

110TH CONGRESS
1ST SESSION

H. R. 3650

To provide for the continuation of restrictions against the Government of North Korea unless the President certifies to Congress that the Government of North Korea has met certain benchmarks.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 25, 2007

Ms. ROS-LEHTINEN (for herself, Mr. HUNTER, Ms. BERKLEY, Mr. KING of New York, Mr. HOEKSTRA, Mr. CHABOT, Mr. BURTON of Indiana, Mr. SMITH of New Jersey, Mr. POE, Mr. FORTUÑO, Mr. ROYCE, Mr. McCAUL of Texas, and Mr. TANCREDO) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To provide for the continuation of restrictions against the Government of North Korea unless the President certifies to Congress that the Government of North Korea has met certain benchmarks.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “North Korean
5 Counterterrorism and Nonproliferation Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) International press reports noted that Ira-
2 nian officials traveled to North Korea to observe the
3 long and short-range missile tests conducted by the
4 North Korean regime on July 4, 2006, and this was
5 confirmed by Ambassador Christopher Hill, Assist-
6 ant Secretary of State for East Asia and the Pacific,
7 during testimony before the Senate Foreign Rela-
8 tions Committee on July 20, 2006.

9 (2) International press reports in the summer
10 of 2006 indicated that North Korea was involved in
11 training in guerrilla warfare of Hezbollah cadres
12 who subsequently were involved in operations against
13 Israeli forces in south Lebanon.

14 (3) The United Nations Security Council, under
15 the Presidency of Japan, unanimously adopted Reso-
16 lution 1718 on October 14, 2006, “condemning” the
17 nuclear weapon test conducted by North Korea on
18 October 9, 2006, and imposing sanctions on North
19 Korea.

20 (4) President George W. Bush stated in No-
21 vember 2006 that: “The transfer of nuclear weapons
22 or material by North Korea to states or non-state
23 entities would be considered a grave threat to the
24 United States, and we would hold North Korea fully
25 accountable for the consequences of such ac-

1 tion. . . . It is vital that the nations of this region
2 send a message to North Korea that the prolifera-
3 tion of nuclear technology to hostile regimes or ter-
4 rorist networks will not be tolerated.”.

5 (5) Secretary of State Condoleezza Rice stated
6 in October 2006 that “a North Korean decision to
7 try to transfer a nuclear weapon or technologies ei-
8 ther to another state or to a non-state actor” would
9 be an “extremely grave” action for which the United
10 States would “hold North Korea accountable”.

11 (6) Congress authoritatively expressed its view,
12 in section 202(b)(2) of the North Korean Human
13 Rights Act of 2004 (Public Law 108–333; 22 U.S.C.
14 7832(b)(2)), that “United States nonhumanitarian
15 assistance to North Korea shall be contingent on
16 North Korea’s substantial progress” on human
17 rights improvements, release of and accounting for
18 abductees, family reunification, reform of North Ko-
19 rea’s labor camp system, and the decriminalization
20 of political expression, none of which has occurred.

21 **SEC. 3. CONTINUATION OF RESTRICTIONS AGAINST THE**
22 **GOVERNMENT OF NORTH KOREA.**

23 Restrictions against the Government of North Korea
24 that were imposed by reason of a determination of the Sec-
25 retary of State that the Government of North Korea, for

1 purposes of section 6(j) of the Export Administration Act
2 of 1979 (as continued in effect pursuant to the Inter-
3 national Emergency Economic Powers Act), section 40 of
4 the Arms Export Control Act, section 620A of the Foreign
5 Assistance Act of 1961, or other provision of law, is a gov-
6 ernment that has repeatedly provided support for acts of
7 international terrorism, shall remain in effect, and shall
8 not be lifted pursuant to such provisions of law, unless
9 the President certifies to Congress that the Government
10 of North Korea—

11 (1) is no longer engaged in the illegal transfer
12 of missile or nuclear technology, particularly to the
13 Governments of Iran, Syria, or any other country,
14 the government of which the Secretary of State has
15 determined, for purposes of any of the provisions of
16 law specified in the matter preceding this paragraph,
17 is a government that has repeatedly provided sup-
18 port for acts of international terrorism;

19 (2) is no longer engaged in training, harboring,
20 supplying, financing, or supporting in any way—

21 (A) Hamas, Hezbollah, or the Japanese
22 Red Army, or any member of such organiza-
23 tions;

24 (B) any organization designated by the
25 Secretary of State as a foreign terrorist organi-

1 zation in accordance with section 219(a) of the
2 Immigration and Nationality Act (8 U.S.C.
3 1189(a)); and

4 (C) any person included on the Annex to
5 Executive Order 13224 (September 23, 2001)
6 and any other person identified under section 1
7 of that Executive Order whose property and in-
8 terests in property are blocked by that section
9 (commonly known as a “specially designated
10 global terrorist”);

11 (3) is no longer engaged in the counterfeiting of
12 United States currency “supernotes”;

13 (4) has made inoperable Bureau No. 39 under
14 the North Korean Workers Party headed by Kim
15 Jong Il, which is charged with laundering illicit
16 funds obtained by narcotics trafficking and other
17 criminal activities;

18 (5) has released United States permanent resi-
19 dent Kim Dong-Shik who, according to the findings
20 of a South Korean court, was abducted by North
21 Korean agents on the Chinese border in January
22 2000;

23 (6) has released the 15 Japanese nationals rec-
24 ognized as abduction victims by the National Police
25 Agency (NPA) of Japan;

1 (7) has released an estimated 600 surviving
2 South Korean POWs, comrades-in-arms of United
3 States and Allied forces, who have been held in
4 North Korea against their will and in violation of
5 the Armistice Agreement since hostilities ended in
6 July 1953; and

7 (8) has ceased and desisted from engaging in
8 further terrorist activities subsequent to the 1987
9 bombing of Korean Air Flight 858 over Burma, the
10 1996 murder in Vladivostok, Russia, of South Ko-
11 rean diplomat Choi Duck-keun, following
12 Pyongyang's threats of retaliation for the deaths of
13 North Korean commandoes whose submarine ran
14 aground in South Korea, and the 1997 assassination
15 on the streets of Seoul of North Korean defector Lee
16 Han Young.

○