



**Congressional
Research Service**

Informing the legislative debate since 1914

North Korea: A Comparison of S. 1747, S. 2144, and H.R. 757

Dianne E. Rennack

Specialist in Foreign Policy Legislation

January 15, 2016

Congressional Research Service

7-5700

www.crs.gov

R44344

Summary

This report compares S. 1747, the North Korea Sanctions Enforcement Act of 2015, as introduced in the Senate by Senator Menendez on July 9, 2015; S. 2144, the North Korea Sanctions and Policy Enhancement Act of 2015, introduced in the Senate by Senator Gardner on October 6, 2015; and H.R. 757, the North Korea Sanctions Enforcement Act of 2015, introduced in the House by Representative Royce on February 5, 2015, and passed, as amended by the Committee on Foreign Affairs, by the House on January 12, 2016, by a vote of 418-2.

Contents

Background	1
How to Read the Table Comparing the Legislative Proposals	1

Tables

Table 1. Comparison of S. 1747, S. 2144, and H.R. 757	2
---	---

Contacts

Author Contact Information	55
----------------------------------	----

Background

In 2014, the House adopted H.R. 1771 to strengthen U.S. economic sanctions imposed on North Korea, citing that country's persistent "nuclear, ballistic missile, and other WMD threats; its counterfeiting of U.S. currency and other illicit activities; its misuse of the financial system through money laundering; its severe human rights abuses; and other activities that violate applicable United Nations Security Council resolutions, including conventional arms trafficking, WMD proliferation, and luxury goods imports...."¹ The House also noted its frustration with the Obama Administration's policy of "strategic patience" in confronting these threats. The measure failed to gain traction in the Senate, however, and died at the close of the 113th Congress.

In the intervening months since, North Korea has continued its weapons tests—including a reported detonation of a hydrogen bomb, its fourth nuclear weapons test—on January 6, 2016. North Korea's continued belligerence has moved Congress to revisit measures to strengthen sanctions the United States imposes on North Korea.

Three legislative proposals appear to have backing to contribute to a final enactment; the three, however, differ significantly in their approaches to presidential authorities, the threshold of behavior that would trigger sanctions, and creation of a new fund—to be funded by the collection of fines and penalties from sanctions scofflaws—to address human rights challenges in North Korea.

This report compares S. 1747, the North Korea Sanctions Enforcement Act of 2015, as introduced in the Senate by Senator Menendez on July 9, 2015; S. 2144, the North Korea Sanctions and Policy Enhancement Act of 2015, introduced in the Senate by Senator Gardner on October 6, 2015; and H.R. 757, the North Korea Sanctions Enforcement Act of 2015, introduced in the House by Representative Royce on February 5, 2015, and passed, as amended by the Committee on Foreign Affairs, by the House on January 12, 2016, by a vote of 418-2.

How to Read the Table Comparing the Legislative Proposals

The following table states S. 1747 in order and in its entirety in the left-hand column. The middle column aligns provisions from S. 2144 that are similar or identical to those in S. 1747, leaving out a restatement of identical text whenever possible. The right-hand column presents H.R. 757, also correlated with S. 1747. Comments are marked in *italics*; italicized phrases such as "Identical language" or "No comparable language" in the middle and right columns denote comparisons to S. 1747 (the left column) unless otherwise indicated. Text that differs only slightly among the three bills is provided but marked in **bold** in a manner to make it clear what is different among the three provisions.

¹ U.S. Congress, House Committee on Foreign Affairs, *North Korea Sanctions Enforcement Act of 2014*, Report to Accompany H.R. 1771, 113th Cong., 2nd sess., July 28, 2014, H.Rept. 113-560 (Washington: GPO, 2014), pp. 22, 28. H.R. 1771 (113th Congress) precedes H.R. 757 (114th Congress), was passed by the House by Voice Vote on July 28, 2014. In the Senate, the measure was referred to the Committee on Foreign Relations, though received no further consideration.

Table I. Comparison of S. 1747, S. 2144, and H.R. 757

S. 1747, as introduced July 9, 2015	S. 2144, as introduced October 6, 2015	H.R. 757, as passed the House, January 12, 2016
<p>A Bill To improve the enforcement of sanctions against the Government of North Korea, and for other purposes.</p>	<p><i>Identical language.</i></p>	<p><i>Identical language.</i></p>
<p>SECTION 1. SHORT TITLE; TABLE OF CONTENTS.</p>	<p>SECTION 1. SHORT TITLE; TABLE OF CONTENTS.</p>	<p>SECTION 1. SHORT TITLE; TABLE OF CONTENTS.</p>
<p>(a) Short Title.—This Act may be cited as the “North Korea Sanctions Enforcement Act of 2015”.</p> <p>(b) Table of Contents.—The table of contents for this Act is as follows: * * *</p>	<p>(a) Short Title.—This Act may be cited as the “North Korea Sanctions and Policy Enhancement Act of 2015”.</p> <p>(b) Table of Contents.—The table of contents for this Act is as follows: * * *</p>	<p>(a) Short Title.—This Act may be cited as the “North Korea Sanctions and Policy Enhancement Act of 2015”.</p> <p>(b) Table of Contents.—The table of contents for this Act is as follows: * * *</p>
<p>SEC. 2. FINDINGS; PURPOSES.</p>	<p>SEC. 2. FINDINGS; PURPOSES.</p>	<p>SEC. 2. FINDINGS.</p>
<p>(a) Findings.—Congress finds the following:</p>	<p>(a) Findings.—Congress finds the following:</p>	<p>Congress finds the following:</p>
<p>(1) The Government of North Korea—</p>	<p><i>Identical language.</i></p>	<p><i>Identical language but for the format.</i></p>
<p>(A) has repeatedly violated its commitments to the complete, verifiable, and irreversible dismantlement of its nuclear weapons programs; and</p>		<p>(1) The Government of North Korea has repeatedly violated its commitments to the complete, verifiable, irreversible dismantlement of its nuclear weapons programs, and has willfully violated multiple United Nations Security Council resolutions calling for it to cease its development, testing, and production of weapons of mass destruction.</p>
<p>(B) has willfully violated multiple United Nations Security Council resolutions calling for it to cease its development, testing, and production of weapons of mass destruction.</p>		
<p>(2) North Korea poses a grave risk for the proliferation of nuclear weapons and other weapons of mass destruction.</p>	<p>(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.</p>	<p><i>Identical language to S. 1747.</i></p>
	<p><i>Identical language except for subpara. (D), which reads:</i></p>	<p><i>Similar language except no reference to cyber activities.</i></p>
<p>(3) The Government of North Korea has been implicated repeatedly in money laundering and illicit activities, including—</p>		<p>(3) The Government of North Korea has been implicated repeatedly in money laundering and illicit activities, including prohibited arms sales, narcotics trafficking, the counterfeiting of United States currency, and the counterfeiting of intellectual property of United States persons.</p>
<p>(A) prohibited arms sales;</p>	<p>(D) significant activities undermining cybersecurity; and</p>	
<p>(B) narcotics trafficking;</p>		
<p>(C) the counterfeiting of United States currency;</p>		

S. 1747, as introduced July 9, 2015

S. 2144, as introduced October 6, 2015

H.R. 757, as passed the House, January 12, 2016

(D) acts of cybervandalism and cyberterrorism; and
(E) the counterfeiting of intellectual property of United States persons.

No comparable language.

See para. (10), below.

(4) The Government of North Korea has, both historically and recently, repeatedly sponsored acts of international terrorism, including attempts to assassinate defectors and human rights activists, repeated threats of violence against foreign persons, leaders, newspapers, and cities, and the shipment of weapons to terrorists and state sponsors of terrorism.

(4) North Korea has—

Identical language.

(A) unilaterally withdrawn from the Korean War Armistice Agreement, done at Panmunjom, Korea July 27, 1953; 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; and

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

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

Identical language.

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

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

Similar language except no reference to cyber activities.

(5) North Korea has unilaterally withdrawn from the 1953 Armistice Agreement **that ended the Korean War**,¹ and committed provocations against South Korea in 2010 by sinking the warship Cheonan and killing 46 of her crew, and by shelling Yeonpyeong Island, killing four South Koreans.

(6) North Korea maintains a system of brutal political prison camps that contain as many as **120,000** men, women, and children, who **live in** atrocious living conditions with insufficient food, clothing, and medical care, and under constant fear of torture or arbitrary execution.

(7) *See sec. 2(b)(4), below of S. 1744.*

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

Identical language.

(8) North Korea has prioritized weapons programs and the procurement of luxury goods, in defiance of United

S. 1747, as introduced July 9, 2015

(A) in defiance of United Nations Security Council Resolutions 1695 (adopted July 15, 2006), 1718 (adopted October 14, 2006), 1874 (adopted June 12, 2009), 2087 (adopted January 22, 2013), and 2094 (adopted March 7, 2013); and

(B) in gross disregard of the needs of its people.

No comparable language.

(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 these 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 **both** 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;

S. 2144, as introduced October 6, 2015

No comparable language.

Identical language.

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

Identical language.

H.R. 757, as passed the House, January 12, 2016

Nations Security Council resolutions, and in gross disregard of the needs of its people.

(9) The President has determined that the Government of North Korea is responsible for knowingly engaging in significant activities undermining cyber security with respect to United States persons and interests, and for threats of violence against the civilian population of the United States.

Nearly identical language but for the format.

(10) 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 these transactions to promote proliferation, weapons trafficking, human rights violations, illicit activity, and the purchase of luxury goods, aid and abet North Korea's misuse of the international financial system, and also violate the intent of relevant United Nations Security Council resolutions.

No comparable language (however, see para. (9), above).

Nearly identical language but for format and minor grammar differences.

(11) The Government of North Korea's conduct poses an imminent threat to the security of the United States and its allies, to the global economy, to the safety of members of the United States Armed Forces, to the

S. 1747, as introduced July 9, 2015

- (D) the integrity of the global financial system;
- (E) the integrity of global nonproliferation programs; and
- (F) the people of North Korea.

No comparable language.

(b) Purposes.—Through this Act, Congress seeks—

- (1) to use nonmilitary means to address the crisis described in subsection (a);
- (2) to provide diplomatic leverage to negotiate necessary changes in North Korea’s conduct;
- (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 (70 Fed. Reg. 38567; relating to blocking property of weapons of mass destruction proliferators and their supports), Executive Order 13466 (73 Fed. Reg. 36787; relating to continuing certain restrictions with respect to North Korea and North Korean nationals), Executive Order

S. 2144, as introduced October 6, 2015

- (10) The Government of North Korea has recently and repeatedly sponsored acts of international terrorism, including—
 - (A) attempts to assassinate defectors and human rights activists;
 - (B) repeated threats of violence against foreign persons, leaders, newspapers, and cities; and
 - (C) the shipment of weapons to terrorists and state sponsors of terrorism.

(b) Purposes.—The purposes of this Act are—

- Paras. (1), (3), and (4) are identical. Para. (2) has a minor difference, as follows:*
- (2) to provide diplomatic leverage to negotiate necessary changes in **the Government of** North Korea’s conduct;

- (a)(11) Congress reaffirms 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:

- Identical language, except that clause (A)(ii) uses “and” instead of “or” as follows:*
- (ii) prohibits transactions or activities involving the Government of North Korea; and

H.R. 757, as passed the House, January 12, 2016

integrity of the global financial system, to the integrity of global nonproliferation programs, and to the people of North Korea.

See para. (4), above.

- (12) The Congress seeks, through this legislation, to use nonmilitary means to address this crisis, to provide diplomatic leverage to negotiate necessary changes in North Korea’s conduct, and to ease the suffering of the people of North Korea.

- (7) **The Congress reaffirms** the purposes of the North Korean Human Rights Act of 2004 **contained in section 4 of such Act** (22 U.S.C. 7802).

SEC. 3. DEFINITIONS.

