

**AMENDMENT TO H.R. 2410, AS REPORTED
OFFERED BY MS. ROS-LEHTINEN OF FLORIDA**

At the end of the bill, add the following:

1 **TITLE XII—NORTH KOREA SANC-**
2 **TIONS AND DIPLOMATIC NON-**
3 **RECOGNITION**

4 **SEC. 1201. SHORT TITLE.**

5 This title may be cited as the “North Korea Sanc-
6 tions and Diplomatic Nonrecognition Act of 2009”.

7 **SEC. 1202. FINDINGS.**

8 Congress finds the following:

9 (1) North Korean negotiators in the Six-Party
10 diplomatic process did not act in good faith by their
11 refusal to agree to a transparent verification process
12 for denuclearization consistent with “international
13 standards”, including provisions for nuclear sam-
14 pling, following North Korea’s removal on October
15 11, 2008, from the list of state sponsors of terrorism
16 maintained by the Department of State.

17 (2) International press reports indicate that
18 North Korea has continued to provide support to
19 Iran in the areas of missile technology and nuclear
20 development and has provided Iran’s surrogates,

1 Hezbollah and Hamas, with both missile technology
2 and training in tunneling techniques with which to
3 attack Israel, an ally of the United States.

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

9 (4) North Korean negotiators continue to refuse
10 to address in a humane and sincere manner the
11 issue of the abduction of civilians of Japan and the
12 Republic of Korea, both allies of the United States,
13 as well as the abductions of citizens from a number
14 of other countries, including France, Lebanon, Ro-
15 mania, and Thailand.

16 (5) Defectors coming out of North Korea have
17 provided testimony that United States permanent
18 resident, Reverend Kim Dong-shik, the spouse and
19 father of United States citizens, was tortured and
20 murdered inside North Korea after his abduction by
21 Pyongyang's agents on the Chinese border in Janu-
22 ary 2000 and that his remains are currently being
23 held at a military facility inside North Korea.

24 (6) Congress authoritatively expressed its view,
25 in section 202(b)(2) of the North Korean Human

1 Rights Act of 2004 (Public Law 108-333; 22 U.S.C.
2 7832(b)(2)) that “United States nonhumanitarian
3 assistance to North Korea shall be contingent on
4 North Korea’s substantial progress” on human
5 rights improvements, release of and accounting for
6 abductees, family reunification, reform of North Ko-
7 rea’s labor camp system, and the decriminalization
8 of political expression, none of which has occurred.

9 (7) Congress further authoritatively expressed
10 its view, in section 2 of the North Korean Human
11 Rights Reauthorization Act of 2008 (Public Law
12 110-346) that “human rights and humanitarian
13 conditions inside North Korea are deplorable” and
14 that “North Korean refugees remain acutely vulner-
15 able”.

16 (8) Congress has determined that any missile
17 test or launch conducted by North Korea would be
18 in direct violation of United Nations Security Coun-
19 cil resolution 1695, adopted on July 16, 2006, which
20 “condemns the multiple launches by the DPRK
21 (North Korea) of ballistic missiles on July 5 2006
22 local time”, and United Nations Security Council
23 resolution 1718, adopted on October 9, 2006, which
24 “demands that the DPRK (North Korea) not con-
25 duct any further nuclear test or launch of a ballistic

1 missile” and “decides that the DPRK shall suspend
2 all activities related to its ballistic missile pro-
3 gramme and in this context re-establish its pre-exist-
4 ing commitments to a moratorium on missile launch-
5 ing”, and further determines that the resulting sanc-
6 tions imposed under such resolution 1718 would
7 again come into full effect following a missile test or
8 launch.

9 (9) Congress has further determined that a re-
10 turn by North Korea to the Six-Party diplomatic
11 process following any missile test or launch by
12 Pyongyang must include a firm and transparent
13 commitment to the complete, verifiable and irrevers-
14 ible dismantlement of all of North Korea’s nuclear
15 programs, including those derived both from pluto-
16 nium as well as highly enriched uranium.

17 (10) Japanese press reports have indicated that
18 a delegation of approximately fifteen Iranian missile
19 experts have arrived in North Korea in March 2009
20 “to help Pyongyang prepare for a rocket launch”,
21 including senior officials with the Iranian rocket and
22 satellite producer Shahid Hemmat Industrial Group,
23 and that they brought with them a letter from their
24 President Mahmoud Ahmadinejad to North Korean

1 leader Kim Jong-Il stressing the importance of co-
2 operating on space technology.

