

114TH CONGRESS
1ST SESSION

H. R. 204

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 8, 2015

Ms. ROS-LEHTINEN (for herself, Mr. CONNOLLY, Mr. SALMON, Mr. CHABOT, and Mr. POE of Texas) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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 2015”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) On January 2, 2015, the President issued
2 Executive Order 13687 imposing additional sanc-
3 tions with respect to North Korea which stated that
4 “the provocative, destabilizing, and repressive ac-
5 tions and policies of the Government of North
6 Korea, including its destructive, coercive cyber-re-
7 lated actions during November and December 2014,
8 actions in violation of United Nations Security
9 Council Resolutions 1718, 1874, 2087, and 2094,
10 and commission of serious human rights abuses,
11 constitute a continuing threat to the national secu-
12 rity, foreign policy, and economy of the United
13 States”.

14 (2) On January 2, 2015, the Department of the
15 Treasury stated that Executive Order 13687 was “in
16 response to the Government of the Democratic Peo-
17 ple’s Republic of Korea’s numerous provocations,
18 particularly the recent cyber-attack targeting Sony
19 Pictures Entertainment and the threats against
20 movie theaters and moviegoers”.

21 (3) On January 2, 2015, White House Press
22 Secretary Josh Earnest stated that “[Executive
23 Order 13687] is a response to the Government of
24 North Korea’s ongoing provocative, destabilizing,
25 and repressive actions and policies, particularly its

1 destructive and coercive cyber attack on Sony Pic-
2 tures Entertainment.”.

3 (4) On December 29, 2014, the Federal Bureau
4 of Investigation stated that it “has concluded the
5 Government of North Korea is responsible for the
6 theft and destruction of data on the network of Sony
7 Pictures Entertainment”.

8 (5) On December 19, 2014, the Federal Bureau
9 of Investigation stated that it “has enough informa-
10 tion to conclude that the North Korean government
11 is responsible” for the cyber attack targeting Sony
12 Pictures Entertainment on November 22, 2014.

13 (6) On July 30, 2014, the Department of the
14 Treasury imposed sanctions on two North Korean
15 shipping companies, and 18 of their vessels, that
16 “attempted to import a concealed shipment of arms
17 and related materiel from Cuba to the DPRK
18 aboard the DPRK-flagged vessel Chong Chon Gang
19 in July 2013”.

20 (7) On July 28, 2014, the United Nations Se-
21 curity Council’s DPRK Sanctions Committee sanc-
22 tioned the North Korea shipping company, Ocean
23 Maritime Management Company, for its “key role in
24 arranging the shipment of concealed arms and re-
25 lated materiel from Cuba to the DPRK in July

1 2013” and stated that the company “contributed to
2 activities prohibited by the resolutions, namely the
3 arms embargo imposed by resolution 1718 (2006),
4 as modified by resolution 1874 (2009), and contrib-
5 uted to the evasion of the measures imposed by
6 these resolutions”.

7 (8) On July 28, 2014, the United States Per-
8 manent Representative to the United Nations,
9 Samantha Power, stated that the attempted arms
10 shipment was a “cynical, outrageous and illegal at-
11 tempt by Cuba and North Korea to circumvent
12 United Nations Sanctions prohibiting the export of
13 weapons to North Korea” and that the United Na-
14 tions Security Council’s DPRK Sanctions Committee
15 had “uncovered irrefutable facts that clearly prove
16 Cuba and the DPRK’s intentions to violate sanc-
17 tions by employing highly sophisticated deception
18 and obfuscation techniques, including Cuba’s false
19 claims about the transaction being a routine repair
20 effort when detected by Panamanian and UN au-
21 thorities”.

22 (9) North Korean negotiators in the Six-Party
23 diplomatic process did not act in good faith by their
24 refusal to agree to a transparent verification process
25 for denuclearization consistent with “international

1 standards”, including provisions for nuclear sam-
2 pling, following North Korea’s removal on October
3 11, 2008, from the list of state sponsors of terrorism
4 maintained by the Department of State.

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

12 (11) International press reports indicate that
13 North Korea was engaged for a number of years in
14 assistance to Syria in the construction of a nuclear
15 reactor in the Syrian desert which was destroyed in
16 a strike by Israeli forces on September 6, 2007.

