislation to sanction the regime of North Korea for its belligerent behavior toward the United States and its neighbors. Today the Senate takes up a bill to increase sanctions on North Korea.

Most Americans would be surprised, I think, to learn it is still possible to increase and strengthen sanctions on North Korea. In fact, while we have had certain sanctions on North Korea in place for many years, these sanctions have never been as strong as they could be and should be, and that is why we are here today.

We are now dealing with a third generation of dictators in Kim Jong Un, who is proving to be as disastrous as his infamous father and grandfather, Kim Il-sung, the founder of the Kim regime. The Kim family has done whatever it thought necessary to stay in power, including use of criminal enterprise to raise revenues and engage in systematic human rights abuses against its own people.

The legislation before us today requires the President to sanction anyone contributing to North Korea's weapons program, money laundering activities, and human rights abuses. It also requires sanctions on anyone helping North Korea raise hard currency through the sale of minerals and precious metals.

Additionally, the bill requires sanctions on anyone engaging in activities

that would threaten cyber security. Perhaps most importantly, the legislation urges the administration to designate North Korea as a jurisdiction of primary money laundering concern—a step that would block links between North Korea and the U.S. banking system. This is a very powerful sanction. If someone is doing business with the Kim regime, they should not be doing business with the United States banking system.

We need to pass this bill and push the administration to leverage the power of the Treasury Department to cut North Korea from the international banking system. As I have said, this is a very strong and powerful sanction. It needs to be put in place and then fully enforced by the administration.

The imposition of sanctions, however, cannot be the end of our North Korea policy. As we have seen over the past few months, the Kim regime is intent upon disrupting the East Asian security environment, threatening both the United States and our allies with ballistic missiles and nuclear weapons.

Sanctions can work, but they must be enforced and they will take time. In addition, we need to augment these sanctions with other steps to limit the North Korean threat.

First, we should accelerate efforts to develop missile defenses both in East Asia and in the United States. Sanctions can curtail progress in North Korea's nuclear and missile programs; however, we must deal with the capabilities North Korea already has. We must ensure we are prepared for any further advancements North Korea might make before the sanctions take hold.

Second, we need to ensure that we have a credible and reliable nuclear force available to deter North Korea and reassure our South Korean and Japanese allies. In 2014, and again earlier this year, a nuclear-capable B-52 flew over the Korean Peninsula to perform this vital deterrence and assurance mission. But to maintain strategic credibility, we must modernize our bomber fleet and our nuclear cruise missiles.

To bring the Nation's bombers up to date, the Air Force is embarking on plans to develop a new Long Range Strike Bomber capable of penetrating advanced enemy air defenses. North Korea's increasingly provocative behavior underscores our need for a bomber that can fly over any North Korean target. Now is the time to get to work on the Long Range Strike Bomber program.

Similarly, we need to upgrade the nuclear cruise missile carried on the B-52 bomber. Cruise missiles fired from a distance allow us the option of threatening North Korean targets without flying over North Korean airspace. This standoff capability is tremendously important, but the existing nuclear cruise missile is based on 1970's technology and is well beyond its intended service life. We need to ensure

that the Air Force has the resources necessary to develop a new cruise missile that can defeat modern air defense systems for decades to come.

We also need to ensure that the National Nuclear Security Administration has the resources it needs to refurbish the warhead that flies on the cruise missile. Letting our bomber and cruise missile capabilities become obsolete would send a disastrous signal to the Kim regime that its nuclear program has yielded strategic benefits. On the other hand, modernizing our forces shows Mr. Kim that he will never get a nuclear upper hand in East Asia.

The bottom line is that we need a holistic approach to North Korea. We need the sanctions that we are considering here today in the Senate. We need a strong, strategic deterrent, as I have described.

I urge my colleagues to support the sanctions in front of us to put pressure on North Korea financially. This needs to be a comprehensive, ongoing, sustained effort. We have to stand strong against our adversaries and stand strong with our allies, we have to do it consistently, we have to do it over time, and we have to be steadfast. That is the type of foreign policy that can be effective. That is the kind of foreign policy we need to undertake. That is what we are trying to accomplish with this legislation.

I commend the sponsors of this legislation who are here on the floor today.

I further hope that my colleagues will support not only this legislation but critical investments in our nuclear bombers and cruise missile forces when we consider the annual Defense bills later this year. I am very familiar with these systems as the B-52s are based on Minot Air Force Base in my State. They provide a tremendous deterrent and a very important part of the nuclear triad, but we have to continue to invest in that nuclear triad—in the bombers, in the ICBM missiles, and in our submarine fleet.

I believe that both sanctions and a strong military are critical to our national security and that of our allies, as well as maintaining stability in this potentially volatile part of the world. As we have said before, the United States is the world's best hope for freedom, for peace, and for security.

Thank you, Mr. President.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GARDNER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. FISCHER). Without objection, it is so ordered.

Mr. GARDNER. Madam President, we have heard from a number of colleagues who have come to the floor in support of the legislation before us today, the North Korea sanctions legislation. Members of both sides of the

aisle recognize the need to address the forgotten maniac in North Korea.

We have also heard Members speak about a number of firsts that this legislation contemplates—the first time that this would put in place mandatory cyber sanctions for cyber attacks. This is something that applies, yes, to North Korea today but in the future could apply to any nation that wishes to use its means to attack the United States or our businesses. So it is critically important, that piece of legislation that we are going to pass today that can have a lasting impact on the security of this country.

