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S. 837

To require that North Korea be listed as a state sponsor of terrorism, to ensure that human rights is a prominent issue in negotiations between the United States and North Korea, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 20, 2009

Mr. BROWNBACK (for himself, Mr. ENSIGN, Mr. CORNYN, Mr. BUNNING, Mr. INHOFE, and Mr. COBURN) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To require that North Korea be listed as a state sponsor of terrorism, to ensure that human rights is a prominent issue in negotiations between the United States and 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 Act of 2009”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

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 24 7832(b)(2)) that “United States nonhumani-
15 tarian assistance to North Korea shall be contingent
16 on 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. LISTING OF NORTH KOREA AS STATE SPONSOR OF**
15 **TERRORISM.**

16 (a) IN GENERAL.—Except as provided under sub-
17 section (b), the Secretary of State shall designate the
18 Democratic People’s Republic of North Korea as a country
19 that has repeatedly provided support for acts of inter-
20 national terrorism for purposes of section 6(j) of the Ex-
21 port Administration Act of 1979 (50 U.S.C. App.
22 2405(j)); section 40 of the Arms Export Control Act (22
23 U.S.C. 2780); and section 620A of the Foreign Assistance
24 Act of 1961 (22 U.S.C. 2371).

1 (b) WAIVER.—The President may waive the require-
2 ment to make the designation under subsection (a) upon
3 certifying to Congress that the Government of North
4 Korea—

5 (1) has provided a full, complete, and accurate
6 disclosure of all aspects of its nuclear program, in-
7 cluding its uranium enrichment capabilities;

8 (2)(A) has not, in the previous 5 years, engaged
9 in the illegal transfer of missile or nuclear tech-
10 nology, particularly to the governments of Iran,
11 Syria, or any other country, the government of
12 which the Secretary of State has determined, for
13 purposes of section 6(j) of the Export Administra-
14 tion Act of 1979 (as continued in effect pursuant to
15 the International Emergency Economic Powers Act),
16 section 40 of the Arms Export Control Act, section
17 620A of the Foreign Assistance Act of 1961, or
18 other provision of law, is a government that has re-
19 peatedly provided support for international acts of
20 terrorism; and

21 (B) has fully disclosed all proliferation activities
22 in the past 10 years, which if occurring today, would
23 violate United Nations Security Council Resolution
24 1718 (2006);

1 (3) has not, in the previous 5 years, engaged in
2 training in combat operations or tunneling, or har-
3 boring, supplying, financing, or supporting in any
4 way—

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

7 (B) any organization designated by the
8 Secretary of State as a foreign terrorist organi-
9 zation in accordance with section 219(a) of the
10 Immigration and Nationality Act (8 U.S.C.
11 1189(a)); and

12 (C) any person included on the annex to
13 Executive Order 13224 (September 21, 2001)
14 and any other person identified under section 1
15 of that Executive Order whose property and in-
16 terests are blocked by that section (commonly
17 known as a “specially designated global ter-
18 rorist”);

19 (4) has—

20 (A) released United States citizens Euna
21 Lee and Laura Ling, who were working as jour-
22 nalists reporting on refugees on the North Ko-
23 rean border of China when they were detained
24 by North Korean guards on March 17, 2009;
25 and

1 (B) returned the last remains of United
2 States permanent resident, Reverend Kim
3 Dong-shik, to his United States citizen widow,
4 family, and church members, so that he may be
5 provided with a proper Christian burial in Chi-
6 cago;

7 (5) has released the Japanese nationals recog-
8 nized as abduction victims by the Government of
9 Japan as well as abduction victims recognized by the
10 Government of the Republic of Korea;

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

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

23 (8) has made provision for unrestricted and
24 regular access by representatives of the United Na-
25 tional High Commissioner for Refugees to refugees

1 forcibly repatriated to North Korea to determine
 2 their general health and welfare; and

3 (9) has ceased threatening to commit terrorist
 4 acts in its public statements and state owned media
 5 and has issued public assurances that the Govern-
 6 ment will not sponsor or commit terrorism again.

7 **SEC. 4. STATEMENT OF POLICY ON HUMAN RIGHTS IN**
 8 **NORTH KOREA.**

9 Section 101 of the North Korean Human Rights Act
 10 of 2004 (22 U.S.C. 7811) is amended—

11 (1) in the section heading, by striking “**SENSE**
 12 **OF CONGRESS**” and inserting “**STATEMENT OF**
 13 **POLICY**”; and

14 (2) by striking “It is the sense of Congress”
 15 and inserting “It is the policy of the United States”.

16 **SEC. 5. ROLE OF SPECIAL ENVOY FOR NORTH KOREAN**
 17 **HUMAN RIGHTS IN NEGOTIATIONS WITH**
 18 **NORTH KOREA.**

19 It is the sense of Congress that the Special Envoy
 20 for Human Rights in North Korea should be present at
 21 all negotiating sessions between the United States Govern-
 22 ment and the Government of North Korea.

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