17 (12) North Korean negotiators continue to
18 refuse to address in a humane and sincere manner
19 the issue of the abduction of civilians of Japan and
20 the Republic of Korea, both allies of the United
21 States, as well as the abductions of citizens from a
22 number of other countries, including France, Leb-
23 anon, Romania, and Thailand.

24 (13) Defectors coming out of North Korea have
25 provided testimony that United States permanent

1 resident, Reverend Kim Dong-shik, the spouse and
2 father of United States citizens, was tortured and
3 murdered inside North Korea after his abduction by
4 Pyongyang’s agents on the Chinese border in Janu-
5 ary 2000 and that his remains are currently being
6 held at a military facility inside North Korea.

7 (14) Congress authoritatively expressed its
8 view, in section 202(b)(2) of the North Korean
9 Human Rights Act of 2004 (Public Law 108–333;
10 22 U.S.C. 7832(b)(2)) that “United States non-
11 humanitarian assistance to North Korea shall be
12 contingent on North Korea’s substantial progress”
13 on human rights improvements, release of and ac-
14 counting for abductees, family reunification, reform
15 of North Korea’s labor camp system, and the de-
16 criminalization of political expression, none of which
17 has occurred.

18 (15) Congress further authoritatively expressed
19 its view, in section 2 of the North Korean Human
20 Rights Reauthorization Act of 2008 (Public Law
21 110–346) that “human rights and humanitarian
22 conditions inside North Korea are deplorable” and
23 that “North Korean refugees remain acutely vulner-
24 able”.

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

19 (17) Congress has further determined that a re-
20 turn by North Korea to the Six-Party diplomatic
21 process following any missile test or launch by
22 Pyongyang must include a firm and transparent
23 commitment to the complete, verifiable and irrevers-
24 ible dismantlement of all of North Korea’s nuclear

1 programs, including those derived both from pluto-
2 nium as well as highly enriched uranium.

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

13 (19) North Korea, in defiance of the inter-
14 national community’s efforts to end nuclear pro-
15 liferation and in violation of its international obliga-
16 tions, conducted a second underground nuclear test
17 on May 25, 2009 (local time), in violation of United
18 Nations Security Council Resolution 1718, which re-
19 sulted in the passage of United Nations Security
20 Council Resolution 1874 on June 12, 2009, which
21 imposed additional sanctions and inspection require-
22 ments with regard to North Korea.

23 (20) North Korea, according to Western press
24 reports, transshipped missile parts, used to run
25 Iran’s solid fuel ballistic missile program, to Tehran

1 via Air Iran flights which landed in Beijing, China
2 in 2007.

3 (21) Press reports in March 2011 indicated
4 that opposition forces in Libya, when they took posi-
5 tions from Qaddafi forces, discovered North Korean
6 weapons caches, including rockets and anti-aircraft
7 guns, unpacked from crates labeled “bulldozer
8 parts,” which would represent a clear violation of
9 United Nations sanctions.

10 (22) On August 16, 2012, the President signed
11 into law the Ambassador James R. Lilley and Con-
12 gressman Stephen J. Solarz North Korea Human
13 Rights Reauthorization Act of 2012 (Public Law
14 112–172).

15 (23) Congress further authoritatively expressed
16 its view in section 2 of Public Law 112–172 that
17 “although the transition to the leadership of Kim
18 Jong-Un after the death of Kim Jong-Il has intro-
19 duced new uncertainties and possibilities, the funda-
20 mental human rights and humanitarian conditions
21 inside North Korea remain deplorable, North Ko-
22 rean refugees remain acutely vulnerable, and the
23 findings in the 2004 Act and 2008 Reauthorization
24 remain substantially accurate today”.

1 (24) Notwithstanding the succession of Kim
2 Jong-Un as supreme leader of North Korea fol-
3 lowing the death of his father in December 2011,
4 Pyongyang has continued a policy of horrendous
5 human rights violations, including the issuance of
6 new “shoot to kill” orders for refugees attempting to
7 cross the border into China and an increased reli-
8 ance on public executions to intimidate the North
9 Korean populace.