We have also heard from a number of Members who have spoken about their concern with China. This legislation is not targeted at China; this legislation is targeted at North Korea. We have talked about how it is not targeted at the North Korean people but at the regime of Kim Jong Un. The legislation does everything we can to try to give the people of North Korea a better way of life; to try to find ways to communicate, to break down the silence they are faced with in this economic deprivation zone; to give them tools, perhaps radios and cell phone technology so they can find out what is happening beyond the confines of the torturous regime. But it does have an impact on those who try to get around the sanctions and the prohibited activities of the legislation—in fact, some of the strongest language in the legislation, whether exporting to or from North Korea, whether exporting to or importing from North Korea goods, raw metals, precious materials that can be funneled—the money from that funneled to weapons of mass destruction and other activities prohibited by the legislation. So when North Korea is exporting gold or coal—and we know that gold and coal are chiefly responsible for the North Korean foreign currency reserves—then that could be designated as a sanctioned entity under the legislation. Perhaps those entities are in China.

The fact is, we need cooperation with China. We need cooperation with Japan and South Korea. We had that so strongly, and there is a possibility we won't. We have an opportunity for trilateral alliance—that is cooperation between the three nations—and that will allow us to work together, to share intelligence, to share the cooperative efforts and exercises when it comes to North Korea, and to work with China to help make sure that it is sticking by what it says it wants to do, which is to denuclearize the North Korean regime peacefully. I think it is key to our cooperation with China as we work on any number of issues, whether it is trade issues, whether it is issues dealing with the Internet, whether it is issues dealing with the South China Sea.

Those are things that we continue to work with China on and are working to resolve, but we also have to make sure part of that conversation is North

Korea. China controls a tremendous number of levers and power in North Korea. Ninety percent of their economic activities in North Korea can find their way to some way of subsistence with China, to create a reliance on China, an economic reliance that they have right now.

So this legislation will target those who are doing too much to empower the Kim Jong Un regime and to give them the money they have used to develop missiles and to develop weapons of mass destruction.

Just to give an example of some of the commodity trade that we have seen, trade commodity sanctions in this bill would address the issue of rare earth minerals and coal and steel and other goods that are exported to other countries to earn foreign currencies for the North Korea regime. To give people an idea of how much money that is, expert estimates put rare earth minerals and steel exports at around \$1.8 billion and \$245 million respectively. That is a lot of money that the regime is currently getting from outside in trading these goods. But if that \$1.8 billion and that \$245 million goes back to build weapons of mass destruction, this act will begin sanctions. The President is required to, unless the issue is a very narrow, case-by-case national security issue. There is a mandatory investigation into those activities. So I think this is a strong step that is receiving tremendous bipartisan support.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GARDNER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GARDNER. Madam President, we have been discussing some of the opportunities to strengthen the alliance between Japan and South Korea and the United States. In the legislation before us today is language that addresses the trilateral cooperation between the United States, South Korea, and Japan; that we would seek to strengthen a high level of trilateral mechanisms for discussion and coordination of our policies toward North Korea; that we would work between the Government of the United States, the Government of South Korea, and the Government of Japan to meet these goals to ensure that the mechanisms North Korea is using when it comes to nuclear, ballistic, and conventional weapons programs are addressed by the three nations; that we address together in this trilateral alliance the human rights record, the atrocities of North Korea, and cyber security threats posed by North Korea.

It also talks about in the legislation before us that the United States, Korea, and Japan will meet on a regular basis. The legislation encourages

that the United States and the trilateral alliance meet together, including the Department of State, the Department of Defense, the intelligence community, and representatives of counterpart agencies in South Korea and Japan, so that we can continue to focus our efforts on the trilateral alliance.

If you look at the conversations taking place today, we have heard our colleague from Hawaii, Senator SCHATZ, talk about the need for cooperation when it comes to THAAD. We talked about the concern that our allies, neighbors of North Korea, have when it comes to their air defense systems and how they are going to protect themselves from a possible missile strike from North Korea. Those conversations are continuing. We talked about continued and extraordinary cooperation opportunities we have in sharing intelligence among the three nations.

It all comes on the heels of what has been over the past year—last year, in particular, with the 70th anniversary of the end of World War II—some recognition of the historical complexity in the relationship between Japan and South Korea. Late last year and early this year we saw an agreement entered into by Japan and South Korea to address some of those historical complexities. That agreement was a new step forward in cooperation, in terms of working through these complexities.

That activity was followed shortly thereafter by North Korea's fourth nuclear test. What a great statement it was for Japan and South Korea to begin finding solutions to these historical complexities at a time that perhaps is needed now more than ever because of the challenges that their neighbor in the north poses to them.

While we work together to find ways to protect our allies and to assure them that our alliance and our commitment remains stronger than ever, we have to make sure we are continuing to focus on our trilateral alliance and on the efforts we have there.

I know the Senator from Minnesota is on the floor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Madam President, today I join my colleagues in support of the North Korean Sanctions and Policy Enhancement Act. I commend Senator GARDNER for his leadership, as well as Senator MENENDEZ, Chairman CORKER, and Ranking Member CARDIN for their leadership on this legislation, because protecting the American people and others in the region from national security threats like North Korea should, in fact, be our top priority.

The reason there is overwhelming bipartisan support for strong sanctions legislation against North Korea is because there is absolutely no doubt that North Korea is a well-established threat in the region. North Korea threatens global peace and security.

Experts at the United States-Korea Institute estimate that North Korea has 20 to 100 nuclear weapons. Since 2006, North Korea has tested four nuclear bombs.

Last month North Korea claims to have tested a hydrogen bomb. While our analysts in the United States are skeptical that it was in fact a hydrogen bomb, it was a nuclear bomb all the same. With each test, North Korea gets closer to testing a nuclear bomb small enough to fit on a long-range missile—the very same kind of missile that North Korea used over the weekend to launch a satellite into outer space. That missile has a range of 5,600 miles. That means that Alaska, California, and the rest of the west coast of the United States is actually within range of a North Korean bomb. Our European allies and Australia are also within range of a North Korean bomb. And, of course, Japan and South Korea—two of our key allies in East Asia—are closest to the danger North Korea poses. It is in our national security interests to protect these vital allies.

