

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.

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## 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

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## 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.

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