In this Act:

- (1) APPLICABLE EXECUTIVE ORDER.—The term “applicable executive order” means—
 - (A) Executive Order No. 13382 (2005), 13466 (2008), 13551 (2010), or 13570 (2011), to the extent that such Executive order authorizes the imposition of sanctions on persons for conduct, or prohibits transactions or activities, involving the Government of North Korea; or

S. 1747, as introduced July 9, 2015

13551 (75 Fed. Reg. 53837; relating to blocking property of certain persons with respect to North Korea), Executive Order 13570 (76 Fed. Reg. 22291; relating to prohibiting certain transactions with respect to North Korea), or Executive Order 13687 (80 Fed. Reg. 819), to the extent that such Executive order—

(i) authorizes the imposition of sanctions on persons for conduct; or

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

(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; or

(ii) prohibits transactions or activities involving the Government of 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 (adopted July 15, 2006), 1718 (adopted October 14, 2006), 1874 (adopted June 12, 2009), 2087 (adopted January 22, 2013), or 2094 (adopted March 7, 2013); or

(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; or

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

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

S. 2144, as introduced October 6, 2015

Identical language, except that subpara. (2)(A) uses “and” instead of “or” as follows:

(A) United Nations Security Council Resolution 1695 (adopted July 15, 2006), 1718 (adopted October 14, 2006), 1874 (adopted June 12, 2009), 2087 (adopted January 22, 2013), or 2094 (adopted March 7, 2013); and

Identical language.

H.R. 757, as passed the House, January 12, 2016

Nearly identical language but for format.

(B) any Executive order adopted on or after the date of the enactment of this Act, to the extent that such Executive order authorizes the imposition of sanctions on persons for conduct, or prohibits transactions or activities, involving the Government of North Korea.

Nearly identical language but for format.

(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); or

(B) any United Nations Security Council resolution adopted on or after the date of the enactment of this Act, to the extent that such resolution authorizes the imposition of sanctions on persons for conduct, or prohibits transactions or activities, involving the Government of North Korea.

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

(A) the Committee on Foreign Affairs, **the**

S. 1747, as introduced July 9, 2015

- (A) the Committee on Foreign Relations of the Senate;
- (B) the Committee on Banking, Housing, and Urban Affairs of the Senate;
- (C) the Committee on Foreign Affairs of the House of Representatives; and
- (D) the Committee on Financial Services 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 I 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—

- (A) the Government of the Democratic People’s Republic of Korea or any political subdivision, agency, or instrumentality thereof; and
- (B) any person owned or controlled by, or acting for or on behalf of, the Government of North Korea.

No comparable language.

- (6) 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.

S. 2144, as introduced October 6, 2015

Identical language.

Identical language except a portion of subpara. (A), as follows:

- (A) the Government of the Democratic People’s Republic of Korea or any political subdivision, agency, or instrumentality **of such government**; and

No comparable language.

Identical language.

H.R. 757, as passed the House, January 12, 2016

Committee on Ways and Means, and the Committee on Financial Services of the House of Representatives; and

- (B) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate.

Identical language (though “I” is spelled out as “one”).

Identical language except for wording in (5)(B), which provides:

- (B) any person owned or controlled by, or acting for or on behalf of, the **Government of the Democratic People’s Republic of Korea**.

(6) INTERNATIONAL TERRORISM.—The term “international terrorism” has the meaning given such term in section 140(d) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f(d)), and includes the conduct described in section 212(a)(3)(B)(iii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(iii)), to the extent such conduct involves the citizens of more than one country.

Nearly identical language but for format.

(7) LUXURY GOODS.—The term “luxury goods” has the meaning given such term in **subpart 746.4** of title 15, Code of Federal Regulations, and includes the items listed in Supplement No. 1 to **such regulation**, and any similar items.

S. 1747, as introduced July 9, 2015

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

(8) 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 institution);

(B) is located in North Korea, except for a financial institution that is excluded by the President in accordance with section 207(d);

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

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

(9) OTHER STORES OF VALUE.—The term “other stores of value” means—

(A) prepaid access devices, tangible or intangible prepaid access devices, and other instruments or devices for the storage or transmission of value (as such terms are defined in part 1010 of title 31, Code of Federal Regulations); and

(B) any covered goods (as defined in section 1027.100 of title 31, Code of Federal Regulations), and any instrument or tangible or intangible access device used for the storage and transmission of a representation of covered goods, or other device (as defined in such section 1027.100).

No comparable language.

S. 2144, as introduced October 6, 2015

Identical language.

Identical language except for the cross reference to another section within the bill (“section 208(c”).

Identical language.

No comparable language.

H.R. 757, as passed the House, January 12, 2016

Nearly identical language.

(8) MONETARY INSTRUMENT.—The term “monetary instrument” has the meaning given such term under section **5312** of title 31, United States Code.

Nearly identical language but for grammar structure.

(9) NORTH KOREAN FINANCIAL INSTITUTION.—The term “North Korean financial institution” means—

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

(B) any financial institution located in North Korea, except as may be excluded from such definition by the President in accordance with section 207(d);

(C) any financial institution, **wherever located**, owned or controlled by the Government of North Korea; and

(D) any financial institution, **wherever located**, owned or controlled by a financial institution described in subparagraph (A), (B), or (C).

Nearly identical language but for minor sentence structure.

(10) OTHER STORES OF VALUE.—The term “other stores of value” means—

(A) prepaid access devices, tangible or intangible prepaid access devices, or other instruments or devices for the storage or transmission of value, as defined in part 1010 of title 31, Code of Federal Regulations; and

(B) any covered goods, as defined in section 1027.100 of title 31, Code of Federal Regulations, and any instrument or tangible or intangible access device used for the storage and transmission of a representation of covered goods, or other device, as defined in section 1027.100 of title 31, Code of Federal Regulations.

(11) PERSON.—The term “person” means an individual or entity as determined by the Secretary of State and

S. 1747, as introduced July 9, 2015

No comparable language.

No comparable language.

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 to fully and promptly implement United Nations Security Council

S. 2144, as introduced October 6, 2015

(10) SIGNIFICANT ACTIVITIES UNDERMINING CYBERSECURITY.—The term “significant activities undermining cybersecurity” means—

(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.

No comparable language.

TITLE I—INVESTIGATIONS, PROHIBITED CONDUCT, AND PENALTIES

Identical language.

H.R. 757, as passed the House, January 12, 2016

the Secretary of the Treasury.

Para. (12): Identical language to S. 2144.

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

(A) a natural person who is a citizen of the United States or who owes permanent allegiance to the United States; and

(B) a corporation or other legal entity which is organized under the laws of the United States, any State or territory thereof, or the District of Columbia, if natural persons described in subparagraph (A) own, directly or indirectly, more than 50 percent of the outstanding capital stock or other beneficial interest in such legal entity.

TITLE I—INVESTIGATIONS, PROHIBITED CONDUCT, AND PENALTIES

SEC. 101. STATEMENT OF POLICY.

Nearly identical language but for minor word and structure differences.

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

S. 1747, as introduced July 9, 2015	S. 2144, as introduced October 6, 2015	H.R. 757, as passed the House, January 12, 2016
Resolution 2094 (adopted March 7, 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;	<i>Identical language.</i>	(1) to encourage all states to fully and promptly implement United Nations Security Council Resolution 2094 (2013); (2) to sanction— (A) persons that facilitate proliferation of weapons of mass destruction , illicit activities, arms trafficking, imports of luxury goods, cash smuggling, censorship, and knowingly engage in significant activities undermining cyber security by the Government of North Korea; and
(3) to authorize the President to sanction persons who fail to exercise due diligence to ensure that such financial institutions and jurisdictions do not facilitate proliferation, arms trafficking, kleptocracy, and imports of luxury goods by the Government of North Korea;	<i>Identical language.</i>	(B) persons that fail to exercise due diligence to ensure that financial institutions do not facilitate any of the activities described in subparagraph (A) by the Government of North Korea;
(4) to deny the Government of North Korea access to the funds it uses to obtain nuclear weapons, ballistic missiles, cyberwarfare capabilities, and luxury goods instead of providing for the needs of its people; and	<i>Identical language.</i>	(3) to deny the Government of North Korea access to the funds it uses to obtain nuclear weapons, ballistic missiles, offensive cyber capabilities , and luxury goods instead of providing for the needs of its people; 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 basic needs of civilians facing humanitarian crisis, including access to food, health care, shelter, and clean drinking water to prevent or alleviate human suffering.	(5) to enforce sanctions in a manner that to the extent possible avoids any adverse humanitarian impact on the people of North Korea.	(4) to enforce sanctions in a manner that avoids any adverse humanitarian impact on the people of North Korea to the extent possible and in a manner that does not unduly constrain the enforcement of such sanctions.
SEC. 102. INVESTIGATIONS.	SEC. 102. INVESTIGATIONS.	SEC. 102. INVESTIGATIONS.
(a) Initiation.—The President is authorized to 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).	(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).	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	(b) Personnel.—The President may direct the Secretary	<i>No comparable language.</i>

S. 1747, as introduced July 9, 2015

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 **the provisions 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 **to the appropriate congressional committees a briefing** on efforts to implement this Act.

(b) Report From Secretary of State.—Not later than 6 months 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 policy and possible alternatives, including

S. 2144, as introduced October 6, 2015

of State, the Secretary of the Treasury, and the heads of other Federal departments and agencies 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.

Identical language except for additional requirements in para. (b)(1), as follows:

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

H.R. 757, as passed the House, January 12, 2016

SEC. 103. BRIEFING TO CONGRESS.

Not later than 180 days after the date of the enactment of this Act, and periodically thereafter, the President shall provide to the appropriate congressional committees a briefing on efforts to implement this Act, to include the following, to the extent the information is available:

- (1) The principal foreign assets and sources of foreign income of the Government of North Korea.
- (2) A list of the persons designated under subsections (a) and (b) of section 104.
- (3) A list of the persons with respect to which sanctions were waived or removed under section 207.
- (4) A summary of any diplomatic efforts made in accordance with section 202(b) and of the progress realized from such efforts, including efforts to encourage the European Union and other states and jurisdictions to sanction and block the assets of the Foreign Trade Bank of North Korea and Daedong Credit Bank.

No comparable language.

S. 1747, as introduced July 9, 2015

North Korea's weapons of mass destruction and missile programs and human rights atrocities; and

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

SEC. 104. DESIGNATION OF PERSONS.

(a) Prohibited Activities.—

(1) PROHIBITED CONDUCT DESCRIBED.—Except as provided in section 207, the President **may** designate under this subsection any person that the President determines—

(A) knowingly (directly or indirectly) imported, exported, or reexported to, into, or from North Korea any goods, services, or technology controlled for export by the United States due to their use for weapons of mass destruction and their delivery systems and materially contributing to the use, development, production, possession, or acquisition by any persons of a nuclear, radiological, chemical, biological, or cyber weapon, or any device or system designed in whole or in part to deliver such a weapon;

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

(C) knowingly (directly or indirectly) imported, exported, or reexported luxury goods to or into North Korea;

S. 2144, as introduced October 6, 2015

SEC. 104. DESIGNATION OF PERSONS.

(a) Prohibited Activities.—

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

(A) *through (D) Identical language.*

Identical language.

Identical language.

H.R. 757, as passed the House, January 12, 2016

SEC. 104. DESIGNATION OF PERSONS FOR PROHIBITED CONDUCT AND MANDATORY AND DISCRETIONARY DESIGNATION AND SANCTIONS AUTHORITIES.