It is not just North Korea's nuclear threat that we need to be concerned about. North Korea funds its weapons regime through human trafficking—something I care deeply about—through the production of illegal drugs and selling counterfeit U.S. currency. North Korea is also one of the largest suppliers of the arms trade and has become the bargain-basement emporium for old Soviet weapons systems. North Korea has a pattern of shipping these illegal weapons on to terrorists in the Middle East.

North Korea also threatens our cyber security. North Korea's cyber attack on the Sony Corporation of America in 2014, which leaked private communications and destroyed the company's data systems, cost Sony, an American company, more than \$35 million. Why this company? Because the company produced a movie that mocked North Korea's leadership.

Last summer North Korea pledged to follow up on its attack on Sony with more cyber attacks, promising to “wage a cyber war against the U.S. to hasten its ruin.”

America is not the only target for North Korea's cyber attacks. In 2013, North Korea launched a cyber attack on three major South Korean banks, and two of South Korea's largest broadcasters were temporarily shut down after a cyber attack. This cost South Korea an estimated \$720 million. This is real money and real jobs in our own country and in the countries of our allies.

We must take strong action to curb North Korea's nuclear program and to address the other threats that it poses to us and our allies. Weak sanctions against North Korea have proven unsuccessful. The legislation before us today represents the tough response that is necessary to send this message directly to North Korean leaders: Disarm or face severe economic sanctions.

This bill puts pressure on North Korea in three important ways. First, it requires the President to investigate those that help North Korea import goods used to make weapons of mass destruction. All people and businesses involved in helping North Korea obtain illicit weapons would be banned from doing business with the United States and would have their assets and financial operations immediately frozen and their travel restricted.

As we work with our allies to track down and bring to justice those who assist North Korea in its effort to harm the United States and our allies, we must also hit them financially. This bill will help to cut off North Korea's funding and further financially isolate them.

Second, this bill sanctions those who attack U.S. cyber security. This bill is the first piece of legislation to lay out a framework for sanctions against the North Korean cyber threat. Combating cyber terrorism is a key national security priority. We must be proactive about rooting out those who enable cyber attacks.

Lastly, this bill addresses a serious human rights crisis in North Korea. North Korea is the most isolated economy and society in the world. The current regime exerts total control over daily life. Even haircuts are controlled—that is right. Women are allowed to pick from 1 of 14 hairstyles, and men cannot grow their hair longer than 2 inches. Thirty-two percent of people in North Korea are undernourished, and 34 percent of the population receives food aid.

As a Member who has worked extensively to fight modern-day slavery, I am particularly disturbed by the fact that North Korea is also among the world's worst human traffickers. The State Department's annual report on human trafficking consistently rates North Korea as one of the worst human traffickers. The United Nations considers human trafficking to be one of the three largest criminal enterprises in the world. The first two are illegal drugs and illegal guns.

Last year I was proud to be the lead Democratic cosponsor of legislation with Senator JOHN CORNYN to fight trafficking and help trafficking victims that was signed into law by President Obama last May. The Justice for Victims of Trafficking Act tackles trafficking head-on. We are doing work in our own country, but we also need to be a beacon for those victims abroad.

Sex and labor traffickers treat North Korean men and women like commodities. Yemoni Park, a North Korean woman who escaped after being sold into the sex trade and raped at the age of 13, has dedicated her life to shining a light on what she calls “the darkest place on Earth”—North Korea.

This bill calls for harsh sanctions against human rights violators. It calls for mandatory investigations into those who bankroll North Korean labor prisons and sex trafficking rings. But it

also acknowledges the important work of human rights organizations that provide assistance to those suffering in North Korea and allows them to continue their lifesaving work.

China fuels much of the demand for North Korea's human trafficking, and they help fund the North Korean regime. Beyond enacting swift and severe sanctions against those associated with North Korea's weapons suppliers, hackers, and human rights violators, we must pressure China to get serious about sanctioning the North Korean regime. Unless we have China's help, the regime will not truly feel the repercussions of its actions.

We have come together today across party lines in a bipartisan effort to address the growing threat that North Korea poses to the United States and our allies. We are united in our belief that our national security—and the security of our allies—requires a swift and strong response to North Korea and those who fund its tyrants. We are also united in our belief that we must vigorously investigate and sanction those who in any way help North Korea develop weapons of mass destruction and those who seek to undermine cyber security.

We must do everything in our power to help improve the lives of innocent North Koreans. That is why I am supporting this bill, and I thank my colleagues for their leadership—Senator MENENDEZ, Senator GARDNER, Senator CARDIN, and Senator CORKER.

#### AMBASSADOR NOMINATIONS

Madam President, I wanted to add one more thing. As I try to do every day with Senator SHAHEEN, I address the issue of the Ambassadors to Norway and Sweden. It has been 864 days since we have had an Ambassador to Norway. It has been 468 days since the President nominated Azita Raji to be Ambassador to Sweden.

I appreciate Senator CORKER's leadership on this issue. We are working very hard to get these two Ambassadors confirmed. These countries are the 11th and 12th biggest investors in the United States. Senator CRUZ is the one holding up the vote on these nominations. We are hopeful that at some point we will be able to move ahead. This has been going on way too long.

They are some of our best allies in the fight against Russian aggression. Norway actually shares a border with Russia. We have to be by their side if they take in thousands and thousands of refugees. We have talked about the need for a strong Europe. These are the two major countries in Europe that don't have Ambassadors from the United States. That must change.

Again, I thank Senator CORKER and Senator CARDIN for their leadership.

Thank you, Madam President, and I yield the floor.

Mr. CORKER. Madam President, I think Senator CAPITO is next to speak, but I do want to just mention that I appreciate the way that Senator KLOBUCHAR has worked on the issue of the

Ambassadors to Norway and Sweden, and I do think we are on the cusp in the next 24 hours of that being resolved. I thank Senator KLOBUCHAR for her diligence and patience, and with that I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mrs. CAPITO. Thank you, Madam President.

