



U.S.-North Korea Relations

North Korea's advances in nuclear weapons and missile capabilities since 2016 under its leader Kim Jong-un have catapulted Pyongyang from a threat to U.S. interests in East Asia to a potential direct threat to the U.S. homeland. U.S. policy on North Korea (officially known as the Democratic People's Republic of Korea, or DPRK) has focused primarily on the DPRK's nuclear weapon and missile programs. Other U.S. concerns include illicit DPRK activities, such as cyberattacks and cyber-crime, as well as the potential resumption of small-scale conventional attacks against U.S. ally South Korea (officially known as the Republic of Korea, or ROK). Congress has expressed particular concern about the state of human rights in North Korea, passing laws directing the State Department to prioritize pressuring the Pyongyang regime to improve human rights conditions.

Since U.S.-DPRK negotiations on the latter's nuclear weapons program broke down in 2019, North Korea largely has ignored attempts by the United States and ROK to resume dialogue. In 2022, Kim declared North Korea will never denuclearize. North Korea also has continued to test missiles of various ranges and capabilities, including more than 60 ballistic missiles since the start of 2022, in violation of U.N. Security Council (UNSC) requirements. The tests appear to have advanced the reliability and precision of the DPRK's missile forces, and improved its ability to defeat regional missile defense systems. In 2022, North Korea tested intercontinental ballistic missiles (ICBMs) for the first time since 2017. Since early 2022, many observers have seen evidence that North Korea is preparing to conduct its seventh nuclear weapons test, which would be its first since 2017. North Korea has undertaken its missile tests despite hardships resulting from near-total closure of its borders since the start of the COVID-19 pandemic.

As the DPRK demonstrates greater military capability, some Members of the 117th Congress have pushed the Biden Administration to offer greater incentives for North Korea to return to negotiations. Others have sought to require the Administration to tighten pressure by enacting additional sanctions legislation. In December 2022, a bicameral agreement on the FY2023 National Defense Authorization Act (NDAA, H.R. 7776, as amended) would require the President to develop a strategy to combat the DPRK's "repressive information environment" and authorize \$10 million annually for five years to increase U.S.-government sponsored broadcasting and information dissemination into North Korea. Some Members support reauthorizing the North Korean Human Rights Act of 2004, which seeks to elevate U.S. policy on the DPRK's human rights record, including the appointment of a special envoy for North Korean human rights issues. Authorities in the

2004 act expired at the end of FY2022, and the special envoy position has been vacant since January 2017. Amid signs that basic human needs inside North Korea are not being met, some Members of Congress have proposed offering food and medical aid packages to Pyongyang and/or easing the process for obtaining sanctions waivers and licenses for those delivering humanitarian aid.



Source: Map generated by CRS using Department of State Boundaries (2011); Esri (2014); DeLorme (2014).

U.S. and ROK Approaches to the DPRK

The Biden Administration says it is pursuing a "calibrated, practical approach" that "is open to and will explore diplomacy with North Korea" to eventually achieve "the complete denuclearization of the Korean Peninsula." The Administration appears to envision offering some sanctions relief in exchange for steps toward denuclearization. This approach appears to align with that of South Korean President Yoon Suk-yeol, who assumed office in May 2022 and has hardened Seoul's stance toward the DPRK. Since Yoon's inauguration, Washington and Seoul have shifted the alliance's emphasis from diplomacy to deterrence, for instance by expanding the size and scope of bilateral military exercises. They have offered Pyongyang unconditional humanitarian assistance, and Yoon has pledged to provide large-scale economic assistance if North Korea "embarks on a genuine and substantive process for denuclearization." Pyongyang has rejected these offers. The Biden Administration has responded to the DPRK's missile tests by introducing new unilateral sanctions designations, dispatching U.S. military assets to Northeast Asia, and reinvigorating U.S.-South Korea-Japan security cooperation. U.S. officials say they have communicated to North Korea their willingness to meet without preconditions, and that "the ball is in [Pyongyang's] court."

U.S. and International Sanctions

North Korea is the target of scores of U.S. and UNSC sanctions. Collectively, UNSC sanctions prohibit North Korea from exporting over 80% of the items it sold abroad in 2016, as well as most types of financial interactions with

DPRK individuals and entities. Important North Korean imports, such as oil, are capped. Additionally, in 2016, 2017, and 2019 Congress passed, and Presidents Obama and Trump signed, legislation expanding U.S. sanctions (P.L. 114-122, P.L. 115-44, and P.L. 116-92). Both Administrations issued executive orders and designations to authorize and apply sanctions against North Korean entities. In September 2017, for instance, the Trump Administration issued an executive order to authorize secondary sanctions on individuals or entities that trade with North Korea and on foreign financial institutions that conduct transactions related to DPRK trade.