(a) Prohibited Conduct and Mandatory Designation and Sanctions Authority.—

(1) CONDUCT DESCRIBED.—Except as provided in section 207, the President **shall** designate under this subsection any person the President determines to—

(A) have knowingly engaged in significant activities or transactions with the Government of North Korea that have materially contributed to the proliferation of weapons of mass destruction or their means of delivery (including missiles capable of delivering such weapons), including any efforts to manufacture, acquire, possess, develop, transport, transfer, or use such items;

(B) have knowingly imported, exported, or reexported to, into, or from North Korea any significant arms or related materiel, whether directly or indirectly;

(C) have knowingly provided **significant** training, advice, or other services or assistance, or engaged in significant transactions, related to the manufacture, maintenance, or use of any **arms or related materiel** to be imported, exported, or reexported to, into, or from North Korea, or following their importation, exportation, or reexportation to, into, or from North Korea, whether directly or indirectly;

(D) have knowingly, directly or indirectly, imported, exported, or reexported **significant** luxury goods to or into North Korea;

S. 1747, as introduced July 9, 2015	S. 2144, as introduced October 6, 2015	H.R. 757, as passed the House, January 12, 2016
(D) knowingly engaged in, or is responsible for, censorship by the Government of North Korea;	<i>Identical language.</i>	(E) have knowingly engaged in or been responsible for censorship by the Government of North Korea, including prohibiting, limiting, or penalizing the exercise of freedom of expression or assembly, limiting access to print, radio or other broadcast media, Internet or other electronic communications, or the facilitation or support of intentional frequency manipulation that would jam or restrict an international signal;
(E) knowingly engaged in, or is responsible for, serious human rights abuses by the Government of North Korea;	(E) knowingly engaged in, or is responsible for, serious human rights abuses by the Government of North Korea, including torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges and trial, forced labor or trafficking in persons, causing the disappearance of persons by the abduction and clandestine detention of those persons, and other denial of the right to life, liberty, or the security of a person;	<i>Nearly identical language to S. 2144.</i> (F) have knowingly engaged in or been responsible for serious human rights abuses by the Government of North Korea, including torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges and trial, forced labor or trafficking in persons, causing the disappearance of persons by the abduction and clandestine detention of those persons, and other denial of the right to life, liberty, or the security of a person;
(F) knowingly (directly or indirectly) engaged 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 thereof;	(F) knowingly (directly or indirectly) engaged 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 of such government;	(G) have knowingly, directly or indirectly, engaged in acts of money laundering, the counterfeiting of goods or currency, bulk cash smuggling, narcotics trafficking, or other illicit activity that involves or supports the Government of North Korea or any senior official thereof, whether directly or indirectly; or
(G) knowingly engaged in, or attempted to engage in, acts of cyberterrorism or acts of vandalism through the use of computer networks or systems against foreign persons, governments, or other entities; or	(G) knowingly engaged in acts of significant activities undermining cybersecurity through the use of computer networks or systems against foreign persons, governments, or other entities; or	<i>No comparable language.</i>
(H) knowingly attempted to engage in any of the conduct described in subparagraphs (A) through (F).	<i>No comparable language.</i>	(H) have knowingly attempted to engage in any of the conduct described in subparagraphs (A) through (G) of this paragraph.
<i>No comparable language.</i>	(H) knowingly sold, supplied, or transferred directly to or from North Korea a precious metal, graphite, or	<i>No comparable language.</i>

S. 1747, as introduced July 9, 2015	S. 2144, as introduced October 6, 2015	H.R. 757, as passed the House, January 12, 2016
<p><i>No comparable language.</i></p>	<p>raw or semi-finished metals, including aluminum, steel, coal, and software, for integrating industrial processes.</p> <p><i>No comparable language.</i></p>	<p>(2) EFFECT OF DESIGNATION.—With respect to any person designated under this subsection, the President—</p> <p>(A) shall exercise the authorities of the International Emergency Economic Powers Act (50 U.S.C. 1705 et seq.) to block all property and interests in property of any person designated under this subsection that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of any United States person, including any overseas branch; and</p> <p>(B) may apply any of the sanctions described in sections 204, 205(c), and 206.</p>
<p>(2) 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 under this subsection, or of an order or regulation prescribed under this Act, 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)).</p>	<p><i>Identical language.</i></p>	<p><i>Nearly identical language.</i></p> <p>(3) PENALTIES.—The penalties provided for in section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person who violates, attempts to violate, conspires to violate, or causes a violation of any prohibition provided for in this subsection, or of an order or regulation prescribed under this Act, to the same extent that such penalties apply to a person that commits an unlawful act described in section 206(a) of that Act (50 U.S.C. 1705(a)).</p>
<p><i>No comparable language.</i></p>	<p><i>No comparable language.</i></p>	<p>(4) DEFINITION.—In paragraph (1)(F), the term “trafficking in persons” has the meaning given the term in section 103(9) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(9)).</p>
<p>(b) Additional Prohibited Activities.—</p> <p>(1) PROHIBITED CONDUCT DESCRIBED.—Except as provided in section 207, the President may designate under this subsection any person that the President determines—</p>	<p><i>Identical language except for the cross reference in para. (b)(1) to another section within the bill (“section 208”).</i></p>	<p>(b) Discretionary Designation and Sanctions Authority.—</p> <p>(1) CONDUCT DESCRIBED.—Except as provided in section 207 and paragraph (3) of this subsection, the President may designate under this subsection any</p>

S. 1747, as introduced July 9, 2015

S. 2144, as introduced October 6, 2015

H.R. 757, as passed the House, January 12, 2016

(A) knowingly engaged in, contributed to, assisted, sponsored, or provided 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;

Identical language.

person that the President determines to—

(A) have knowingly engaged in, contributed to, assisted, sponsored, or provided financial, material or technological support for, or goods and services in support of, any violation of, or evasion of, an applicable United Nations Security Council resolution;

(B) have knowingly facilitated the transfer of any funds, financial assets, or economic resources of, or property or interests in property of a person designated under an applicable Executive order, or by the United Nations Security Council pursuant to an applicable United Nations Security Council resolution;

(C) have knowingly facilitated the transfer of any funds, financial assets, or economic resources, or any property or interests in property derived from, involved in, or that has materially contributed to conduct prohibited by subsection (a) or an applicable United Nations Security Council resolution;

(D) have knowingly facilitated any transaction, including any transaction in bulk cash or other stores of value, without applying enhanced monitoring to ensure that such transaction does not contribute materially to conduct described in subsection (a) an applicable Executive order, or an applicable United Nations Security Council resolution;

(E) have knowingly facilitated any transactions in cash or monetary instruments or other stores of value, including through cash couriers transiting to or from North Korea, used to facilitate any conduct prohibited by an applicable United Nations Security Council resolution;

(B) knowingly contributed to—
(i) the bribery of an official of the Government of North Korea;
(ii) the misappropriation, theft, or embezzlement of public funds by, or for the benefit of, an official of the

Identical language.

(F) have knowingly, directly or indirectly, engaged in significant activities undermining cyber security for, in support of on behalf of, the Government of North Korea or any senior official thereof, or have knowingly contributed to the bribery of an official of the Government of North Korea, the misappropriation,

S. 1747, as introduced July 9, 2015	S. 2144, as introduced October 6, 2015	H.R. 757, as passed the House, January 12, 2016
Government of North Korea; or (iii) the use of any proceeds of any such conduct; or		theft, or embezzlement of public funds by, or for the benefit of, an official of the Government of North Korea, or the use of any proceeds of any such conduct; 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).	<i>Identical language.</i>	(G) have knowingly and materially assisted, sponsored, or provided significant financial, material, or technological support for, or goods or services to or in support of, the conduct described in subparagraphs (A) through (F) of this paragraph or the conduct described in subparagraphs (A) through (G) of subsection (a)(1).
(2) EFFECT OF DESIGNATION.—With respect to any person designated under this subsection, the President may—	<i>Identical language.</i>	(2) EFFECT OF DESIGNATION.—With respect to any person designated under this subsection, the President—
(A) apply the sanctions described in section 204, 205, or 206;		(A) may apply the sanctions described in section 204 ;
(B) apply any of the special measures described in section 5318A of title 31, United States Code;	<i>Identical language.</i>	<i>Identical language.</i>
(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	<i>Identical language.</i>	<i>Nearly identical language but for format.</i> (C) may prohibit any transactions in foreign exchange that are subject to the jurisdiction of the United States and in which such person has any interest;
(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.	<i>Identical language.</i>	<i>Nearly identical language but for format.</i> (D) may 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 are subject to the jurisdiction of the United States and involve any interest of the person; and
(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 person determined by the President to be	<i>Identical language.</i>	(E) may exercise the authorities of the International Emergency Economic Powers Act (50 U.S.C. 1705 et seq.) without regard to section 202 of such Act to block any property and interests in property of any person designated under this subsection that are in the United States, that hereafter come within the United

S. 1747, as introduced July 9, 2015	S. 2144, as introduced October 6, 2015	H.R. 757, as passed the House, January 12, 2016
<p>subject to this section 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.</p>		<p>States, or that are or hereafter come within the possession or control of any United States person, including any overseas branch.</p>
<p><i>No comparable language.</i></p>	<p><i>No comparable language.</i></p>	<p>(3) LIMITATION.—If the President determines that a person has engaged in any conduct described in subparagraphs (A) through (F) of paragraph (1) that may also be construed to constitute conduct described in subparagraphs (A) through (H) of subsection (a)(1), the President may not designate the person under this subsection but rather shall designate the person under subsection (a).</p>
<p><i>No comparable language.</i></p>	<p><i>No comparable language.</i></p>	<p>(c) Blocking of All Property and Interests in Property of the Government of North Korea and the Worker's Party of Korea.—Except as provided in section 207, the President shall exercise the authorities of the International Emergency Economic Powers Act (50 U.S.C. 1705 et seq.) to block all property and interests in property of the Government of North Korea or the Worker's Party of Korea that on or after the date of the enactment of this Act come within the United States, or that come within the possession or control of any United States person, including any overseas branch.</p>
<p>(d) Application.—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.</p>	<p><i>Identical language.</i></p>	<p><i>Nearly identical language.</i></p> <p>(d) Application.—The designation of a person under subsection (a) or (b) and the blocking of property and interests in property under subsection (c) shall also apply with respect to a person who is determined to be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to this section.</p>
<p><i>No comparable language.</i></p>	<p><i>No comparable language.</i></p>	<p>(e) Licensing.—</p> <p>(1) LICENSE REQUIRED.—Not later than 180 days after the date of enactment of this Act, the President</p>

S. 1747, as introduced July 9, 2015

S. 2144, as introduced October 6, 2015

H.R. 757, as passed the House, January 12, 2016

(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 of the conduct described in subsection (a) or (b).

Identical language.

No comparable language.

No comparable language.

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 real or personal property that is involved in a violation or attempted violation, or which constitutes

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 real or personal property that is involved in a violation or attempted violation, or which constitutes

shall promulgate regulations prohibiting United States persons from engaging in any transaction involving any property—

(A) in which the Government of North Korea has an interest;

(B) located in North Korea;

(C) of North Korean origin; or

(D) knowingly transferred, directly or indirectly, to the Government of North Korea.

Nearly identical language but for grammar structure.

(2) TRANSACTION LICENSING.—The President shall deny or revoke any license for any transaction that, in the determination of the President, lacks sufficient financial controls to ensure that such transaction will not facilitate any of the conduct described in subsection (a) or subsection (b).

(3) LICENSING AUTHORIZATION.—

(A) IN GENERAL.—Subject to subparagraph (B), the President may issue regulations to authorize—

(i) transactions for the purposes described in section 207; and

(ii) transactions and activities authorized under North Korean Human Rights Act of 2004 (22 U.S.C. 7801 et seq.).

(B) PROHIBITION.—The President may not issue regulations to authorize transactions under clause (i) or (ii) of subparagraph (A) if such transactions include any transactions with the Government of North Korea.

SEC. 105. FORFEITURE OF PROPERTY.

Nearly identical language but for grammar structure.

(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 new subparagraph:

S. 1747, as introduced July 9, 2015

or is derived from proceeds traceable to a violation, of section 104(a) of the North Korea Sanctions Enforcement Act of 2015.”.