I rise today in strong support of the North Korean Sanctions and Policy Enhancement Act. I commend Senators CORKER, GARDNER, MENENDEZ, and CARDIN for their hard work on this bill, and I am proud to be a cosponsor.

North Korea poses a serious threat to the United States. Last month, the North Koreans tested a nuclear device as they continue to advance their weapons technology. Just this weekend the North Koreans launched a satellite as they work to build a ballistic missile program.

Cyber attacks launched by North Korea have crippled businesses such as Sony Pictures and targeted our allies in South Korea and Japan. The threats posed by North Korea will only continue to grow, and our current policy toward North Korea has failed to protect the safety and security of the American people.

This legislation takes significant steps to deny North Korea's capabilities and to limit the nuclear and ballistic missile programs, to stop cyber security attacks, and to end North Korea's horrendous human rights violations. Mandatory investigations and mandatory sanctions are the hallmark of this legislation. Under this bill, the administration is required to investigate the proliferation of weapons of mass destruction, human rights abuses, and cyber crimes. When investigations reveal misconduct related to these activities, sanctions are required.

Importantly, this bill will target minerals and other items that the North Korean regime uses to finance its weapons programs at the expense of its own people. Sanctions under this bill would also apply to businesses or individuals around the world that help North Korea expand its nuclear weapons and cyber crime capabilities.

Similar legislation imposing sanctions targeted towards North Korea passed in the House last month with a nearly unanimous vote. That is quite an achievement. Today I hope this bill will pass by a similar margin and show that the Senate is united in our resolve against the security threats posed by North Korea.

#### CLEAN POWER PLAN

Madam President, on another important note, last night the U.S. Supreme Court put the Environmental Protection Agency's Clean Power Plan on hold. This landmark decision will prevent the Obama administration from enforcing this rule until all legal challenges are complete.

West Virginia, my State, has lost nearly 10,000 coal mining jobs since 2009. Nearly every week, hundreds of

layoffs and more notices devastate West Virginia's coalfields, West Virginia families, and communities. The impact on State and local budgets has been stark. School boards have announced significant cuts to education due to the loss of coal severance tax revenue. This is all across the State. As bad as the current economic situation is, the Clean Power Plan would make things worse for families and communities in my State.

We know the EPA's playbook. Earlier this year, the Supreme Court struck down EPA's mercury rule targeting powerplants since the Agency failed to follow the legal requirements, but because the mercury rule went into effect years before legal challenges were complete, billions of dollars had already been invested and many jobs had already been lost.

My ARENA Act has recognized that the 29 States and hundreds of other organizations challenging the President's power grab deserve meaningful judicial review. My legislation said this rule could not go into effect until the litigation is complete—such common sense. I am very pleased the Supreme Court has agreed with this commonsense position and recognized the immediate impact of this rule.

I also want to extend my appreciation to West Virginia's attorney general, Patrick Morrisey, for his leading role in this case. On behalf of our State, he has headed the legal challenge against this administration, and last night's decision is just the latest legal setback for an out-of-control EPA.

Congress has passed legislation disapproving of the Clean Power Plan. We sent it to the President and he vetoed it. A majority of our States are still challenging this rule, and the judicial branch now seems poised to play its role in protecting both the separation of powers and the principles of federalism from the administration's power grab.

Increasingly, this lameduck President stands alone as he attempts to further his climate agenda. The American people are not behind him. A majority of Congress has come out against his efforts, and now the Supreme Court has raised concerns.

This is an important step toward having the American people—not an unchecked bureaucracy—set our energy agenda, and we must continue to fight to permanently block this rule.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. KAINE. Madam President, I also rise to support the North Korea Sanctions and Policy Enhancement Act of 2016. It is good to see on the floor colleagues who have worked on this important legislation from Maryland, New Jersey, our committee chair, and the Senator from Colorado. I appreciate their efforts and believe this can be a great example of bipartisanship and near-unanimous agreement.

We have witnessed recently many provocations by the North Koreans. The ballistic missile test this past weekend violates numerous U.N. Security Council resolutions and it threatens both the United States and especially our allies in the region. This closely follows a nuclear test in January—another deplorable action by North Korea—and missile nuclear weapons program proliferation concerns that have been the subject of a lot of discussion in this body.

I appreciate the drafters and the Foreign Relations Committee for moving swiftly to deliver a response that includes penalties for the missile launch and the nuclear test.

I will also mention that North Korea's detention of American citizens can't be overlooked. This includes the recent detainment in North Korea of Otto Frederick Warmbier, who is a third-year college student at the University of Virginia. As we move forward with our strategy on North Korea, we have to prioritize and ensure the safe return of our citizens who are detained there.

A little bit about how destabilizing North Korea's actions are. This recent test was expected, and it is proof of the North Korean grim determination to develop nuclear weapons, even if it is hampering and hobbling their economy and causing their citizens to suffer. They have been given warnings that they shouldn't do it, but they have also been giving warnings to the global community that they would.

This is a country that is determined to defy a host of U.N. Security Council resolutions that ban it from conducting nuclear and missile tests. The international community has been speaking with clarity about what the line is: Don't do this—but North Korea has chosen to proceed.

Kim Jong Un has once again displayed a willingness to defy the international community—and at such a cost to his people. The economy there is absolutely hobbled because of his desire to be a militaristic leader, but the result is the population of his country is suffering. His strategy to have nuclear, military, and economic development for his people is not going to work because he can't have both, and the legislation demonstrates that these things are impossible by imposing a significant economic cost. The legislation shows that the United States will hold countries and private entities accountable for compliance with rules and law.