The U.N. has documented North Korea's efforts to evade sanctions, including ship-to-ship transfers of massive amounts of oil and coal in the waters off China's and Russia's coasts. During 2022, U.S.-led efforts at the UNSC to adopt new sanctions were blocked by China and Russia. In contrast, from 2006 to 2017, both countries supported the adoption of 10 sanctions resolutions at the UNSC following North Korean ICBM and/or nuclear tests. China accounts for over 90% of North Korea's trade. Kim could be emboldened if he perceives that Beijing and Moscow are becoming more reliable partners, including due to China and Russia's increased strategic competition with the United States and its allies. The State Department says Russia is buying North Korean rockets and artillery shells for use in its war in Ukraine.

Nuclear, Missile, and Cyber Capabilities

North Korea has said its nuclear weapons are intended to deter an attack by the United States. Some analysts worry that the DPRK may become emboldened to launch attacks if it believes it has developed a sufficiently robust deterrent, or to use nuclear blackmail to achieve other policy objectives. In its 2022 worldwide threat assessment, the U.S. intelligence community said that Kim views nuclear weapons and ICBMs as “the ultimate guarantor of his totalitarian and autocratic rule of North Korea.” In 2022, North Korea adopted a new law that expands the conditions under which North Korea would use nuclear weapons to include non-nuclear attacks and situations that threaten the regime's survival.

North Korea has tested six nuclear devices: in 2006, 2009, 2013, twice in 2016, and in 2017. Since the Six-Party nuclear talks (among China, Japan, North Korea, Russia, South Korea, and the United States) broke down in 2009, North Korea has restarted its nuclear facilities that produce fissile material for nuclear weapons. The U.S. Defense Intelligence Agency reportedly has assessed that North Korea has successfully developed a nuclear warhead that is “miniaturized” or sufficiently small enough to be mounted on long-range ballistic missiles.

North Korea's resumption of ICBM tests in 2022 appear to be an effort to improve its ability to strike the United States. Additionally, the DPRK's 2021 and 2022 short-range

ballistic missile tests appear aimed at advancing the reliability of its solid fuel and guidance systems, and its ability to thwart regional missile defenses. U.S. officials also have voiced concerns about Pyongyang's improving cyber capabilities, which the regime could use for retaliation, coercion, espionage, and/or financial gain.

North Korea's Human Rights Record

Various reports portray extreme human rights abuses by the North Korean government over many decades, including a system of prison camps housing approximately 100,000 political prisoners. In 2016, the State Department—acting in accordance with the North Korea Sanctions and Policy Enhancement Act of 2016 (P.L. 114-122)—identified Kim and other DPRK officials as responsible for human rights violations and created requirements for the President to certify human rights improvements in order to suspend or terminate sanctions. In 2014, a U.N. Human Rights Council commission concluded that North Korea had committed “crimes against humanity” and argued that the individuals responsible should face charges.

The DPRK's Internal Situation

Kim has been DPRK leader since he succeeded his father in 2011. After assuming power, Kim, who is believed to be in his late 30s, conducted several purges of high-level officials to solidify his status as paramount leader. For the first several years of his tenure, the DPRK economy appeared to expand, in part due to the government allowing previously prohibited markets and granting enterprises somewhat greater autonomy. Since 2016, when the UNSC began to impose sectoral sanctions, growth appears to have fallen, in part due to the near-collapse of DPRK exports as trading partners implemented sanctions.

Since the start of the COVID-19 pandemic, the North Korean government has largely closed the country's borders and imposed restrictions on economic activities. Between January 2020 and January 2022, North Korea's official trade, which already had been reduced to a trickle due to sanctions, fell by nearly 90%. The difficulty of importing food and agricultural products during the border shutdown, combined with poor weather, appears to have exacerbated North Korea's chronic food shortages. The U.N. estimates that over 10 million North Koreans, roughly 40% of the population, are undernourished. However, there are few outward signs that the economic difficulties are threatening the regime's stability or compelling North Korea to engage with the United States or South Korea.

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