(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. App. I et seq.), the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), or the North Korea Sanctions Enforcement Act of 2015; 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 the Atomic Energy Act of 1954” and inserting “section 92 of the Atomic Energy Act of 1954”; and

(2) by adding at the end the following: “, or section 104(a) of the North Korea Sanctions Enforcement Act of 2015 (relating to prohibited trade with North Korea);”.

(d) Authorization of Appropriations.—From the amounts in the Assets Forfeiture Fund established under section 524(c) of title 28, United States Code, or the Department of the Treasury Forfeiture Fund established under section 9703 of title 31, United States Code, as added by the Treasury Forfeiture Fund Act of

S. 2144, as introduced October 6, 2015

or is derived from proceeds traceable to a violation, of section 104(a) of the **North Korea Sanctions and Policy Enhancement Act of 2015**.”.

Identical language, but should probably read “North Korea Sanctions and Policy Enhancement Act of 2015” in the amendment, in keeping with the bill’s short title.

(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. App. I et seq.), the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), or the North Korea Sanctions Enforcement Act of 2015; or”.

Similar language, but should probably read “North Korea Sanctions and Policy Enhancement Act of 2015” in the amendment, in keeping with the bill’s short title.

(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 2015 (relating to prohibited trade with North Korea);”.

No comparable language.

H.R. 757, as passed the House, January 12, 2016

“(l) 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 violation, of section 104(a) of the North Korea Sanctions Enforcement Act of 2015.”.

Nearly identical language accomplishes the same amendment.

(b) Amendment to Definition of Civil Forfeiture Statute.—Section 983(i)(2)(D) of title 18, United States Code, is amended—

(1) by striking “or the International Emergency Economic Powers Act” and inserting “, the International Emergency Economic Powers Act”; and
(2) by adding at the end before the semicolon the following: “, or the North Korea Sanctions Enforcement Act of 2015”.

Identical except for the parentheses in para. (2), S. 1747.

(2) by adding at the end the following: “, or section 104(a) of the North Korea Sanctions Enforcement Act of 2015;”.

No comparable language (see, however, sec. 405, below).

S. 1747, as introduced July 9, 2015

S. 2144, as introduced October 6, 2015

H.R. 757, as passed the House, January 12, 2016

1992 (section 638 of Public Law 102-393), there are authorized to be appropriated for each of the fiscal years 2015 through 2023, in such proportions as the President may determine, and without fiscal year limitation, \$5,000,000 for law enforcement expenses for the enforcement of this Act or any amendment made by this Act, including salaries and expenses of investigators, attorneys, technical personnel, and such personnel as the President determines to be necessary to enforce this Act or any such amendment.

(e) Payment in Lieu of Forfeiture.—Any money paid to the United States by a financial institution or other person in lieu of the commencement of criminal, civil, or administrative forfeiture proceedings to forfeit property involving any activity described in section 104(a) or in settlement of such forfeiture proceedings—

(1) shall be treated as forfeited funds; and

(2) shall be deposited, in such proportions as the President may determine, into—

(A) the Assets Forfeiture Fund established under section 524(c) of title 28, United States Code; or

(B) the Department of the Treasury Forfeiture Fund established under section 9703 of title 31, United States Code, **as added by the Treasury Forfeiture Fund Act of 1992 (section 638 of Public Law 102-393).**

(f) Rule of Construction.—Nothing in this title or any amendment made by this title may be construed to restrict or limit the authority of the President under—

(1) section 524(c) of title 28, United States Code; or

(2) section 9703 of title 31, United States Code, **as added by the Treasury Forfeiture Fund Act of 1992 (section 638 of Public Law 102-393).**

SEC. 106. EXCEPTION RELATING TO IMPORTATION OF GOODS.

Identical language, designated as subsec. (d), except for absent reference to a 1992 Act in subpara. (2)(B):

(B) the Department of the Treasury Forfeiture Fund established under section 9705 of title 31, United States Code.

No comparable language.

Identical language, designated as subsec. (e), except for absent reference to a 1992 Act in para. (2):

(2) section 9705 of title 31, United States Code

No comparable language.

Identical language.

No comparable language.

S. 1747, as introduced July 9, 2015

The authorities under sections 104(c) and 204 shall not include the authority to impose sanctions on the importation of goods.

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 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-

S. 2144, as introduced October 6, 2015

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

Identical language.

H.R. 757, as passed the House, January 12, 2016

TITLE II—SANCTIONS AGAINST NORTH KOREAN PROLIFERATION, HUMAN RIGHTS ABUSES, ILLICIT ACTIVITIES, AND SIGNIFICANT ACTIVITIES UNDERMINING CYBER SECURITY

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

Nearly identical.

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

(1) The Undersecretary 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, has repeatedly expressed concern about North Korea’s misuse of the international financial system as follows:

(A) In 2006, the Undersecretary stated that, given North Korea’s “counterfeiting of U.S. currency, narcotics trafficking and use of accounts worldwide to conduct proliferation-related transactions, the line between illicit and licit North Korean money is nearly invisible” and urged financial institutions worldwide to “think carefully about the risks of doing any North Korea-related business.”.

(B) In 2011, the Undersecretary stated that “North Korea remains intent on engaging in proliferation, selling arms as well as bringing in material,” and was “aggressively pursuing the effort to establish front companies.”.

(C) In 2013, the Undersecretary stated, in reference to North Korea’s distribution of high-quality counterfeit United States currency, that “North Korea is continuing

S. 1747, as introduced July 9, 2015

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 these regimes and the serious threat they 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.

S. 2144, as introduced October 6, 2015

Identical language.

H.R. 757, as passed the House, January 12, 2016

to try to pass a supernote into the international financial system,” and that the Department of the Treasury would soon introduce new currency with improved security features to protect against counterfeiting by the Government of North Korea.

Identical language but for structure of subpara. (E).

(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 these regimes and the serious threat they 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 to protect against correspondent relationships being used to bypass or evade countermeasures and risk mitigation practices, and take into account money laundering and terrorist financing risks when considering requests by North Korean financial institutions to open branches and subsidiaries in their jurisdiction.

S. 1747, as introduced July 9, 2015

(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 on United Nations Member States to prohibit North Korean banks from establishing or maintaining correspondent relationships with banks in their respective jurisdictions to prevent the provision of financial services if such 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 consider immediately designating** North Korea as a jurisdiction of primary money laundering concern; and

(B) to adopt stringent special measures to safeguard the

S. 2144, as introduced October 6, 2015

Identical language.

Identical language except in subpara. (2)(A) as follows:

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

H.R. 757, as passed the House, January 12, 2016

Nearly identical but for sentence structure.

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

(A) welcomed the Financial Action Task Force's recommendation on financial sanctions related to proliferation, and its guidance on the implementation of sanctions;

(B) decided that 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 on Member States to prohibit North Korean banks from establishing or maintaining correspondent relationships with banks in their jurisdictions, to prevent the provision of financial services, if they have information that provides reasonable grounds to believe that these activities could contribute to activities prohibited by an applicable United Nations Security Council resolution, or to the evasion of such prohibitions.

Nearly identical language but for minor word differences.

(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 require enhanced monitoring of, transactions involving North Korean financial institutions that could contribute to sanctioned activities;

(2) urges the President, in the strongest terms, **to immediately designate** North Korea as a jurisdiction of primary money laundering concern, and to adopt stringent special measures to safeguard the financial

S. 1747, as introduced July 9, 2015

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 states 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 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.—Except as provided in section 207, if the Secretary of the Treasury determines under this subsection 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, shall impose 1 or more of the special measures described in paragraphs (1) through (5) of section 5318A(b) of title 31, United States Code, with respect to the jurisdiction of North Korea.

(3) REPORT REQUIRED.—

S. 2144, as introduced October 6, 2015

Identical language except the cross reference in para. (2) to another section within the bill ("section 208") and "paragraph 1"; and the time period requirement for reporting stated in subpara. (3)(A).

(2) ENHANCED DUE DILIGENCE AND REPORTING REQUIREMENTS.—Except as provided in **section 208**, 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, 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.—

H.R. 757, as passed the House, January 12, 2016

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 states 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 activities sanctioned by applicable United Nations Security Council resolutions, or to the evasion of sanctions.

Similar language but for sentence structure and minor word differences.

(c) Determinations Regarding North Korea.—

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

(2) **SPECIAL MEASURES**.—If the Secretary of the Treasury determines under this subsection that reasonable grounds exist for finding that North Korea is a jurisdiction of primary money laundering concern, the Secretary of the Treasury, in consultation with the Federal functional regulators, shall impose one or more of the special measures described in paragraphs (1) through (5) of section 5318A(b) of title 31, United States Code, with respect to the jurisdiction of North Korea.

(3) REPORT REQUIRED.—

S. 1747, as introduced July 9, 2015

(A) IN GENERAL.—The Secretary of the Treasury shall submit a report to the appropriate congressional committees that contains the reasons for any determination under paragraph (1).

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

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

(a) Findings.—Congress finds that—

(1) all member states and jurisdictions 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 by the Security Council under applicable United Nations Security Council resolutions;

No comparable language.

S. 2144, as introduced October 6, 2015

(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 a report to the appropriate congressional committees that contains the reasons for such determination.

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:**

[Identical language in para. (a)(1), but punctuation marks throughout the findings of subsec. (a) opt for “:” (v. “;”), also affecting capitalization.]

(2) As of May 2015, 158 of the United Nations’ 193 member states have not submitted reports on

H.R. 757, as passed the House, January 12, 2016

(A) IN GENERAL.—**If the Secretary of the Treasury determines that North Korea is a jurisdiction of primary money laundering concern**, the Secretary of the Treasury shall, **not later than 90 days after the date on which the Secretary makes such determination**, submit to the appropriate congressional committees a report on the determination made under paragraph (1) together with the reasons for that determination.

(B) FORM.—A report or copy of any report submitted under this paragraph shall be submitted in unclassified form but may contain a classified annex.

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

(a) Findings.—Congress finds that—

(1) all states and jurisdictions are obligated to implement and enforce applicable United Nations Security Council resolutions fully and promptly, including by—

(A) blocking the property of, and ensuring that any property is prevented from being made available to, persons designated by the Security Council under applicable United Nations Security Council resolutions;

(B) blocking any property associated with an activity prohibited by applicable United Nations Security Council resolutions; and

(C) preventing any transfer of property and any provision of financial services that could contribute to an activity prohibited by applicable United Nations Security Council resolutions, or to the evasion of sanctions under such resolutions;

No comparable language.