Kim Jong Un's backward calculus has left his country impoverished and almost entirely dependent on China for economic trade. Roughly 90 percent of North Korea's foreign trade is with China, which is why China can have significant leverage over North Korea, but the track record of China using its leverage to curb North Korean activity is very disappointing. We need to continue to pressure China to increase sanctions on North Korea and elevate

this issue in bilateral discussions with China. The number of North Korean nuclear weapons could soon approach China's within the next decade, and that is a direct threat to regional security and global security.

Yesterday, in the Armed Services Committee hearing we attended, DNI James Clapper stated that North Korea is expanding its uranium enrichment activities, it has restarted plutonium production, and it could start extracting plutonium from spent fuel within a matter of months.

China can no longer turn a blind eye to this. As a permanent member of the U.N. Security Council, China needs to help foster international peace and play the role that an international power on the U.N. Security Council needs to play. They need to play the role in additionally advancing or pushing for more human rights in North Korea because they have the leverage to do so. We don't trade with North Korea. Our leverage system is somewhat limited, but China, with a 90-percent trade share, has that leverage.

The good thing about these sanctions is that they will sanction the activities of Chinese companies and entities that are trading with North Korea, and that secondary sanction effect, I think, has the ability to work and put pressure on them.

We have seen recently how sanctions can work in another context, in the Iran context. The architects of the sanctions policy with Iran are in this room, and they deserve praise because there is no way Iran, a rogue nation that was moving forward to develop nuclear weapons, would have ever entertained a diplomatic discussion to try to put limits on that program had it not been for sanctions that were designed to have a strategic and careful effect. So we need to do the same thing here, and these sanctions do that.

In conclusion, the United States has to undertake a more proactive approach to North Korea to address the nuclear and ballistic missile programs. This legislation is good because it not only puts Congress even more firmly on the record in opposition to North Korea's activity, but it also provides the executive branch a more robust set of policy tools to confront the threat that is posed by Pyongyang.

This is an example of legislation that came out of the committee—bipartisan and unanimous. It represents the best of bipartisan foreign policy cooperation, and I am strongly in support of the bill.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Madam President, I first thank Senator Kaine for his input in this legislation and so much other legislation that goes through the Senate Foreign Relations Committee. He is an extremely valuable member of our committee, a very good thinker, but more importantly he listens to others in the committee and finds a com-

mon way that we can make important national foreign policy issues bipartisan. He has done that and did that with the Iran review act in reaching a way that we could bring that together in a bipartisan manner. He was very helpful on the North Korean sanction bill that we have on the floor, so I thank Senator Kaine for his contributions.

I say to Senator CORKER, I know we are getting near the end of this debate. I have been listening to this debate throughout the day, and I think it points out the best traditions of the U.S. Senate. So many Members have come to the floor in serious debate about the national security challenge that North Korea presents—not just, as I said, to the Korean Peninsula, not just to our allies in East Asia but globally—and how U.S. leadership is going to be vitally important and we are going to act.

The United States is going to act. The Senate tonight is going to pass a very strong sanctions bill, a very strong message bill that we do not intend to sit back and let North Korea proliferate their weapons of mass destruction. We also don't plan to sit back and let them commit gross violations of human rights. We will not sit back and allow them to attack our intellectual property through cyber security attacks, and we are going to act as one, united. We are going to act, Democrats and Republicans, House and Senate. We are going to work with the administration. We are going to get this done. Then, yes, we are going to go to the international community. We are going to put pressure on other countries.

We know the Republic of Korea is with us. We know Japan is with us. China needs to be with us, and we are going to go and talk to China, explain and work with them so we can get international pressure to isolate the North Korean regime until they change their course. It is critically important to our security but also to the people of North Korea. I thought this debate has been in the best tradition of the U.S. Senate.

Again, we had the architects, as Senator Kaine pointed out, drafting this bill. Senator CORKER's leadership clearly set the climate in our committee so we could have that type of debate. I am sorry no one here could sit in on some of Senator CORKER and Senator MENENDEZ's meetings as they were negotiating the specific terms of the bill. Each had their views, but they listened to each other. They recognized that by listening to each other they could come out at the end of the day with a stronger bill. As a result of our two colleagues, we were able to reach that common ground and I think very shortly we are going to be able to show the people of in country the best traditions of the U.S. Senate on foreign policy issues.

I am very proud to work with Senator CORKER and my colleagues on this bill.

Thank you.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Madam President, obviously I appreciate the comments of the distinguished ranking member. Our former chairman, Senator MENENDEZ, is here; Senator GARDNER, the two of them. We are way ahead in the Senate in many ways in addressing this issue prior to these last provocations by North Korea. I thank them for that.

Again, as Senator Kaine mentioned, we are doing it in the best fashion of the United States. Where there are differences, we worked together to hammer those out and ended up, as Senator CARDIN just mentioned, with a stronger piece of legislation.

I also commend the House. They sent over a very good bill. They really did. It was strong. Senator GARDNER and Senator MENENDEZ, with all of us working together, were able to broaden it out and to deal with some other issues that were not dealt with in that piece of legislation.

The fact is, things have occurred since that legislation passed that have caused people to want to put in place a much stronger, much bolder footprint as it relates to North Korea.

What is amazing—and I appreciated your comments about Senator Kaine. I don't think we have a more thoughtful or more principled member on our committee, and I don't think there is any way the Iran review act would have occurred without him taking the steps that he did to break the logjam at that time. Let's face it, with some important constituents it mattered, and it allowed us to move ahead with it—obviously, Senator MENENDEZ on the front end and Senator CARDIN as the new ranking member.

What is amazing in many ways is that North Korea has gotten this far along. I mean, it has been through multiple administrations, differing parties. Over the last 20 years, they have just continued to move along. While I think our Nation did a very good job in focusing on the problems that Iran was creating, and Senator MENENDEZ, who is sitting beside me, certainly led in putting sanctions in place with Senator KIRK and others. We moved swiftly to arrest that. Hopefully, while we had disagreements over the content of the actual agreement—and that is represented by differences in votes on the agreement itself—it did bring them to the table. What is amazing is that again they have progressed so far along, way beyond where Iran is.

