

115TH CONGRESS
1ST SESSION

H. R. 479

IN THE SENATE OF THE UNITED STATES

APRIL 4, 2017

Received; read twice and referred to the Committee on Foreign Relations

AN ACT

To require a report on the designation of the Democratic People's Republic of Korea as a state sponsor of terrorism, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “North Korea State
3 Sponsor of Terrorism Designation Act of 2017”.

4 **SEC. 2. REPORT ON DESIGNATION OF GOVERNMENT OF**
5 **NORTH KOREA AS A STATE SPONSOR OF TER-**
6 **RORISM.**

7 (a) FINDINGS.—Congress finds the following:

8 (1) The United States Government designated
9 the Government of North Korea a state sponsor of
10 terrorism on January 20, 1988.

11 (2) On October 11, 2008, North Korea’s des-
12 ignation as a state sponsor of terrorism was re-
13 scinded, following commitments by the Government
14 of North Korea to dismantle its nuclear weapons
15 program. However, North Korea has failed to live up
16 to these commitments.

17 (3) On October 22, 2015, the United States
18 Special Representative for North Korea Policy with
19 the Department of State, testified before the House
20 Foreign Affairs Subcommittee on Terrorism, Non-
21 proliferation, and Trade that North Korea’s “con-
22 duct poses a growing threat to the United States,
23 our friends in the region, and the global non-
24 proliferation regime” and the Deputy Coordinator
25 for Homeland Security, Screening, and Designations
26 with the U.S. Department of State noted that

1 “weapons transfers that violate nonproliferation or
2 missile control regimes could be a relevant factor for
3 consideration, depending on the circumstances, con-
4 sistent with the statutory criteria for designation as
5 a state sponsor of terrorism”.

6 (4) The Government of North Korea has har-
7 bored members of the Japanese Red Army since a
8 1970 hijacking and continues to harbor the sur-
9 viving hijackers to this day.

10 (5) On July 16, 2010, in the case of Calderon-
11 Cardona v. Democratic People’s Republic of Korea
12 (case number 08–01367), the United States District
13 Court for the District of Puerto Rico found that the
14 Government of North Korea provided material sup-
15 port to the Japanese Red Army, designated as a for-
16 eign terrorist organization between 1997 and 2001,
17 in furtherance of a 1972 terrorist attack at Lod Air-
18 port, Israel that killed 26 people, including 17
19 Americans.

20 (6) In the case of Chaim Kaplan v. Hezbollah
21 (case number 09–646), a United States district
22 court found in 2014 that North Korea materially
23 supported terrorist attacks by Hezbollah, a des-
24 ignated foreign terrorist organization, against Israel
25 in 2006.

1 (7) In June 2010, Major Kim Myong-ho and
2 Major Dong Myong-gwan of North Korea’s Recon-
3 naissance General Bureau pled guilty in a South Ko-
4 rean court to attempting to assassinate Hwang
5 Jang-yop, a North Korean dissident in exile, on the
6 orders of Lieutenant General Kim Yong-chol, the
7 head of North Korea’s Reconnaissance General Bu-
8 reau. The court sentenced each defendant to 10
9 years in prison.

10 (8) In March 2015, the Government of South
11 Korea concluded that North Korea was responsible
12 for a December 2014 cyber attack against multiple
13 nuclear power plants in South Korea. The South
14 Korean Government stated that the attacks were in-
15 tended to cause a malfunction at the plants’ reac-
16 tors, and described the attacks as acts of “cyber-ter-
17 ror targeting our country”.

18 (9) On December 19, 2015, the Federal Bureau
19 of Investigation (FBI) concluded that North Korea
20 was responsible for a cyber attack on Sony Pictures
21 Entertainment and a subsequent threat of violence
22 against theaters that showed the film “The Inter-
23 view”. The FBI concluded that the “Guardians of
24 Peace”, which sent the threat to Sony Pictures En-
25 tertainment, was a unit of North Korea’s Reconnaiss-

1 sance General Bureau, its foreign intelligence serv-
2 ice.

3 (10) Malaysian authorities have alleged that of-
4 ficials from North Korea's secret police and Foreign
5 Ministry were involved in the poisoning and killing
6 of the estranged half-brother of the country's leader,
7 Kim Jong-nam, using the chemical weapon VX
8 nerve agent, a substance banned for use as a weapon
9 by the United Nations Chemical Weapons Conven-
10 tion, on February 13, 2017, in Kuala Lumpur.

11 (b) SENSE OF CONGRESS.—It is the sense of the
12 Congress that the Government of North Korea likely
13 meets the criteria for designation as a state sponsor of
14 terrorism and, if so should be so designated.

15 (c) DETERMINATION.—Not later than 90 days after
16 the date of the enactment of this Act, the Secretary of
17 State shall submit to the appropriate congressional com-
18 mittees a determination as to whether the Government of
19 North Korea meets the criteria for designation as a state
20 sponsor of terrorism.

21 (d) FORM.—The determination required by sub-
22 section (c) shall be submitted in unclassified form, but
23 may include a classified annex, if appropriate.

24 **SEC. 3. DEFINITIONS.**

25 In this Act:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

4 (A) the Committee on Foreign Relations of
5 the Senate; and

6 (B) the Committee on Foreign Affairs of
7 the House of Representatives.

8 (2) NORTH KOREA.—The term “North Korea”
9 means the Government of the Democratic People’s
10 Republic of Korea.

11 (3) STATE SPONSOR OF TERRORISM.—The term
12 “state sponsor of terrorism” means a country the
13 government of which the Secretary of State has de-
14 termined, for purposes of section 6(j) of the Export
15 Administration Act of 1979 (50 U.S.C. 4605(j)) (as
16 in effect pursuant to the International Emergency
17 Economic Powers Act), section 620A of the Foreign
18 Assistance Act of 1961 (22 U.S.C. 2371), section 40
19 of the Arms Export Control Act (22 U.S.C. 2780),
20 or any other provision of law, is a government that