S. 1747, as introduced July 9, 2015	S. 2144, as introduced October 6, 2015	H.R. 757, as passed the House, January 12, 2016
<i>No comparable language.</i>	measures taken to implement North Korea-specific United Nations Security Council resolutions (1718, 1874, and 2094).	<i>No comparable language.</i>
	(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 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.	<i>No comparable language.</i>
(2) all states and jurisdictions share a common interest in protecting the international financial system from the risks of money laundering and illicit transactions emanating from North Korea;	(4) <i>Identical language.</i>	<i>Identical language.</i>
(3) 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 these risks;	(5) <i>Identical language.</i>	<i>Identical language but for capitalization of “Euro.”</i>
(4) the cooperation of the People’s Republic of China, as North Korea’s principal trading partner, is essential to—	(6) <i>Identical language.</i>	<i>Identical language but for format.</i>
(A) the enforcement of applicable United Nations Security Council resolutions; and		(4) the cooperation of the People’s Republic of China, as North Korea’s principal trading partner, is essential to the enforcement of applicable United Nations Security Council resolutions and to the protection of the international financial system;
(B) the protection of the international financial system;		
(5) the report of the Panel of Experts established pursuant to United Nations Security Council Resolution 1874 (adopted on June 11, 2013) expressed concern about the ability of banks in—	(7) <i>Identical language.</i>	<i>Nearly identical language but for format.</i> (5) the report of the Panel of Experts established pursuant to United Nations Security Council Resolution 1874, dated June 11, 2013, expressed concern about

S. 1747, as introduced July 9, 2015	S. 2144, as introduced October 6, 2015	H.R. 757, as passed the House, January 12, 2016
(A) states with less effective regulators; and (B) states that are unable to afford effective compliance to detect and prevent illicit transfers involving North Korea;		the ability of banks in states with less effective regulators and those unable to afford effective compliance to detect and prevent illicit transfers involving North Korea;
(6) 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;	(8) <i>Identical language.</i>	<i>Identical language.</i>
(7) Amroggang 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;	(9) <i>Identical language.</i>	<i>Similar language.</i> (7) Amroggang 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;
(8) 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;	(10) <i>Identical language.</i>	<i>Similar language.</i> (8) Korea Daesong Bank and Korea Kwangson Banking Corporation have been designated by the Secretary of the Treasury and the European Union;
(9) 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”; and	(11) <i>Identical language.</i>	<i>Identical language.</i>
(10) 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.	(12) <i>Identical language.</i>	<i>Identical language.</i>
(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	<i>Identical language, with additional paras. (5) and (6), below:</i>	<i>Nearly identical language.</i> (b) Sense of Congress.—It is the sense of Congress that the President should intensify diplomatic efforts, both

S. 1747, as introduced July 9, 2015	S. 2144, as introduced October 6, 2015	H.R. 757, as passed the House, January 12, 2016
<p>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—</p>		<p>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—</p>
(1) the cessation of any financial services whose continuation is inconsistent with applicable United Nations Security Council resolutions;	<i>Identical language.</i>	<i>Identical language.</i>
(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;	<i>Identical language.</i>	<i>Identical language.</i>
(3) the blocking by all states and jurisdictions, in accordance with the legal process of the state or jurisdiction in which the property is held, of any property required to be blocked under applicable United Nations Security Council resolutions; and	<i>Identical language.</i>	<i>Identical language.</i>
(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.	<i>Identical language.</i>	<p><i>Similar language, with additional reference to cyber events.</i></p> <p>(4) the blocking of any property derived from illicit activity, from significant activities undermining cyber security, from the misappropriation, theft, or embezzlement of public funds by, or for the benefit of, officials of the Government of North Korea;</p>
<i>No comparable language.</i>	(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	<p><i>Nearly identical language to S. 2144.</i></p> <p>(5) the blocking of any property involved in significant activities undermining cyber security 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</p>
<i>No comparable language.</i>	(6) the blocking of any property of persons directly or indirectly involved in censorship or human rights abuses by the Government of North Korea.	<p><i>Identical language to S. 2144.</i></p> <p>(6) the blocking of any property of persons directly or indirectly involved in censorship or human rights abuses</p>

S. 1747, as introduced July 9, 2015

No comparable language.

No comparable language.

S. 2144, as introduced October 6, 2015

(c) Strategy To Improve International Implementation and Enforcement of UN North Korea-Specific Sanctions.—The President shall direct the Secretary of State, in coordination with other departments and agencies, as appropriate, to develop a strategy to improve international implementation and enforcement of United Nations North Korea-specific sanctions. This strategy should include elements—

- (1) to increase the number of countries submitting reports to the United Nations Panel of Experts, including developing a list of targeted countries where effective implementation and enforcement of United Nations sanctions would reduce the North Korean threat;
- (2) to encourage member states 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 and customs and border patrol 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 independent, non-governmental journalistic, humanitarian, and other institutions engagement 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 a report to the appropriate congressional committees that

H.R. 757, as passed the House, January 12, 2016

by the Government of North Korea.

No comparable language.

No comparable language.

S. 1747, as introduced July 9, 2015

SEC. 203. PROLIFERATION PREVENTION SANCTIONS.

(a) Export of Certain Goods or Technology.—A **validated** license shall be required for the export of any goods or technology otherwise covered under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)). No defense exports may be approved for the Government of North Korea.

No comparable language.

No comparable language.

S. 2144, as introduced October 6, 2015

describes the actions undertaken to implement the strategy set forth in subsection (c).

Identical language.

No comparable language.

No comparable language.

H.R. 757, as passed the House, January 12, 2016

SEC. 203. PROLIFERATION PREVENTION SANCTIONS.

(a) Export of Certain Goods or Technology.—

(1) **IN GENERAL.—Subject to section 207(a)(2)(C) of this Act**, a license shall be required for the export to North Korea of any goods or technology **subject to the Export Administration Regulations (part 730 of title 15, Code of Federal Regulations)** without regard to whether the Secretary of State has designated North Korea as a country the government of which has provided support for acts of international terrorism, as determined by the Secretary of State under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2045), as continued in effect under the International Emergency Economic Powers Act.

(2) **PRESUMPTION OF DENIAL.—**A license for the export to North Korea of any goods or technology as described in paragraph (1) shall be subject to a presumption of denial.

(b) **Transactions With Countries Supporting Acts of International Terrorism.—**

(1) **ARMS EXPORT CONTROL ACT**

PROHIBITIONS.—The prohibitions and restrictions described in section 40 of the Arms Export Control Act (22 U.S.C. 2780), and other provisions provided for in that Act, shall also apply to exporting or otherwise providing (by sale, lease or loan, grant, or other means), directly or indirectly, any munitions item to the Government of North Korea without regard to whether or not North Korea is a country with respect to which subsection (d) of such section (relating to designation of state sponsors of terrorism) applies.

(2) **FINANCIAL TRANSACTIONS.—**Except as provided in section 207 of this Act and the North

S. 1747, as introduced July 9, 2015

S. 2144, as introduced October 6, 2015

H.R. 757, as passed the House, January 12, 2016

(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 this subsection with respect to **a foreign government** shall terminate on the date that is **1 year after the date on which the restriction under paragraph (1) may have been applied.**

No comparable language (see, however, subsecs. (c) and (d), below).

(c) Waiver.—The Secretary of State may waive the prohibitions under this section with respect to a country if the Secretary determines that it is in the national interest of the United States to do so.

Identical language.

No comparable language (see, however, subsecs. (c) and (d), below).

(c) **Notwithstanding any other provision of law¹**, 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 relevant congressional committees that describes—

Korean Human Rights Act of 2004 (22 U.S.C. 7801 et seq.), the penalties provided for in section 2332d of title 18, United States Code, shall apply to a United States person that engages in a financial transaction with the Government of North Korea on or after the date of the enactment of this Act to the same extent that such penalties apply to a United States citizen that commits an unlawful act described in section 2332d of title 18, United States Code.

(c) 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 any country** that provides lethal military equipment to, or receives lethal military equipment from, the Government of North Korea.

(2) APPLICABILITY.—The prohibition under this subsection with respect to **a country** shall terminate on the date that is **1 year after the date on which such country ceases to provide lethal military equipment to the Government of North Korea.**

(3) WAIVER.—The President may, on a case-by-case basis, waive the prohibition under this subsection with respect to a country for a period of not more than 180 days, and may renew the waiver for additional periods of not more than 180 days, if the President determines and so reports to the appropriate congressional committees that it is vital to the national security interests of the United States to exercise such waiver authority.

No comparable language (see, however, waiver authority for subsec. (c), at subsec. (c)(3), above)).

S. 1747, as introduced July 9, 2015

S. 2144, as introduced October 6, 2015

H.R. 757, as passed the House, January 12, 2016

(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 assistance.

SEC. 204. PROCUREMENT SANCTIONS.

(a) In General.—Except as provided in this section, the United States Government may not procure, or enter into any contract for the procurement of, any goods or services from any designated person.

(b) Federal Acquisition Regulation.—

(1) IN GENERAL.—The Federal Acquisition Regulation issued pursuant to section 1303 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 of the conduct described in section 104(a).

(2) APPLICABILITY.—The revision referred to in 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) General Services Administration.—

(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

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

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

Identical language.

Identical language.

Identical language.

Identical language, except phrasing in subpara. (2)(B) as follows:

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

No comparable language.

SEC. 204. PROCUREMENT SANCTIONS.

Identical language at subsec. (a).

(b) FAR.—The Federal Acquisition Regulation issued pursuant to section 1303 of title 41, United States Code, shall be revised to require a certification from each person that is a prospective contractor that such person does not engage in any of the conduct described in subsection (a) or (b) of section 104. Such revision shall apply with respect to contracts in an amount greater than the simplified acquisition threshold (as defined in section 134 of title 41, United States Code) for which solicitations are issued on or after the date that is 90 days after the date of the enactment of this Act.

(c) Termination of Contracts and Initiation of Suspension and Debarment Proceeding.—

(1) TERMINATION OF CONTRACTS.—Except as provided in paragraph (2), the head of an executive agency shall terminate a contract with a person who has provided a false certification under subsection (b).

(2) WAIVER.—The head of an executive agency may waive the requirement under paragraph (1) with respect to a person based upon a written finding of

S. 1747, as introduced July 9, 2015

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 a contract with such person; or

(B) debar or suspend such person from eligibility for Federal contracts for a period of **not more 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 the Federal Acquisition Regulation under subpart 9.4 of part 9 of title 48, Code of Federal Regulations.

(d) **Clarification Regarding Certain Products.**—The remedies specified in subsections (a) through (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

S. 2144, as introduced October 6, 2015

Identical language.

Identical language.

Identical language.

H.R. 757, as passed the House, January 12, 2016

urgent and compelling circumstances significantly affecting the interests of the United States. If the head of an executive agency waives the requirement under paragraph (1) for a person, the head of the agency shall submit to the appropriate congressional committees, within 30 days after the waiver is made, a report containing the rationale for the waiver and relevant information supporting the waiver decision.

(3) **INITIATION OF SUSPENSION AND DEBARMENT PROCEEDING.**—The head of an executive agency shall initiate a suspension and debarment proceeding against a person who has provided a false certification under subsection (b). Upon determination of suspension, debarment, or proposed debarment, the agency shall ensure that such person is entered into the Governmentwide [*sic*] database containing the list of all excluded parties ineligible for Federal programs pursuant to Executive Order No. 12549 (31 U.S.C. 6101 note; relating to debarment and suspension) and Executive Order No. 12689 (31 U.S.C. 6101 note; relating to debarment and suspension).

Nearly identical language but for formatting difference.

(d) **Clarification Regarding Certain Products.**—The remedies specified in subsections (a) through (c) shall not apply with respect to the procurement of **eligible products**, 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)).

Identical language.

Identical language.

S. 1747, as introduced July 9, 2015

S. 2144, as introduced October 6, 2015

H.R. 757, as passed the House, January 12, 2016

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 a report to the appropriate congressional committees that identifies foreign ports and airports whose 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).

Identical language.

(b) Enhanced **Customs Inspection** Requirements.— The Secretary of Homeland Security **may** require enhanced inspections of any cargo landed in the United States or entering the stream of interstate commerce that has been transported through a port or airport identified by the President under subsection (a).

Identical language.

(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—

Identical language.

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

SEC. 205. ENHANCED INSPECTIONS AUTHORITIES.

(a) Report Required.—Not later than 180 days after the date of the enactment of this Act, and **every 180 days thereafter**, the President, **acting through the Secretary of Homeland Security**, shall submit to the appropriate congressional committees, **the Committee on Homeland Security of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate**, a report identifying foreign sea ports and airports whose inspections of ships, aircraft, and conveyances originating in North Korea, carrying North Korean property, or operated by the Government of North Korea **are deficient** to effectively prevent the facilitation of any of the activities described in section 104(a).

(b) Enhanced **Security Targeting** Requirements.— Not later than 180 days after the identification of any sea port or airport pursuant to subsection (a), the Secretary of Homeland Security **shall**, utilizing the Automated Targeting System operated by the National Targeting Center in U.S. Customs and Border Protection, require enhanced screening procedures to determine if physical inspections are warranted of any cargo bound for or landed in the United States that has been transported through such sea port or airport if there are reasonable grounds to believe that such cargo contains goods prohibited under this Act.