What is also amazing to me is that China—I am going to be having those conversations this weekend with our counterparts in Munich regarding this very issue. What is amazing to me is you have right on their border this country which is definitely, you have to say, a rogue country that is creating provocations in the region.

We have all visited the DMZ and have seen that we have 28,500 troops who are there to keep peace. They have been

there since 1953. So we are right there in the region. We have allies. Again, it is amazing that it has gone this far; that China has not been willing to take the steps; that, as Senator KAINE mentioned, their 90 percent trade partner could easily cause this to go in a different direction. But even more importantly, here we are taking action that I hope will lead to other members of the international community joining us in sanctions. But China—the very entity that could do something about this—is blocking the U.N. Security Council's action toward this being done on a multilateral basis on the front end.

But this is what happens. In the past, the Senate has taken unilateral action. We know we are much better off with multilateral sanctions. A lot of times it starts this way. It started this way with Iran, and over time we were able to build worldwide support—or mostly worldwide support—toward isolating them and causing them to come to the table.

Again, this country is much further along. Hopefully we will have the same success. But we have to realize, because of the 20 years of efforts that they have underway and especially the bold steps they have taken since 2003, as Senator GARDNER so aptly outlined in an earlier discussion, we are going to have to do far more than this. We need to put this in place, but we also have to remain diligent and keep moving ahead. It may take additional actions down the road. It is certainly going to take tremendous oversight and involvement by the administration, and the administration to follow, and the administration after them. This is a great step, though, for the Senate. It is a great step for our country.

Again, I thank our House colleagues. My guess is that we will send this bill back over this evening at about 5:45, some changes may be made, and it will go to the President. We will have spoken with one voice in the best way the Senate speaks, and in a strong way. We will be doing something that furthers the safety and security of our own citizens, which is what we are here about.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Madam President, as we are winding down this debate that has been extraordinary not only because of its unanimity, which I think is incredibly important when we are facing a challenge in the national security interests of the United States, but also because of the tone it set and the seriousness of the issue with which Members on both sides have taken to it—that is incredibly important. I know my colleagues—the distinguished chairman and the distinguished ranking member—have spoken to this, but it is important to note that when the Senate on a bipartisan basis perceives a real threat to the potential national security of the United States and of

significant allies, it can come together and send not just a powerful message but a powerful strategy to try to deal with that challenge. So I salute all of my colleagues for having engaged in this debate, and I thank the leadership of the committee, as well as Senator GARDNER, for working with me.

When I introduced this legislation last year, I felt that the time for strategic patience—which had been a hallmark of our policy—had run its course. We had hoped that patience would have had a unique regime in North Korea moving in a different direction. But it came to a point where multiple tests of nuclear explosions, each increasing in the size of its effectiveness; the attempts to miniaturize those efforts; the missile launches they were going through; the terrible labor camps and other human rights violations inside of North Korea and what is happening to the North Korean people—that strategic patience in and of itself was not getting us to the goal. If anything, while we were being patient, the North Koreans continued to move in a direction for which we needed what I think is a strategic resolve. And that is what we have come to here today—a bipartisan effort to have a strategic resolve to not only focus on North Korea but also the secondary sanctions to say: Those who want to deal with North Korea and to help North Korea achieve its goals in violation of international norms will have a consequence.

Right now we have all been focused on North Korea as a government, as an entity, but this legislation now broadens that to say to those who want to help the North Koreans provide the material wherewithal for their nuclear missile and other programs that there is a consequence to you. I believe that is an appropriate use of sanctions. So I want to close on this question of sanctions.

For 24 years between the House Foreign Affairs Committee and the last 10 in the Senate Foreign Affairs Committee, I have viewed U.S. foreign policy in that peaceful diplomacy has an arsenal. That arsenal is in part how one can direct international opinion to a country that is violating international norms, to the extent that country can really be affected by international opinion. North Korea is an example of a country that is difficult to affect by international opinion. There is the use of aid and the use of trade as inducements to a country to act in a certain way and join the international community and follow the norms and international will and then the denial of aid or trade and other sanctions as a way to get them to move away from the direction in which they are violating international norms.

Outside of that universe—international opinion, use of aid, use of trade, denial of aid, denial of trade, and sanctions, particularly that we have begun to perfect in the financial sector—which can be a very powerful tool. It shouldn't be used bluntly but none-

theless is an important tool in an arsenal of peaceful diplomacy in the world.

Looking aside from the military universe of what is available to us, which should be our last resort, when we are talking about peaceful diplomacy, there are moments in which sanctions are the last use of our peaceful diplomacy and a way to get countries to move in the direction we want. This moment, which I think is about strategic resolve, does exactly that. It uses sanctions not just against the regime in North Korea but against those who would give it the wherewithal to follow its illicit pursuits. I think that is what is incredibly powerful about this legislation and the appropriate use of our arsenal of peaceful diplomacy in the hopes that we can deter the North Koreans from where they are and move in a different direction and in the hope that we can get other countries in the world—and it will have to be more than hope; it will have to be a strategic resolve to get those other countries to join us, as we did in the case of Iran. We did not start with the world wanting to come together with us because of their economic interests and other strategic interests. Through American leadership, we ultimately drove the moment in which we had a multilateral international effort that brought the Iranians to the negotiating table.

It is my hope that what happens here in the Senate today begins a process that can proselytize others in the world to join us so that the nuclear nightmare that is potentially North Korea never ever materializes.

With that, I hope we have an overwhelming unanimous vote on this legislation. I again thank the leadership for working with us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Madam President, as I listen to my colleagues, I think we know how proud we are to serve with people who have such deep knowledge and strategic views on how we as a nation can better defend ourselves and lead the world.