10 (25) The new Kim Jong-Un regime also dis-
11 played duplicity in its negotiations with the United
12 States and other Six-Party partners by launching a
13 missile in April 2012 in direct violation of its “Leap
14 Day Agreement” to carry out a moratorium on nu-
15 clear and long-range missile tests.

16 (26) Pyongyang defied the international com-
17 munity and relevant United Nations Security Coun-
18 cil resolutions by launching a long-range missile on
19 December 12, 2012, resulting in the unanimous pas-
20 sage of United Nations Security Council Resolution
21 2087 on January 22, 2013.

22 (27) The regime in Pyongyang further defied
23 the international community and relevant United
24 Nations Security Council resolutions by conducting a
25 nuclear test on February 12, 2013.

1 (28) According to the United States Geological
2 Survey, seismic activity was detected in North Korea
3 with an earthquake measuring 4.9 magnitude, larger
4 than the 2006 and 2009 explosions, and the epi-
5 center of the quake was close to a North Korean nu-
6 clear test site.

7 **SEC. 3. CONTINUATION OF RESTRICTIONS AGAINST THE**
8 **GOVERNMENT OF NORTH KOREA.**

9 (a) FINDING.—Congress finds that subsequent to the
10 decision of the Secretary of State on October 11, 2008,
11 to rescind the designation of North Korea as a state spon-
12 sor of terrorism, North Korea has committed acts that can
13 be defined as international terrorism or as highly provoca-
14 tive, including—

15 (1) the dispatch of a covert team of two North
16 Korean military-trained agents to South Korea with
17 orders to assassinate the late North Korean defector
18 Hwang Jang-yop who were apprehended by South
19 Korean officials in April 2010;

20 (2) complicity in the sinking of the South Ko-
21 rean naval vessel Cheonan on March 26, 2010,
22 which resulted in the deaths of 46 South Korean
23 naval personnel;

24 (3) the shipment of weapons by North Korea,
25 seized in Bangkok in December 2009, which were

1 bound for delivery to foreign terrorist organizations
2 Hezbollah and Hamas, according to a statement
3 made by Israeli Foreign Minister Avigdor Lieberman
4 in Tokyo on May 12, 2010;

5 (4) the sudden and unprovoked bombardment
6 by North Korean artillery of the civilian-populated
7 South Korean island of Yeonpyeong-do on November
8 23, 2010, which resulted in the deaths of two South
9 Korean civilians and two Republic of Korea (ROK)
10 marines;

11 (5) the sentencing by Seoul Central District
12 Court in January 2011 of North Korean agent Ri
13 Dong Sam to 10 years in prison for impersonating
14 a refugee in August 2010 to enter South Korea
15 under orders to assassinate leading North Korean
16 defector Hwang Jang-yop; and

17 (6) North Korea's "numerous provocations,
18 particularly the recent cyber-attack targeting Sony
19 Pictures Entertainment and the threats against
20 movie theaters and moviegoers," as described by the
21 Department of the Treasury on January 2, 2015.

22 (b) CONTINUATION OF RESTRICTIONS.—Notwith-
23 standing the decision by the Secretary of State on October
24 11, 2008, to rescind the designation of North Korea as
25 a state sponsor of terrorism, and in light of the congres-

1 sional finding described in subsection (a), restrictions
2 against the Government of North Korea that were im-
3 posed by reason of a determination of the Secretary of
4 State that the Government of North Korea is a state spon-
5 sor of terrorism, as well as sanctions against the Govern-
6 ment of North Korea (including sanctions that ban the
7 importation into the United States of North Korean prod-
8 ucts and goods), that are in effect as of the date of the
9 enactment of this Act shall remain in effect, and shall not
10 be lifted, unless the President makes the certification de-
11 scribed in subsection (c).