(c) Seizure and Forfeiture.—A vessel, aircraft, or conveyance used to facilitate any of the activities described in section 104(a) **that comes within the jurisdiction of the United States** may be seized and forfeited under chapter 46 of title 18, United States Code, or under the Tariff Act of 1930.

S. 1747, as introduced July 9, 2015

S. 2144, as introduced October 6, 2015

H.R. 757, as passed the House, January 12, 2016

(2) under the Tariff Act of 1930 (19 U.S.C. 1202 et seq.).

SEC. 206. TRAVEL SANCTIONS.

The Secretary of State may deny a visa to, and the Secretary of Homeland Security, pursuant to section 104, **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.

No comparable language.

No comparable language.

Identical language.

No comparable language.

No comparable language.

SEC. 206. TRAVEL SANCTIONS.

(a) Aliens Ineligible for Visas, Admission, or Parole.—

(1) VISAS, ADMISSION, OR PAROLE.—An alien (or an alien who is a corporate officer of a person) who the Secretary of State or the Secretary of Homeland Security (or a designee of one of such Secretaries) knows, or has reasonable grounds to believe, is described in subsection (a)(1) or (b)(1) of section 104 is—

- (A) inadmissible to the United States;
- (B) ineligible to receive a visa or other documentation to enter the United States; and
- (C) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(2) CURRENT VISAS REVOKED.—

(A) IN GENERAL.—The issuing consular officer, the Secretary of State, or the Secretary of Homeland Security (or a designee of one of such Secretaries) shall revoke any visa or other entry documentation issued to an alien who is described in subsection (a)(1) or (b)(1) of section 104 regardless of when issued.

(B) EFFECT OF REVOCATION.—

A revocation under subparagraph (A)—

- (i) shall take effect immediately; and
- (ii) shall automatically cancel any other valid visa or entry documentation that is in the alien's possession.

(b) Exception To Comply With United Nations Headquarters Agreement.—Sanctions under subsection (a)(1)(B) shall not apply to an alien if admitting the alien into the United States is necessary to permit the United

S. 1747, as introduced July 9, 2015

S. 2144, as introduced October 6, 2015

H.R. 757, as passed the House, January 12, 2016

No comparable language.

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 not less frequently than every 3 months, should include—

- (1) any publicly available information regarding the detention of United States citizens by North Korean authorities, including specific details regarding circumstances of arrest and detention, including duration, legal proceedings, and conditions under which the 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) any publicly available information on the past and present detention and abduction or alleged abduction of United States, South Korean, and Japanese citizens by North Korean authorities;
- (3) information about the nature of the North Korean regime, including its 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 complete picture of the nature of the North Korean regime.

SEC. 207. EXEMPTIONS, WAIVERS, AND

SEC. 208. EXEMPTIONS, WAIVERS, AND

States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations.

No comparable language.

SEC. 207. EXEMPTIONS, WAIVERS, AND

S. 1747, as introduced July 9, 2015

REMOVALS OF DESIGNATION.

(a) Exemptions.—

(1) IN GENERAL.—The following activities shall be exempt from sanctions under sections 104 and 206:

(A) Activities subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), or to any authorized intelligence activities of the United States.

(B) 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 June 26, 1947, and entered into force on November 21, 1947, or under the Vienna Convention on Consular Relations, signed April 24, 1963, and entered into force on March 19, 1967, or under other international agreements.

No comparable language.

(C) Any financial transaction for which the exclusive purpose is to import agricultural products, medicine, or medical devices into North Korea if such supplies or equipment—

(i) are designated as “EAR 99” under the Export Administration Regulations (15 C.F.R. 730 et seq.); and

(ii) are not controlled under—

(l) the Export Administration Act of 1979 (50 U.S.C.

S. 2144, as introduced October 6, 2015

REMOVALS OF DESIGNATION.

(a)(1) *Identical language.*

Identical language.

Identical language.

No comparable language.

Identical language.

H.R. 757, as passed the House, January 12, 2016

REMOVALS OF DESIGNATION.

(a) Exemptions.—

(1) MANDATORY EXEMPTIONS.—The following activities shall be exempt from sanctions under section 104:

Identical language.

Identical language.

(2) **DISCRETIONARY EXEMPTIONS.**—The following activities may be exempt from sanctions under section 104 as determined by the President:

(A) Any financial transaction the exclusive purpose for which is to provide humanitarian assistance to the people of North Korea.

(B) Any financial transaction the exclusive purpose for which is to import food products into North Korea, if such food items are not defined as luxury goods.

Nearly identical language.

(C) Any transaction the exclusive purpose for which is to import agricultural products, medicine, or medical devices into North Korea, provided that such supplies or equipment are classified as designated “EAR 99” under the Export Administration Regulations (part 730 of title 15, Code of Federal Regulations) and not controlled under—

S. 1747, as introduced July 9, 2015

App. 2401 et seq.), as continued in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.);

(II) the Arms Export Control Act (22 U.S.C. 2751 et seq.);

(III) part B of title VIII of the Nuclear Proliferation Prevention Act of 1994 (22 U.S.C. 6301 et seq.); or

(IV) the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 (22 U.S.C. 5601 et seq.).

(2) HUMANITARIAN ACTIONS.—

(A) IN GENERAL.—The President may not impose any sanctions, including through related Executive orders, that would prevent United States or foreign humanitarian organizations, acting in good faith and with the appropriate notifications and controls in place, from accessing and providing humanitarian aid to civilian populations facing humanitarian crises in order to prevent or alleviate human suffering, including individuals who are under the control of a foreign person subject to sanctions under this Act.

(B) EXAMPLES OF PROHIBITED SANCTIONS.—The sanctions exempted under subparagraph (A) shall include—

(i) prohibiting United States or foreign financial institutions from engaging in financial transactions with legitimate humanitarian organizations for these purposes;

(ii) prohibiting the export of standard, commercially available goods, including communications equipment, software and computers, that are necessary to carry out operations related to the provision of humanitarian goods or services to prevent or alleviate the suffering of civilian populations; and

(iii) prohibiting incidental contact with individuals who

S. 2144, as introduced October 6, 2015

No comparable language.

H.R. 757, as passed the House, January 12, 2016

(i) the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.), as continued in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.);

(ii) the Arms Export Control Act (22 U.S.C. 2751 et seq.);

(iii) part B of title VIII of the Nuclear Proliferation Prevention Act of 1994 (22 U.S.C. 6301 et seq.); or

(iv) the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 (22 U.S.C. 5601 et seq.).

No comparable language (see, however, “Discretionary Exemptions” at subsec. (a)(2), above).

S. 1747, as introduced July 9, 2015

are under the control of a foreign person subject to sanctions under this Act in the conduct of providing humanitarian aid.

(3) EXPORT ADMINISTRATION REGULATIONS DEFINED.—In this subsection, the term “Export Administration Regulations” means the regulations set forth in subchapter C of chapter VII of title 15, Code of Federal Regulations (15 C.F.R. 730 et seq.) and maintained and amended under the authority of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

(b) Waiver.—The President may waive, for 1-year renewable periods, the application of the sanctions authorized under section 104, 204, 205, or 206 if the President submits to the appropriate congressional committees a written determination that the waiver meets 1 or more of the following requirements:

(1) The waiver is important to the national security interests of the United States.

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

(3) The waiver is for an important humanitarian purpose, including any of the purposes described in section 4 of the North Korean Human Rights Act of 2004 (22 U.S.C. 7802).

No comparable language.

S. 2144, as introduced October 6, 2015

(2) Identical language (other than paragraph designation).

[Overall, different construction, similar intention (with the exception of the length of waiver and case-by-case consideration.)]

(b) 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, 203, 204, or 206 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;

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

(3) is for an important humanitarian purpose, including any of the purposes described in section 4 of the North Korean Human Rights Act of 2004 (22 U.S.C. 7802).

No comparable language.

H.R. 757, as passed the House, January 12, 2016

No comparable language.

(b) Waiver.—The President may waive, **on a case-by-case basis**, the imposition of sanctions for a period of not more than 1 year, and may renew that waiver for additional periods of not more than 1 year, any sanction or other measure under section 104, 204, 205, 206, or 303 if the President submits to the appropriate congressional committees a written determination that the waiver meets one or more of the following requirements:

(1) The waiver is important to the **economic or** national security interests of the United States.

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

(3) The waiver is for an important humanitarian purpose, including any of the purposes described in section 4 of the North Korean Human Rights Act of 2004 (22 U.S.C. 7802).

(c) Removals of Sanctions.—The President may prescribe rules and regulations for the removal of sanctions on a person that is designated under subsection (a) or (b) of section 104 and the removal of designations of a person with respect to such sanctions if the President determines that the designated person has verifiably ceased its participation in any of the conduct described in subsection (a) or (b) of section

S. 1747, as introduced July 9, 2015	S. 2144, as introduced October 6, 2015	H.R. 757, as passed the House, January 12, 2016
<p>(c) 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 controlled by the Government of North Korea in support of the activities subject to exemption under this Act.</p> <p><i>See parallel at S. 1757, sec. 404, below.</i></p>	<p><i>Identical language.</i></p> <p><i>No comparable language.</i></p>	<p>104, as the case may be, and has given assurances that it will abide by the requirements of this Act.</p> <p>(d) Financial Services for Certain Activities.—The President may promulgate regulations, rules, and policies as may be necessary to facilitate the provision of financial services by a foreign financial institution that is not controlled by the Government of North Korea in support of the activities subject to exemption under this section.</p>
<p><i>No comparable language.</i></p>	<p><i>See parallel at S. 2144, sec. 406, below.</i></p>	<p>SEC. 208. REPORT ON THOSE RESPONSIBLE FOR KNOWINGLY ENGAGING IN SIGNIFICANT ACTIVITIES UNDERMINING CYBER SECURITY.</p> <p><i>(See parallel at S. 1757, sec. 404, below).</i></p>
<p><i>No comparable language.</i></p>	<p><i>No comparable language.</i></p>	<p>SEC. 209. SENSE OF CONGRESS THAT TRILATERAL COOPERATION AMONG THE UNITED STATES, JAPAN, AND THE REPUBLIC OF KOREA IS CRUCIAL TO THE STABILITY OF THE ASIA-PACIFIC REGION.</p> <p><i>(See parallel at S. 2144, sec. 406, below).</i></p> <p>SEC. 210. REPORT ON NUCLEAR PROGRAM COOPERATION BETWEEN NORTH KOREA AND IRAN.</p> <p>(a) In General.—The President shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on cooperation between North Korea and Iran on their nuclear programs, including the identity of Iranian and North Korean persons that have knowingly engaged in or directed the provision of material support or the exchange of information between North Korea and Iran on their respective nuclear programs.</p> <p>(b) Submission and Form.—</p> <p>(1) SUBMISSION.—The report required under</p>

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 Enforcement Act of 2015, the President shall submit a **classified report** to the appropriate congressional committees that sets forth a detailed plan for making unrestricted, unmonitored, and inexpensive electronic mass communications available to the people of North Korea.”.

No comparable language.

No comparable language.

TITLE III—PROMOTION OF HUMAN RIGHTS

SEC. 301. AMENDMENTS TO NORTH KOREAN HUMAN RIGHTS ACT OF 2004.

(a) Information Technology Study.—Section 104 of the North Korean Human Rights Act of 2004 (22 U.S.C. 7814) is amended—

(1) by redesignating subsection (b) as subsection (d); and

(2) by inserting after subsection (a) the following:

“(b) 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 a classified report to the appropriate congressional committees that sets forth a detailed plan for making unrestricted, unmonitored, and inexpensive electronic mass communications available to the people of North Korea.”.