To Senator MENENDEZ's comments about America's strength, yes, I think everyone understands that we have the greatest arsenal in the world. We do. But America also understands the power of diplomacy, and diplomacy has to be backed up with incentives and disincentives.

Incentives, yes. The American taxpayer is generous with development assistance and our assistance in helping countries develop into stronger democracies in which they can be stronger economies and have a better life for their people and, by the way, be better consumers of U.S. products. That is what America does—it offers incentives—but we also lead the world in saying: If you do not follow the internationally acceptable norms, there will be consequences, and those consequences mean that we will not let you do commerce to strengthen your



ability to harm your neighbors and to harm global security.

That is what Senator MENENDEZ was talking about. The sanctions we are imposing here are aimed directly at North Korea's ability to compile weapons of mass destruction, to harm their own people, and to harm others through the use of cyber. That is what these sanctions are aimed at. They are aimed at preventing them from being able to do that.

It also shows U.S. leadership because our allies look to the United States first. It is an international financial system, and if the United States is not prepared to move forward, we cannot expect the rest of our allies to move ahead. So it is a clear signal that we are prepared to take these actions. We are taking these actions. We are going to take them by ourselves if we have to, but it will be much more effective if we can get the international community to support us.

Senator MENENDEZ is absolutely correct. I remember when we did this against the apartheid of South Africa. We were able to get actions taken by other countries after we acted. The Senator is absolutely correct on Iran. We acted on Iran; we then got other countries to act. If the United States had not shown the leadership, they would not have acted. That is now true with North Korea. Our actions will help us get other countries to act so that we can hopefully accomplish our goal of a peaceful North Korea without the use of our military might.

Let me explain what is at stake here. We all understand the tests that are going on with the so-called satellite tests to be able to develop a missile that can deliver a weapon well beyond the Republic of Korea that could directly attack U.S. interests and certainly our allies' interests. That is what they are trying to do with these tests, is to develop weapons of mass destruction that could cause unspeakable damage. That is what we are trying to prevent. And it is not just the direct actions by the North Koreans; they have already shown their willingness to work with other rogue states in developing weapons of mass destruction. If we allow them to accumulate these weapons, they could then transfer them to other rogue countries and they could be used against our interests. We also know that North Korea is willing to make arrangements with terrorist organizations, and these weapons could end up in the hands of terrorists and be used against our interests.

That is what is at stake. There is a lot at stake, and that is on the weapons program. We already saw North Korea act in regard to Sony on cyber. We know this is a growing field. If we don't take action now, the circumstances are only going to get more damaging to U.S. interests.

The one area that I really congratulate Senator GARDNER and Senator MENENDEZ for bringing to this bill is the human rights issues, the gross vio-

lations of human rights. We talked about this. There is no country in the world that treats its citizens worse than North Korea does. They are literally starving their population. They are starving their population. They torture their population. They imprison anyone who dares say anything against the government. They do summary executions if they don't like you. We know that. It has been documented over and over again.

This legislation speaks to American values. Our strength is in our arsenal and our strength is in our universal values; that we won't allow that to happen; that, yes, we have an interest in how the people of North Korea are treated; that these are international norms that have been violated by North Korea.

I just wanted to follow up with Senator MENENDEZ because I thought he articulated so well about America's strength and how we act. It is not just because we have the best military in the world; it is because we have the will to stand up for values that are important for not only our national security but for global security.

When the United States leads, other countries join us, and we get results. Hopefully, we are going to be able to change North Korea's conduct through these measures. That is in the best interest of the United States, it is in the best interest of our allies, and it is in the best interest of North Korea. That is what this legislation speaks to.

I share Senator MENENDEZ's hope that we will see a very strong vote in a few minutes, and I know that my colleagues on both sides of the aisle have expressed their views on this. I urge everyone to support this effort and to show America's resolve in the united policy in this regard.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. GARDNER. Madam President, I want to thank all of my colleagues for their thoughtful input during this debate. We have had great discussions from numerous Members who have come to the floor throughout the day to discuss North Korea and the North Korea Sanctions and Policy Enhancement Act.

I want to thank Senator CORKER for his leadership on the committee, the product of which is a very good bipartisan sanctions action. I hope and agree with Senator MENENDEZ, our colleague from New Jersey, that this will indeed receive unanimous support.

I wish to thank Senator MENENDEZ through the Chair for his efforts to make this a success, and thanks to the ranking member of the committee and ranking member of the Asia subcommittee, as well, for their work. We set out a year ago to work on this problem and address this challenge.

The purpose of the North Korea Sanctions and Policy Enhancement Act is very simple. The purpose of the bill is to peacefully disarm North

Korea through mandatory sanctions that would deprive the regime of the means to build its nuclear and ballistic missile programs, to deprive the regime of its means to carry out malicious cyber activities, and to deprive the regime of the means to continue its gross abuse of the human rights of its own people. That is the purpose of this bill. Obviously, there is more work to do.

The discussions today talk about the work we have to do with our colleagues on the other side of the aisle, in the other Chamber, and the work we have to do around the globe to make sure that the United Nations Security Council recognizes this challenge and that China understands our basis of cooperation depends on actions against something we both agree on, and that is that we shouldn't have a nuclear North Korea.

Let's build that relationship of cooperation with China. Let's build that relationship of trilateral alliance among South Korea, Japan, and the United States. Those are the things we can begin to accomplish with this legislation.

I had a conversation with Admiral Gortney not too long ago about North Korea. He is the head of NORTHCOM, headquartered in Colorado Springs, CO. It was a conversation about North Korea and what he sees. Through his comments, you can tell he is concerned, and he believes the situation in the Korean Peninsula is at its most unstable point since the armistice. Over six decades, we today are seeing the most unstable point on the Korean Peninsula because of a rogue regime that tortures its own people, kills its own leaders, and deprives its citizens of human dignity.

