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To continue restrictions against and prohibit diplomatic recognition of the Government of North Korea, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 21, 2009

Ms. ROS-LEHTINEN (for herself, Mr. BURTON of Indiana, Mr. MANZULLO, Mr. ROYCE, Mr. BILIRAKIS, Mr. MCCOTTER, Mr. FORBES, Mr. WOLF, Mr. KING of New York, Mr. HOEKSTRA, Mr. ROHRABACHER, and Mr. POE of Texas) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To continue restrictions against and prohibit diplomatic recognition of the Government of North Korea, and for other purposes.

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 Korea Sanctions
5 and Diplomatic Nonrecognition Act of 2009”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) North Korean negotiators in the Six-Party
2 diplomatic process did not act in good faith by their
3 refusal to agree to a transparent verification process
4 for denuclearization consistent with “international
5 standards”, including provisions for nuclear sam-
6 pling, following North Korea’s removal on October
7 11, 2008, from the list of state sponsors of terrorism
8 maintained by the Department of State.

9 (2) International press reports indicate that
10 North Korea has continued to provide support to
11 Iran in the areas of missile technology and nuclear
12 development and has provided Iran’s surrogates,
13 Hezbollah and Hamas, with both missile technology
14 and training in tunneling techniques with which to
15 attack Israel, an ally of the United States.

16 (3) International press reports indicate that
17 North Korea was engaged for a number of years in
18 assistance to Syria in the construction of a nuclear
19 reactor in the Syrian desert which was destroyed in
20 a strike by Israeli forces on September 6, 2007.

21 (4) North Korean negotiators continue to refuse
22 to address in a humane and sincere manner the
23 issue of the abduction of civilians of Japan and the
24 Republic of Korea, both allies of the United States,
25 as well as the abductions of citizens from a number

1 of other countries, including France, Lebanon, Ro-
2 mania, and Thailand.

3 (5) Defectors coming out of North Korea have
4 provided testimony that United States permanent
5 resident, Reverend Kim Dong-shik, the spouse and
6 father of United States citizens, was tortured and
7 murdered inside North Korea after his abduction by
8 Pyongyang's agents on the Chinese border in Janu-
9 ary 2000 and that his remains are currently being
10 held at a military facility inside North Korea.

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 (7) Congress further authoritatively expressed
22 its view, in section 2 of the North Korean Human
23 Rights Reauthorization Act of 2008 (Public Law
24 110–346) that “human rights and humanitarian
25 conditions inside North Korea are deplorable” and

1 that “North Korean refugees remain acutely vulner-
2 able”.

3 (8) Congress has determined that any missile
4 test or launch conducted by North Korea would be
5 in direct violation of United Nations Security Coun-
6 cil resolution 1695, adopted on July 16, 2006, which
7 “condemns the multiple launches by the DPRK
8 (North Korea) of ballistic missiles on July 5 2006
9 local time”, and United Nations Security Council
10 resolution 1718, adopted on October 9, 2006, which
11 “demands that the DPRK (North Korea) not con-
12 duct any further nuclear test or launch of a ballistic
13 missile” and “decides that the DPRK shall suspend
14 all activities related to its ballistic missile pro-
15 gramme and in this context re-establish its pre-exist-
16 ing commitments to a moratorium on missile launch-
17 ing”, and further determines that the resulting sanc-
18 tions imposed under such resolution 1718 would
19 again come into full effect following a missile test or
20 launch.

21 (9) Congress has further determined that a re-
22 turn by North Korea to the Six-Party diplomatic
23 process following any missile test or launch by
24 Pyongyang must include a firm and transparent
25 commitment to the complete, verifiable and irrevers-

1 ible dismantlement of all of North Korea’s nuclear
2 programs, including those derived both from pluto-
3 nium as well as highly enriched uranium.

4 (10) Japanese press reports have indicated that
5 a delegation of approximately fifteen Iranian missile
6 experts have arrived in North Korea in March 2009
7 “to help Pyongyang prepare for a rocket launch”,
8 including senior officials with the Iranian rocket and
9 satellite producer Shahid Hemmat Industrial Group,
10 and that they brought with them a letter from their
11 President Mahmoud Ahmadinejad to North Korean
12 leader Kim Jong-Il stressing the importance of co-
13 operating on space technology.