12 (c) CERTIFICATION.—The certification referred to in
13 subsection (b) is a certification to Congress containing a
14 determination of the President that the Government of
15 North Korea—

16 (1) is no longer engaged in the illegal transfer
17 of missile or nuclear technology, particularly to the
18 governments of Iran, Syria, or any other state spon-
19 sor of terrorism, or to Burma;

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

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

1 (B) any organization designated by the
2 Secretary of State as a foreign terrorist organi-
3 zation in accordance with section 219(a) of the
4 Immigration and Nationality Act (8 U.S.C.
5 1189(a)); and

6 (C) any person included on the annex to
7 Executive Order 13224 (September 21, 2001)
8 and any other person identified under section 1
9 of that Executive Order whose property and in-
10 terests are blocked by that section (commonly
11 known as a “specially designated global ter-
12 rorist”);

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

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

19 (5) has returned the last remains of United
20 States permanent resident, Reverend Kim Dong-
21 shik, to his United States citizen family and church
22 members, so that he may be provided with a proper
23 Christian burial in Chicago;

24 (6) has released the Japanese nationals recog-
25 nized as abduction victims by the Government of

1 Japan as well as abduction victims recognized by the
2 Government of the Republic of Korea;

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

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

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

20 (10) has made provision for unrestricted and
21 regular access by representatives of the United Na-
22 tional High Commissioner for Refugees to refugees
23 forcibly repatriated to North Korea to determine
24 their general health and welfare;

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

7 (12) has offered apologies to the government
8 and people of the Republic of Korea for the deaths
9 that North Korea inflicted due to the unprovoked at-
10 tacks on the South Korean naval vessel Cheonan on
11 March 26, 2010, and on the island of Yeonpyeong-
12 do on November 23, 2010; and

13 (13) is no longer engaged in cyber-attacks
14 against the United States, its government, infra-
15 structure, entities, or citizens, or those of its allies.

16 (d) SENSE OF CONGRESS.—It is the sense of Con-
17 gress that, in light of the congressional finding described
18 in subsection (a), the Secretary of State should redesign-
19 nate North Korea as a state sponsor of terrorism imme-
20 diately upon the date of the enactment of this Act.

21 (e) STATE SPONSOR OF TERRORISM DEFINED.—In
22 this section, the term “state sponsor of terrorism” means
23 any country the government of which the Secretary of
24 State determines has repeatedly provided support for acts
25 of international terrorism pursuant to section 6(j) of the

1 Export Administration Act of 1979 (as continued in effect
2 pursuant to the International Emergency Economic Pow-
3 ers Act), section 40 of the Arms Export Control Act, sec-
4 tion 620A of the Foreign Assistance Act of 1961, or any
5 other provision of law.

6 **SEC. 4. CONTINUATION OF DIPLOMATIC NONRECOGNITION**
7 **OF NORTH KOREA.**

8 (a) FINDING.—Congress finds that the United States
9 did not grant diplomatic recognition to North Korea upon
10 its establishment as a client regime of the former Soviet
11 Union in 1948. The United States has consistently contin-
12 ued to withhold such formal diplomatic recognition during
13 the 61 years since the sudden and unprovoked attack by
14 North Korean forces on the Republic of Korea on June
15 25, 1950, an attack which led directly to the Korean War
16 and the deaths of over 36,000 United States military per-
17 sonnel as well as at least 2,000,000 Koreans and over
18 3,000 soldiers from Allied countries.

19 (b) CONTINUATION OF DIPLOMATIC NONRECOGNI-
20 TION.—No funds may be expended for the establishment
21 of a United States diplomatic presence in North Korea,
22 including an Embassy, Consulate, or liaison office, until
23 such time as the President certifies to Congress that the
24 Government of North Korea has met all of the bench-
25 marks specified in section 3.

1 **SEC. 5. INTERNATIONAL RESPONSE TO A NORTH KOREAN**
2 **MISSILE LAUNCH OR NUCLEAR TEST.**

3 Given North Korea's third nuclear weapons test on
4 February 12, 2013, in violation of United Nations Secu-
5 rity Council Resolutions 1695, 1718, 1874, and 2087, the
6 President shall instruct the United States Permanent
7 Representative to the United Nations to use the voice,
8 vote, and influence of the United States to secure adoption
9 of a United Nations Security Council resolution con-
10 demning North Korea's action as a violation of United Na-
11 tions Security Council Resolutions 1695, 1718, 1874, and
12 2087 and requiring the implementation of comprehensive
13 sanctions and an inspection regime against North Korea.

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