(b) Special Envoy.—Section 107(a) of the North Korean Human Rights Act of 2004 (22 U.S.C. 7817(a)) is amended—

(1) by striking “within the Department of State”; and

(2) by inserting “, shall report directly to the Secretary of State,” after “ambassador”.

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

subsection (a) shall be submitted not later than 90 days after the date of enactment of this Act.

(2) FORM.—The report required under subsection (a) shall be submitted in an unclassified form, but may contain a classified annex.

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—

(1) in subsection (a), by striking “radios capable of receiving broadcasting” and inserting “radio, Internet, and electronic mass communications capable of receiving content”; and

(2) by adding after subsection (c) the following new subsection:

“(d) Information Technology Study.—

“(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this subsection, the President shall submit to the appropriate congressional committees **a report** setting forth a detailed plan for making unrestricted, unmonitored, and inexpensive, radio, Internet, and electronic mass communications available to the people of North Korea.

“(2) FORM.—The report required by paragraph (1) **shall be submitted in unclassified form, but may contain a classified annex.**”.

No comparable language.

No comparable language.

S. 1747, as introduced July 9, 2015

S. 2144, as introduced October 6, 2015

H.R. 757, as passed the House, January 12, 2016

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

(b) Contents.—The report under subsection (a) should include—

(1) a plan to enhance diplomatic outreach, including sustained engagement with partners and allies and with overseas posts to routinely demarche host governments on North Korea human rights issues, including forced labor, trafficking, and repatriation of North Korean citizens;

(2) public affairs and public diplomacy campaigns, including options to work with news organizations and media outlets to publish op-eds and secure public speaking opportunities for United States Government officials on issues related to the human rights situation in North Korea; and

(3) opportunities to coordinate and collaborate with appropriate nongovernmental organizations and private sector entities to raise awareness and provide assistance to North Korean defectors throughout the world.

SEC. 302. REPORT ON NORTH KOREAN PRISON CAMPS.

(a) In General.—The Secretary of State shall submit a report to the appropriate congressional committees 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;

Identical language at sec. 303.

SEC. 302. REPORT ON NORTH KOREAN PRISON CAMPS.

(a) In General.—The Secretary of State shall submit to the appropriate congressional committees a report describing, with respect to each political prison camp in North Korea to the extent information is available—

Paras. (1) through (7): identical language.

Subsec. (b): identical language.

S. 1747, as introduced July 9, 2015

S. 2144, as introduced October 6, 2015

H.R. 757, as passed the House, January 12, 2016

- (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 such camp;
- (5) the natural persons 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 each such camp, in a format that, if published, would not compromise the sources and methods used by the intelligence agencies of the United States to capture geospatial imagery.

(b) Form.—The report required under subsection (a) may be included in the first 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)) (relating to the annual human rights report).

SEC. 303. BRIEFING ON SERIOUS HUMAN RIGHTS ABUSES OR CENSORSHIP IN NORTH KOREA.

(a) In General.—**Not later than 180 days after the date of the enactment of this Act**, the Secretary of State **shall providing [sic] a briefing**, which may be classified, to the appropriate congressional committees that describes serious human rights abuses or serious censorship undertaken by the North Korean government in the most recent year.

SEC. 304. REPORT ON SERIOUS HUMAN RIGHTS ABUSES OR CENSORSHIP IN NORTH KOREA.

(a) In General.—The Secretary of State **shall submit a report** to the appropriate congressional committees that—

- (1) identifies each person the Secretary determines to be responsible for serious human rights abuses or censorship in North Korea; and
- (2) describes the abuses or censorship engaged in by such person.

SEC. 303. REPORT ON PERSONS WHO ARE RESPONSIBLE FOR SERIOUS HUMAN RIGHTS ABUSES OR CENSORSHIP IN NORTH KOREA.

(a) In General.—The Secretary of State shall submit to the appropriate congressional committees **a report** that contains an identification of each person the Secretary determines to be responsible for serious human rights abuses or censorship in North Korea and a description of such abuses or censorship engaged in by such person. **The report shall include a description of actions taken by the Department of State to implement or support the recommendations of the Commission of Inquiry's Report on Human Rights in the**

S. 1747, as introduced July 9, 2015

No comparable language.

(b) Designation of Responsible Persons.—The President **may designate** under section 104(a) any person described in the briefing required under subsection (a) as responsible for serious human rights abuses or censorship in 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 natural person listed in the report required under subsection (a) before any international tribunal that may be established to prosecute persons responsible for severe human rights abuses or censorship in North Korea.

No comparable language.

S. 2144, as introduced October 6, 2015

- (b) Consideration.—In preparing the report required under subsection (a), the Secretary of State shall—
- (1) give due consideration to the findings of the United Nations Commission of Inquiry on Human Rights in North Korea; and
 - (2) make specific findings with respect to the responsibility of Kim Jong Un, and of each natural person 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.

(c) Designation of Persons.—The **President shall designate** under section 104(a) any person listed in the report required under subsection (a) as responsible for serious human rights abuses or censorship in North Korea.

No comparable language.

(d) Submission and Form.—

- (1) SUBMISSION.—The report required under subsection (a) shall be submitted not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter for a period not to exceed 3 years,

H.R. 757, as passed the House, January 12, 2016

Democratic People's Republic of North Korea, including efforts to press China and other countries to implement Commission recommendations.

- (b) Consideration.—In preparing the report required under subsection (a), the Secretary of State shall give due consideration to the findings of the United Nations Commission of Inquiry on Human Rights in North Korea, and shall make specific findings with respect to the responsibility of Kim Jong Un, and of each natural person 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.

(c) Designation of Persons.—The President **shall designate** under section 104(a) any person listed in the report required under subsection (a) as responsible for serious human rights abuses or censorship in North Korea.

No comparable language.

(d) Submission and Form.—

- (1) SUBMISSION.—The report required under subsection (a) shall be submitted not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter for a period not to exceed 3 years,

S. 1747, as introduced July 9, 2015

No comparable language.

S. 2144, as introduced October 6, 2015

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)).

(2) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex. The Secretary of State shall also publish the unclassified part of the report on the Department of State’s website.

SEC. 305. REPORT ON AND DIPLOMATIC STRATEGY TO END REPATRIATION OF NORTH KOREAN REFUGEES AND FORCED LABOR AND SLAVERY OVERSEAS OF NORTH KOREANS.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall submit a report to the appropriate congressional committees that contains the information described in subsections (b) and (c).

(b) Information.—The report required under subsection (a) shall include—

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

(2) a list of countries where North Korean laborers work, including governments that have formal arrangements with the Government of North Korea to employ North Korean workers.

(c) Strategy.—The report required by subsection (a) shall include a diplomatic strategy to end repatriation of North Korean refugees and forced labor and slavery of North Koreans overseas, including—

(1) bilateral and multilateral outreach; and

(2) public diplomacy activities to raise awareness.

SEC. 306. NORTH KOREA ENFORCEMENT AND HUMANITARIAN FUND.

H.R. 757, as passed the House, January 12, 2016

shall be included in each 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)) (relating to the annual human rights report).

(2) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex. The Secretary of State shall also publish the unclassified part of the report on the Department of State’s Web site.

No comparable language.

S. 1747, as introduced July 9, 2015

S. 2144, as introduced October 6, 2015

H.R. 757, as passed the House, January 12, 2016

TITLE IV—GENERAL AUTHORITIES AND STRATEGY TO COUNTER CYBERTERRORISM

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 1953 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.

[See sec. 403 in S. 1747, below]

TITLE IV—GENERAL AUTHORITIES AND CYBERSECURITY STRATEGY

Identical language.

TITLE IV—GENERAL AUTHORITIES

SEC. 401. SUSPENSION OF SANCTIONS AND OTHER MEASURES.

(a) In General.—Any sanction or other measure provided for in **title I (or any amendment made by title I) or title II** may be suspended for up to **365 days** upon certification by the President to the appropriate congressional committees that the Government of North Korea has—

- (1) verifiably ceased its counterfeiting of United States currency, including the surrender or destruction of specialized materials and equipment used for or particularly suitable for counterfeiting;
- (2) taken **significant** steps toward financial transparency to comply with generally accepted protocols to cease and prevent the laundering of monetary instruments;
- (3) taken **significant** steps toward verification of its compliance with United Nations Security Council Resolutions 1695, 1718, 1874, 2087, and 2094;
- (4) taken **significant** steps toward accounting for and repatriating the citizens of other countries abducted or unlawfully held captive by the Government of North Korea or detained in violation of the 1953 Armistice Agreement;
- (5) accepted and begun to abide by internationally recognized standards for the distribution and monitoring of humanitarian aid;
- (6) **provided credible assurances that it will not support further acts of international terrorism;**
- (7) taken significant and verified steps to improve living conditions in its political prison camps; and

(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.

Identical language.

SEC. 402. TERMINATION OF SANCTIONS AND OTHER MEASURES.

Identical language.

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) **has 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; and

(C)(i) ceasing its censorship of peaceful political activity;

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

(8) made significant progress in planning for unrestricted family reunification meetings, including for those individuals among the two million strong Korean-American community who maintain family ties with relatives in North Korea.

Nearly identical language.

(b) Renewal of Suspension.—The suspension described in subsection (a) may be renewed for additional consecutive periods of 180 days upon certification by the President 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 provided for in title I (or any amendment made by title I) or title II shall terminate on the date on which the President determines and certifies to the appropriate congressional committees that the Government of North Korea has met the requirements of section 401, **and has also—**

(1) completely, verifiably, and irreversibly dismantled 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;

(2) released all political prisoners, including the citizens of North Korea detained in North Korea's political prison camps;

(3) ceased its censorship of peaceful political activity;

(4) taken significant steps toward the establishment of an open, transparent, and representative society;

(5) fully accounted for and repatriated all citizens of all nations abducted or unlawfully held captive by the

S. 1747, as introduced July 9, 2015

(iii) fully accounting for and repatriating United States citizens (included deceased)—

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

(II) detained in violation of the 1953 Armistice Agreement.

No comparable language.

SEC. 403. NORTH KOREA ENFORCEMENT AND HUMANITARIAN FUND.

(a) Establishment.—There is established in the Treasury of the United States a fund to be known as the North Korea Enforcement and Humanitarian Fund (referred to in this section as the “Fund”).

(b) Deposits.—The President shall deposit into the Fund, and shall transfer and consolidate on the books of the Treasury in a special account for the purposes described in subsection (c), all revenues derived from—

(1) fines and penalties assessed for violations of this Act, **or** any regulation established under this Act, or **for any violation of** an applicable Executive order; and

(2) except as provided in section 105(c), all fines and penalties paid in lieu of the commencement of, or paid in settlement of, criminal or civil proceedings for a violation of this Act **or** any regulation established under this Act, or **for any violation of** an applicable Executive order.

(c) Uses.—There are authorized to be appropriated from the Fund each fiscal year—

(1) such amounts as may be specified in an Act making appropriations for the administration of the Fund; and

(2) without regard to fiscal year limitation, amounts not

S. 2144, as introduced October 6, 2015

No comparable language.

SEC. 306. NORTH KOREA ENFORCEMENT AND HUMANITARIAN FUND.

(a) *Identical language.*

(b) Deposits.—*Identical language.*

(1) all fines and penalties assessed for a violation of this Act, any regulation established under this Act, or an applicable Executive order; and

(2) except as provided in section 105(c), all fines and penalties paid in lieu of the commencement of, or paid in settlement of, criminal or civil proceedings for a violation of this Act, any regulation established under this Act, or an applicable Executive order.

(c) Uses.—

(1) IN GENERAL.—For each fiscal year, there is authorized to be appropriated from the Fund an amount equal to amounts appropriated for that fiscal year to administer the Fund.

H.R. 757, as passed the House, January 12, 2016

Government of North Korea or detained in violation of the 1953 Armistice Agreement; and

(6) agreed with the Financial Action Task Force on a plan of action to address deficiencies in its anti-money laundering regime and begun to implement this plan of action.