14 **SEC. 3. CONTINUATION OF RESTRICTIONS AGAINST THE**
15 **GOVERNMENT OF NORTH KOREA.**

16 Notwithstanding the decision by the Secretary of
17 State on October 11, 2008, to rescind the designation of
18 North Korea as a state sponsor of terrorism, restrictions
19 against the Government of North Korea that were im-
20 posed by reason of a determination of the Secretary of
21 State that the Government of North Korea, for purposes
22 of section 6(j) of the Export Administration Act of 1979
23 (as continued in effect pursuant to the International
24 Emergency Economic Powers Act), section 40 of the Arms
25 Export Control Act, section 620A of the Foreign Assist-

1 ance Act of 1961, or other provision of law, is a govern-
2 ment that has repeatedly provided support for acts of
3 international terrorism, shall remain in effect, and shall
4 not be lifted pursuant to such provisions of law, unless
5 the President certifies to Congress that the Government
6 of North Korea—

7 (1) is no longer engaged in the illegal transfer
8 of missile or nuclear technology, particularly to the
9 governments of Iran, Syria, or any other country,
10 the government of which the Secretary of State has
11 determined for purposes of section 6(j) of the Ex-
12 port Administration Act of 1979 (as continued in ef-
13 fect pursuant to the International Emergency Eco-
14 nomic Powers Act), section 40 of the Arms Export
15 Control Act, section 620A of the Foreign Assistance
16 Act of 1961, or other provision of law, is a govern-
17 ment that has repeatedly provided support for inter-
18 national acts of terrorism;

19 (2) is no longer engaged in training in combat
20 operations or tunneling, or harboring, supplying, fi-
21 nancing, or supporting in any way—

22 (A) Hamas, Hezbollah, the Japanese Red
23 Army, or any member of such organizations;

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 21, 2001)
6 and any other person identified under section 1
7 of that Executive Order whose property and in-
8 terests are blocked by that section (commonly
9 known as a “specially designated global ter-
10 rorist”);

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

13 (4) is no longer engaged in the international
14 trafficking of illicit narcotics into the United States,
15 Japan, Australia, or other allied countries of the
16 United States;

17 (5) has released United States citizens Euna
18 Lee and Laura Ling, who were working as journal-
19 ists reporting on refugees on the North Korean bor-
20 der of China when they were detained by North Ko-
21 rean guards on March 17, 2009, and has returned
22 the last remains of United States permanent resi-
23 dent, Reverend Kim Dong-shik, to his United States
24 citizen widow, family, and church members, so that

1 he may be provided with a proper Christian burial
2 in Chicago;

3 (6) has released the Japanese nationals recog-
4 nized as abduction victims by the Government of
5 Japan as well as abduction victims recognized by the
6 Government of the Republic of Korea;

7 (7) has released an estimated 600 surviving
8 South Korean POWs, and any other surviving
9 POWs from the Korean War, who have been held in
10 North Korea against their will and in violation of
11 the Armistice Agreement since hostilities ended in
12 July, 1953;

13 (8) has made concrete provisions for unre-
14 stricted family reunification meetings for those indi-
15 viduals among the two-million strong Korean-Amer-
16 ican community who maintain family ties with rel-
17 atives inside North Korea;

18 (9) has opened the North Korean penal system,
19 including the gulag of concentration camps holding
20 an estimated 200,000 political and religious pris-
21 oners, to unrestricted and regular visits by rep-
22 resentatives of the International Committee of the
23 Red Cross (ICRC);

24 (10) has made provision for unrestricted and
25 regular access by representatives of the United Na-

1 tional High Commissioner for Refugees to refugees
2 forcibly repatriated to North Korea to determine
3 their general health and welfare; and

4 (11) has made concrete provisions for unre-
5 stricted contact, including direct communications
6 and meetings, between representatives of inter-
7 national and South Korean religious organizations,
8 including Christians and Buddhists, and their co-be-
9 lievers inside North Korea.

10 **SEC. 4. CONTINUATION OF DIPLOMATIC NONRECOGNITION**
11 **OF NORTH KOREA.**

12 (a) FINDING.—Congress finds that the United States
13 did not grant diplomatic recognition to North Korea upon
14 its establishment as a client regime of the former Soviet
15 Union in 1948. The United States has consistently contin-
16 ued to withhold such formal diplomatic recognition during
17 the 59 years since the sudden and unprovoked attack by
18 North Korean forces on the Republic of Korea on June
19 25, 1950, an attack which led directly to the Korean War
20 and the deaths of over 36,000 United States military per-
21 sonnel as well as at least 2,000,000 Koreans and over
22 3,000 soldiers from Allied countries.

23 (b) CONTINUATION OF DIPLOMATIC NONRECOGNI-
24 TION.—The diplomatic nonrecognition described in sub-
25 section (a), including restrictions on the establishment of

1 a permanent presence or United States liaison office inside
2 North Korea, shall remain in effect, until such time as
3 the President certifies to Congress that the Government
4 of North Korea has met all of the benchmarks specified
5 in section 3.

6 **SEC. 5. INTERNATIONAL RESPONSE TO A NORTH KOREAN**
7 **MISSILE LAUNCH.**

8 In the case of the launch of a missile, rocket, or other
9 airborne object by North Korea in clear violation of United
10 Nations Security Council resolutions 1695 and 1718, the
11 President shall instruct the United States Permanent
12 Representative to the United Nations to use the voice,
13 vote, and influence of the United States to secure adoption
14 of a United Nations Security Council resolution con-
15 demning North Korea's action as a violation of United Na-
16 tions Security Council resolutions 1695 and 1718 and re-
17 quiring the implementation of comprehensive sanctions
18 against North Korea.

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