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S. RES. 399

Expressing the sense of the Senate that certain benchmarks must be met before certain restrictions against the Government of North Korea are lifted, and that the United States Government should not provide any financial assistance to North Korea until the Secretary of State makes certain certifications regarding the submission of applications for refugee status.

IN THE SENATE OF THE UNITED STATES

DECEMBER 10, 2007

Mr. BROWNBACK (for himself, Mr. KYL, Mr. LIEBERMAN, and Mr. GRASSLEY)
submitted the following resolution; which was referred to the Committee
on Foreign Relations

RESOLUTION

Expressing the sense of the Senate that certain benchmarks must be met before certain restrictions against the Government of North Korea are lifted, and that the United States Government should not provide any financial assistance to North Korea until the Secretary of State makes certain certifications regarding the submission of applications for refugee status.

Whereas international press reports noted that Iranian officials traveled to North Korea to observe the long and short-range missile tests conducted by the North Korean regime on July 4, 2006, and this was confirmed by Ambassador Christopher Hill, Assistant Secretary of State

for East Asia and the Pacific, during testimony before the Committee on Foreign Relations of the Senate on July 20, 2006;

Whereas international press reports in the summer of 2006 indicated that North Korea was involved in training in guerrilla warfare of Hezbollah cadres who subsequently were involved in operations against Israeli forces in south Lebanon;

Whereas the United Nations Security Council, under the presidency of Japan, unanimously adopted Resolution 1718 on October 14, 2006, “condemning” the nuclear weapon test conducted by North Korea on October 9, 2006, and imposing sanctions on North Korea;

Whereas President George W. Bush stated in November 2006 that: “The transfer of nuclear weapons or material by North Korea to states or non-state entities would be considered a grave threat to the United States, and we would hold North Korea fully accountable for the consequences of such action. . . . It is vital that the nations of this region send a message to North Korea that the proliferation of nuclear technology to hostile regimes or terrorist networks will not be tolerated.”;

Whereas Secretary of State Condoleezza Rice stated in October 2006 that “a North Korean decision to try to transfer a nuclear weapon or technologies either to another state or to a non-state actor” would be an “extremely grave” action for which the United States would “hold North Korea accountable”; and

Whereas Congress authoritatively expressed its view, in section 202(b)(2) of the North Korean Human Rights Act of 2004 (Public Law 108–333; 22 U.S.C. 7832(b)(2)),

that “United States nonhumanitarian assistance to North Korea shall be contingent on North Korea’s substantial progress” on human rights improvements, release of and accounting for abductees, family reunification, reform of North Korea’s labor camp system, and the decriminalization of political expression, none of which has occurred: Now, therefore, be it

1 *Resolved*, That the Senate—

2 (1) recognizes that restrictions against the Gov-
 3 ernment of North Korea were imposed by reason of
 4 a determination of the Secretary of State that the
 5 Government of North Korea, for purposes of section
 6 6(j) of the Export Administration Act of 1979 (as
 7 continued in effect pursuant to the International
 8 Emergency Economic Powers Act; 50 U.S.C. App.
 9 2405(j)), section 40 of the Arms Export Control Act
 10 (22 U.S.C. 2780), section 620A of the Foreign As-
 11 sistance Act of 1961 (22 U.S.C. 2371), and other
 12 provisions of law, was a government that has repeat-
 13 edly provided support for acts of international ter-
 14 rorism;

15 (2) believes that this designation should remain
 16 in effect and should not be lifted unless it can be
 17 demonstrated that the Government of North
 18 Korea—

19 (A) is no longer engaged in the illegal
 20 transfer of missile or nuclear, biological, or

1 chemical weapons technology, particularly to
2 the Governments of Iran, Syria, or any other
3 country, the government of which the Secretary
4 of State has determined, for purposes of any of
5 the provisions of law specified in paragraph (1),
6 is a government that has repeatedly provided
7 support for acts of international terrorism;

8 (B) is no longer engaged in training, har-
9 boring, supplying, financing, or supporting in
10 any way—

11 (i) Hamas, Hezbollah, or the Japa-
12 nese Red Army, or any member of such or-
13 ganizations;

14 (ii) any organization designated by
15 the Secretary of State as a foreign ter-
16 rorist organization in accordance with sec-
17 tion 219(a) of the Immigration and Na-
18 tionality Act (8 U.S.C. 1189(a)); and

19 (iii) any person included on the Annex
20 to Executive Order 13224 (September 23,
21 2001) and any other person identified
22 under section 1 of that Executive Order
23 whose property and interests in property
24 are blocked by that section (commonly

1 known as a “specially designated global
2 terrorist”);

3 (C) is no longer engaged in the counter-
4 feiting of United States currency “supernotes”;

5 (D) has made inoperable Bureau No. 39
6 under the North Korean Workers Party headed
7 by Kim Jong Il, which is charged with laun-
8 dering illicit funds obtained by narcotics traf-
9 ficking and other criminal activities;

10 (E) has released United States permanent
11 resident Kim Dong-Shik who, according to the
12 findings of a South Korean court, was abducted
13 by North Korean agents on the Chinese border
14 in January 2000;

15 (F) has released or fully accounted to the
16 satisfaction of the Government of the United
17 States and the Government of the Republic of
18 Korea for the whereabouts of the 15 Japanese
19 nationals recognized as abduction victims by the
20 National Police Agency (NPA) of Japan;

21 (G) has released or fully accounted to the
22 satisfaction of the Government of the United
23 States and the Government of the Republic of
24 Korea for the whereabouts of an estimated 600
25 surviving South Korean prisoners of war, com-

1 rades-in-arms of United States and Allied
2 forces, who have been held in North Korea
3 against their will and in violation of the Armi-
4 stice Agreement since hostilities ended in July
5 1953; and

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

16 (3) believes that the United States Government
17 should not provide any financial assistance to North
18 Korea (except for adequately monitored humani-
19 tarian assistance in the form of food and medicine)
20 unless the Secretary of State certifies that—

21 (A) appropriate guidance has been pro-
22 vided to all foreign embassies and consular of-
23 fices regarding their responsibility under section
24 303 of the North Korean Human Rights Act of
25 2004 (22 U.S.C. 7843) to facilitate the submis-

1 sion of applications by citizens of North Korea
2 seeking protection as refugees under section
3 207 of the Immigration and Nationality Act (8
4 U.S.C. 1157);

5 (B) such guidance has been published in
6 the Federal Register; and

7 (C) the facilities described in subparagraph
8 (A) are carrying out the responsibility described
9 in subparagraph (A) in good faith.

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