No comparable language.

No comparable language.

No comparable language (see, however, sec. 405, below).

S. 1747, as introduced July 9, 2015	S. 2144, as introduced October 6, 2015	H.R. 757, as passed the House, January 12, 2016
exceeding—	(2) RADIO BROADCASTING AND PROMOTING FREEDOM OF INFORMATION.—For each fiscal year, there is authorized to be appropriated—	
(A) to carry out section 103 of the North Korea Human Rights Act of 2004 (22 U.S.C. 7813), \$3,000,000;	(A) \$3,000,000 to carry out section 103 of the North Korea Human Rights Act of 2004 (22 U.S.C. 7813); and	
(B) to carry out section 104 of the North Korea Human Rights Act of 2004 (22 U.S.C. 7814), \$5,000,000;	(B) \$5,000,000 to carry out section 104 of such Act (22 U.S.C. 7814).	<i>No comparable language (see, however, sec. 405, below).</i>
(C) to carry out section 203 of the North Korea Human Rights Act of 2004 (22 U.S.C. 7833), \$5,000,000; and	<i>No comparable language.</i>	<i>No comparable language (see, however, sec. 405, below).</i>
(D) to carry out subsection (d) of section 104 of the North Korean Human Rights Act of 2004 (22 U.S.C. 7814) (as added by section 301 of this Act), \$2,000,000.	<i>No comparable language.</i>	<i>No comparable language (see, however, sec. 405, below).</i>
<i>No comparable language.</i>	(3) AVAILABILITY.—Amounts appropriated pursuant to paragraph (2) shall remain available, without fiscal year limitation, until expended.	<i>No comparable language.</i>
(d) Satisfaction of Judgments.—	<i>No comparable language.</i>	<i>No comparable language.</i>
(1) IN GENERAL.—The President may direct a transfer of funds from the Fund established under this section to the United States district court in which any judgment has been entered against the Government of North Korea pursuant to section 1605A of title 28, United States Code, pursuant to section 1083(c)(2) of the National Defense Authorization Act for Fiscal Year 2008 (28 U.S.C. 1605A note), or pursuant to section 201 of the Terrorism Risk Insurance Act of 2002 (28 U.S.C. 1610 note), such amounts as may be available after the obligation of amounts appropriated pursuant to the authorization of appropriations under subsection (c), for the satisfaction of such judgments.		
(2) RULE OF CONSTRUCTION ON STANDING BY JUDGMENT CREDITORS.—Nothing in this section, any amendment made by section 105, or section 306 shall be construed to create standing by any judgment		

S. 1747, as introduced July 9, 2015**S. 2144, as introduced October 6, 2015****H.R. 757, as passed the House, January 12, 2016**

creditor to contest or intervene in a forfeiture action under chapter 46 of title 18, United States Code.

(e) Briefing Required.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall provide a briefing to the appropriate congressional committees describing amounts available in the Fund, amounts obligated and expended for each purpose, and any amounts transferred out of the Fund.

(f) Transfer.—To prevent the accumulation of excessive surpluses in the Fund, in any fiscal year an amount specified in an annual appropriation law that is available after the obligation of amounts authorized to be appropriated in subsection (c) and authorized to be transferred in subsection (d), may be transferred out of the Fund and deposited, in equal proportions, into the funds established under section 524(c) of title 28, United States Code, and section 9703 of title 31, United States Code.

(g) Sunset.—The Fund established under this section shall cease to exist on September 30, 2023, and any unexpended funds remaining in the Fund after such date shall be transferred in accordance with subsection (f).

SEC. 404. STRATEGY TO COUNTER NORTH KOREAN CYBERTERRORISM.

(a) Report.—Not later than 180 days after the date of the enactment of this Act, the President shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on the President’s strategy to counter North Korea’s efforts to conduct cyberterrorism and acts of vandalism using computer networks and systems against the United States.

(b) Designation of Review.—The President shall—

(1) review North Korean activities to attack the computer networks, servers, and data files of United

No comparable language.

No comparable language.

No comparable language.

SEC. 403. REPORT ON THOSE RESPONSIBLE FOR SIGNIFICATION ACTIVITIES UNDERMINING CYBERSECURITY.

(a) In General.—The President shall submit a report to the appropriate congressional committees that describes significant activities undermining cybersecurity conducted by the Government of North Korea, or individuals otherwise ordered or controlled, directly or indirectly, by the Government of North Korea, including—

(1) the identity and nationality of persons that have knowingly engaged in, directed, or provided material support to conduct significant malicious cyber-enabled

No comparable language.

No comparable language.

No comparable language.

SEC. 208. REPORT ON THOSE RESPONSIBLE FOR KNOWINGLY ENGAGING IN SIGNIFICANT ACTIVITIES UNDERMINING CYBER SECURITY.

(a) In General.—The President shall submit to the appropriate congressional committees a report on significant activities undermining cyber security conducted, or otherwise ordered or controlled, directly or indirectly, by the Government of North Korea, including—

(1) the identity and nationality of persons that have knowingly engaged in, directed, or provided material support to significant activities undermining cyber

S. 1747, as introduced July 9, 2015

States persons, organization, corporations, or governmental agencies since January 1, 2014; and
(2) direct the Secretary of the Treasury to designate any North Korean persons who are responsible for or complicit in, or who have engaged, directly or indirectly, in the attacks described in paragraph (1) in accordance with the Executive Order Blocking the Property of Certain Persons Engaging in Significant Malicious Cyber-Enabled Activities of April 1, 2015.

No comparable language.

S. 2144, as introduced October 6, 2015

activities by the Government of North Korea;
(2) the conduct engaged in by each person identified;
(3) the extent to which a foreign government has provided material support significant malicious cyber activities conducted, or otherwise ordered or controlled by, the Government of North Korea or persons affiliated with the Government of North Korea; and
(4) the efforts made by the United States to engage foreign governments to halt the capability of the Government of North Korea to conduct significant malicious cyber-enabled activities.
(b) Submission and Form.—
(1) SUBMISSION.—The report required under subsection (a) shall be submitted not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter.
(2) FORM.—The report required under subsection (a) shall be submitted in an unclassified form, but may contain a classified annex.
(c) Designation of Persons.—The President shall designate under section 104(a) any person listed in the report required under subsection (a) as responsible for significant activities undermining cybersecurity aimed against the United States Government or any United States private sector entities or persons.
(d) Waiver.—The President may waive, on a case-by-case basis, the designations required under subsection (c), if the President submits a written certification to the appropriate congressional committees that the waiver is important to the national security interests of the United States.

—AND—

SEC. 405. STRATEGY TO COUNTER NORTH KOREAN CYBERTERRORISM.

H.R. 757, as passed the House, January 12, 2016

security by the Government of North Korea;
(2) the conduct engaged in by each person identified;
(3) the extent to which a foreign government has provided material support to significant activities undermining cyber security conducted, or otherwise ordered or controlled by, the Government of North Korea; and
(4) the efforts made by the United States to engage foreign governments to halt the capability of North Korea to conduct significant activities undermining cyber security.
(b) Submission and Form.—
(1) SUBMISSION.—The report required under subsection (a) shall be submitted not later than 90 days after the date of enactment of this Act, and every 180 days thereafter for a period not to exceed 3 years.
(2) FORM.—The report required under subsection (a) shall be submitted in an unclassified form, but may contain a classified annex.

No comparable language.

S. 1747, as introduced July 9, 2015

No comparable language.

No comparable language.

S. 2144, as introduced October 6, 2015

Not later than 180 days after the date of the enactment of this Act, the President shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that describes the President's strategy to counter North Korea's efforts to conduct significant activities undermining cybersecurity against the United States.

SEC. 404. CODIFICATION OF SANCTIONS WITH RESPECT TO NORTH KOREA AND CYBERSECURITY.

United States sanctions with respect to North Korea and cybersecurity provided for in Executive Order No. 13606 and Executive Order No. 13694, as 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 the certification that the Government of North Korea, or individuals otherwise ordered or controlled, directly or indirectly, by the Government of North Korea are no longer engaged in the illicit activities described in Executive Order No. 13606 and Executive Order No. 13694, including actions in violation of United Nations Security Council Resolutions 1718, 1874, 2087, and 2094, commission of serious human rights abuses, and significant activities undermining cybersecurity aimed against the United States.

SEC. 406. SENSE OF CONGRESS ON TRILATERAL COOPERATION BETWEEN THE UNITED STATES, REPUBLIC OF 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 coordination of policy toward the Democratic People's Republic of Korea between the Governments of the United States, the

H.R. 757, as passed the House, January 12, 2016

No comparable language.

SEC. 209. SENSE OF CONGRESS THAT TRILATERAL COOPERATION AMONG THE UNITED STATES, JAPAN, AND THE REPUBLIC OF KOREA IS CRUCIAL TO THE STABILITY OF THE ASIA-PACIFIC REGION.

(a) Findings.—Congress finds the following:

(1) The United States, Japan, and the Republic of Korea (South Korea) share the values of democracy, free and open markets, the rule of law, and respect for human rights.

S. 1747, as introduced July 9, 2015

S. 2144, as introduced October 6, 2015

H.R. 757, as passed the House, January 12, 2016

Government of the Republic of Korea, and the Government of Japan;

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

(3) should ensure that the parties meet on a regular basis and include representatives of the United States Department of State, United States Department of Defense, representatives of the United States intelligence communities, and their relevant counterparts in the Government of the Republic of Korea and the Government of Japan; and

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

(b) Relevant Committees.—Relevant committees referred to in subsection (a)(4) shall include—

(1) the Committee on Foreign Relations of the Senate;

(2) the Committee on Foreign Affairs of the House of Representatives;

(3) the Committee on Armed Services of the Senate;

(4) the Committee on Armed Services of the House of Representatives;

(5) the Select Committee on Intelligence of the Senate; and

(6) the Permanent Select Committee on Intelligence of the House of Representatives.

No comparable language.

No comparable language.

(2) The alliance relationship between the United States, Japan, and South Korea are critical to peace and security in the Asia-Pacific region.

(3) The United States, Japan, and South Korea are committed to continuing diplomatic efforts to ensure continued peace and stability in the Asia-Pacific region.

(4) On December 28, 2014, the United States, Japan, and South Korea finalized a trilateral military intelligence-sharing arrangement concerning the nuclear and missile threats posed by North Korea.

(5) The trilateral military intelligence-sharing arrangement reinforces and strengthens the commitment between the United States, Japan, and South Korea toward a Korean Peninsula free of nuclear weapons.

(b) Sense of Congress.—It is the sense of Congress that North Korea's nuclear and ballistic missile programs are of mutual concern to the United States, Japan, and South Korea and a trilateral military intelligence-sharing arrangement is essential to the security of each nation and the Asia-Pacific region.

SEC. 403. AUTHORITY TO CONSOLIDATE REPORTS.

Any or 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

S. 1747, as introduced July 9, 2015

SEC. 405. 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.).

No comparable language.

SEC. 406. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act, and the amendments made by this Act, shall be in effect during the 3-year period beginning on the date of the enactment of this Act.

S. 2144, as introduced October 6, 2015

SEC. 407. RULEMAKING.

Identical language.

No comparable language.

No comparable language.

H.R. 757, as passed the House, January 12, 2016

submitted to appropriate congressional committees pursuant to such deadline.

SEC. 404. REGULATIONS.

(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 **sections 203 and 205** of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704).

(b) Rule of Construction.—Nothing in this Act or any amendment made by this Act shall be construed to limit the authority of the President 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. NO ADDITIONAL FUNDS AUTHORIZED.

No additional funds are authorized to carry out the requirements of this Act and the amendments made by this Act.

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.**

Author Contact Information

Dianne E. Rennack
Specialist in Foreign Policy Legislation
drennack@crs.loc.gov, 7-7608