3 **SEC. 1203. CONTINUATION OF RESTRICTIONS AGAINST THE**
4 **GOVERNMENT OF NORTH KOREA.**

5 The Secretary of State shall designate North Korea
6 as a state sponsor of terrorism that for purposes of section
7 6(j) of the Export Administration Act of 1979 (as contin-
8 ued in effect pursuant to the International Emergency
9 Economic Powers Act), section 40 of the Arms Export
10 Control Act, section 620A of the Foreign Assistance Act
11 of 1961, or other provision of law, is a government that
12 has repeatedly provided support for acts of international
13 terrorism, and such designation and the restrictions
14 against the Government of North Korea that are imposed
15 by reason of such designation, shall remain in effect, and
16 shall not be lifted pursuant to such provisions of law, un-
17 less the President certifies to Congress that the Govern-
18 ment of North Korea—

19 (1) is no longer engaged in the illegal transfer
20 of missile or nuclear technology, particularly to the
21 governments of Iran, Syria, or any other country,
22 the government of which the Secretary of State has
23 determined for purposes of section 6(j) of the Ex-
24 port Administration Act of 1979 (as continued in ef-
25 fect pursuant to the International Emergency Eco-

1 nomic Powers Act), section 40 of the Arms Export
2 Control Act, section 620A of the Foreign Assistance
3 Act of 1961, or other provision of law, is a govern-
4 ment that has repeatedly provided support for inter-
5 national acts of terrorism;

6 (2) is no longer engaged in training in combat
7 operations or tunneling, or harboring, supplying, fi-
8 nancing, or supporting in any way—

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

11 (B) any organization designated by the
12 Secretary of State as a foreign terrorist organi-
13 zation in accordance with section 219(a) of the
14 Immigration and Nationality Act (8 U.S.C.
15 1189(a)); and

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

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

1 (4) is no longer engaged in the international
2 trafficking of illicit narcotics into the United States,
3 Japan, Australia, or other allied countries of the
4 United States;

5 (5) has released United States citizens Euna
6 Lee and Laura Ling, who were working as journal-
7 ists reporting on refugees on the North Korean bor-
8 der of China when they were detained by North Ko-
9 rean guards on March 17, 2009, and has returned
10 the last remains of United States permanent resi-
11 dent, Reverend Kim Dong-shik, to his United States
12 citizen widow, family, and church members, so that
13 he may be provided with a proper Christian burial
14 in Chicago;

15 (6) has released the Japanese nationals recog-
16 nized as abduction victims by the Government of
17 Japan as well as abduction victims recognized by the
18 Government of the Republic of Korea;

19 (7) has released an estimated 600 surviving
20 South Korean POWs, and any other surviving
21 POWs from the Korean War, who have been held in
22 North Korea against their will and in violation of
23 the Armistice Agreement since hostilities ended in
24 July, 1953;

1 (8) has made concrete provisions for unre-
2 stricted family reunification meetings for those indi-
3 viduals among the two-million strong Korean-Amer-
4 ican community who maintain family ties with rel-
5 atives inside North Korea;

6 (9) has opened the North Korean penal system,
7 including the gulag of concentration camps holding
8 an estimated 200,000 political and religious pris-
9 oners, to unrestricted and regular visits by rep-
10 resentatives of the International Committee of the
11 Red Cross (ICRC);

12 (10) has made provision for unrestricted and
13 regular access by representatives of the United Na-
14 tional High Commissioner for Refugees to refugees
15 forcibly repatriated to North Korea to determine
16 their general health and welfare; and

17 (11) has made concrete provisions for unre-
18 stricted contact, including direct communications
19 and meetings, between representatives of inter-
20 national and South Korean religious organizations,
21 including Christians and Buddhists, and their co-be-
22 lievers inside North Korea.

1 **SEC. 1204. CONTINUATION OF DIPLOMATIC NONRECOGNI-**
2 **TION OF NORTH KOREA.**

3 (a) FINDING.—Congress finds that the United States
4 did not grant diplomatic recognition to North Korea upon
5 its establishment as a client regime of the former Soviet
6 Union in 1948. The United States has consistently contin-
7 ued to withhold such formal diplomatic recognition during
8 the 59 years since the sudden and unprovoked attack by
9 North Korean forces on the Republic of Korea on June
10 25, 1950, an attack which led directly to the Korean War
11 and the deaths of over 36,000 United States military per-
12 sonnel as well as at least 2,000,000 Koreans and over
13 3,000 soldiers from Allied countries.

14 (b) CONTINUATION OF DIPLOMATIC NONRECOGNI-
15 TION.—The diplomatic nonrecognition described in sub-
16 section (a), including restrictions on the establishment of
17 a permanent presence or United States liaison office inside
18 North Korea, shall remain in effect, until such time as
19 the President certifies to Congress that the Government
20 of North Korea has met all of the benchmarks specified
21 in section 3.

22 **SEC. 1205. INTERNATIONAL RESPONSE TO A NORTH KO-**
23 **REAN MISSILE LAUNCH.**

24 In the case of the launch of a missile, rocket, or other
25 airborne object by North Korea in clear violation of United
26 Nations Security Council resolutions 1695 and 1718, the

1 President shall instruct the United States Permanent
2 Representative to the United Nations to use the voice,
3 vote, and influence of the United States to secure adoption
4 of a United Nations Security Council resolution con-
5 demning North Korea's action as a violation of United Na-
6 tions Security Council resolutions 1695 and 1718 and re-
7 quiring the implementation of comprehensive sanctions
8 against North Korea.