Strategic patience has failed. One expert said we have moved from strategic patience to benign neglect. That is not leadership. So today we start a new policy based on strength and not patience. This legislation would mandate—not simply authorize but mandate—the imposition of sanctions against all persons who materially contribute to North Korea's nuclear and ballistic missile development; import luxury goods into North Korea; enable its censorship and human rights abuses; engage in money laundering and manufacture of counterfeit goods and narcotic trafficking; engage in activities undermining cyber security; have sold, supplied or transferred to or from North Korea precious metals or raw metals, including aluminum, steel, and coal for the benefit of North Korea's regime and its illicit activities; that is, \$1.8 billion in raw metals, \$245 million in other goods that are sanctioned under this act, including those entities that decide they would import from North Korea if that money they would generate from the sale of that import goes to the development of proliferation activities.

The cyber sanctions and strategy that we require are unique to the Senate bill. They will be the first mandatory sanctions in history passed against cyber criminals. This bill also codifies Executive orders 13687 and 13694 regarding cyber security, as they apply to North Korea, which were enacted last year in the wake of the Sony Pictures hack and other cyber incidents. It is also a unique feature of our Senate bill today.

The mandatory sanctions on metals and minerals are unique to the legislation. Expert estimates, as we just said, put North Korea's rare metal minerals and steel exports at around \$2 billion, so these sanctions could have a significant impact in deterring the regime and its enablers. The sanctions in this bill are secondary, as we have discussed, which means they would be applied to individuals and entities, not just in the United States but around the world, who would assist the Government of North Korea and the designated entities that engage in the activities prohibited by this legislation. It mandates a strategy and sanctions against North Korea's human rights abuses.

You can see what it does on the chart. You can see the opportunity we have before us and the American people and our obligation to make sure we are doing everything we can to stand up for the people of North Korea and stand up to the totalitarian regime of North Korea.

I urge my colleagues to support this legislation tonight, this bipartisan product of countless hours of debate and discussions and negotiations, and to come away with a good product that we can be proud of, to work with the House Members so that this is on the President's desk. I urge my colleagues to support this bill.

I yield my time.

Mr. MENENDEZ. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LEE). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CORKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORKER. Mr. President, I ask unanimous consent that all time be yielded back.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CORKER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, the committee-reported amendment is agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. Under the previous order, the bill having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM) and the Senator from Alaska (Mr. SULLIVAN).

Mr. REID. I announce that the Senator from Illinois (Mr. DURBIN) and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 20 Leg.]

YEAS—96

Alexander	Fischer	Murphy
Ayotte	Flake	Murray
Baldwin	Franken	Nelson
Barrasso	Gardner	Paul
Bennet	Gillibrand	Perdue
Blumenthal	Grassley	Peters
Blunt	Hatch	Portman
Booker	Heinrich	Reed
Boozman	Heitkamp	Reid
Boxer	Heller	Risch
Brown	Hirono	Roberts
Burr	Hoeven	Rounds
Cantwell	Inhofe	Rubio
Capito	Isakson	Sasse
Cardin	Johnson	Schatz
Carper	Kaine	Schumer
Casey	King	Scott
Cassidy	Kirk	Sessions
Coats	Klobuchar	Shaheen
Cochran	Lankford	Shelby
Collins	Leahy	Stabenow
Coons	Lee	Tester
Corker	Manchin	Thune
Cornyn	Markey	Tillis
Cotton	McCain	Toomey
Crapo	McCaskill	Udall
Cruz	McConnell	Vitter
Daines	Menendez	Warner
Donnelly	Merkley	Warren
Enzi	Mikulski	Whitehouse
Ernst	Moran	Wicker
Feinstein	Murkowski	Wyden

NOT VOTING—4

Durbin Sanders  
Graham Sullivan

The bill (H.R. 757), as amended, was passed.

The PRESIDING OFFICER. The Senator from North Carolina.

#### MORNING BUSINESS

Mr. TILLIS. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TILLIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASEY. Mr. President, I also ask unanimous consent to speak in morning business and also to be allotted time beyond 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CHILD CARE ACT AND LEAD POISONING

Mr. CASEY. Mr. President, I rise this evening to talk about childcare, in particular one piece of legislation which I have introduced today, S. 2539, but also to talk more broadly about the critical need in our country for more options, more opportunities for families—especially low-income families—to be able to afford high-quality childcare. The bill that was introduced today is the Child Care Access to Resources for Early Learning Act. Of course, the acronym or shorthand for the bill is the Child CARE Act, standing for the words in the bill that focus on resources and in particular resources for early learning.

It is this Senator's belief, and I think the evidence is abundantly clear over time whenever this issue is studied, that in terms of the positive impact of early care and learning of a child, the evidence tells us over and over again that if kids learn more now, they will literally earn more later. That connection between learning and earning is compelling, and I think it is an essential part of the debate. Early education and care for a young child has an impact on all of our lives when it comes to the economy.

We know now from the evidence that high-quality early learning contributes to a reduction in need for special education. It also helps to lower juvenile justice rates. It also helps to improve health outcomes over time. It also increases high school graduation and college matriculation rates.

For some children from low-income households, a lot of these studies have also shown that by the age of 3, they will have heard 30 million fewer words than their more affluent peers. Even before they enter kindergarten, this so-called word gap means they are already far behind. The income level of the household can often determine how many words that child has heard in his or her lifetime. Of course, the reason it is such a big number is because the words get repeated, but even when you factor in the repeating of words over and over again, just imagine how far behind they are if they are behind by 30 million words. If it were 5 million words, that would be a substantial gap, but, of course, it is much worse than that.

I believe and I think the evidence shows that in the decades to come, the strength of our economy and the fiscal stability of our Nation will depend on the viability and vitality of our future workforce. I think that is evident from the research. But, again, that connection between early learning and the earning potential of that individual is abundant.