

115TH CONGRESS
1ST SESSION

H. R. 479

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.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 12, 2017

Mr. POE of Texas (for himself and Mr. SHERMAN) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

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

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

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

1 (1) The Government of North Korea was des-
2 ignated a state sponsor of terrorism on January 20,
3 1988, for repeatedly providing support of acts of
4 international terrorism.

5 (2) However, on October 11, 2008, North Ko-
6 rea's designation as a state sponsor of terrorism was
7 rescinded, following commitments by the Govern-
8 ment of North Korea to completely, verifiably, and
9 irreversibly dismantle its nuclear weapons program,
10 yet North Korea has failed to live up to these com-
11 mitments and is continuing to produce ever greater
12 quantities of fissile material for nuclear weapons and
13 periodically conduct testing of nuclear explosive de-
14 vices.

15 (3) Consequences of a state sponsors of ter-
16 rorism designation include a ban on arms-related ex-
17 ports and sales; restrictions on exports of dual-use
18 items; restrictions on foreign assistance; financial
19 sanctions against transactions with the designated
20 government; imposition of miscellaneous trade and
21 other restrictions; and potential liability in United
22 States courts for acts that fall within the terrorism
23 exception of the Foreign Sovereign Immunities Act.
24 The criminal code also prohibits financial trans-
25 actions by United States persons with any govern-

1 ment designated as a state sponsor of terrorism.
2 Issuers of securities must disclose in their public fil-
3 ings any investments in states whose governments
4 sponsor terrorism. Finally, a designation requires
5 United States representatives to oppose any benefits
6 or extensions of credit to any designated government
7 by international financial institutions.

8 (4) On October 22, 2015, Ambassador Sung
9 Kim, Special Representative for North Korea Policy
10 with the U.S. Department of State, testified before
11 the House Foreign Affairs Subcommittee on Ter-
12 rorism, Nonproliferation, and Trade that North Ko-
13 rea’s “conduct poses a growing threat to the United
14 States, our friends in the region, and the global non-
15 proliferation regime” and Ms. Hilary Batjer John-
16 son, Deputy Coordinator for Homeland Security,
17 Screening, and Designations with the U.S. Depart-
18 ment of State noted that “weapons transfers that
19 violate nonproliferation or missile control regimes
20 could be a relevant factor for consideration, depend-
21 ing on the circumstances, consistent with the statu-
22 tory criteria for designation as a state sponsor of
23 terrorism”.

24 (5) The Government of North Korea has har-
25 bored members of the Japanese Red Army since a

1 1970 hijacking and continues to harbor the sur-
2 viving hijackers to this day.

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

13 (7) On April 18, 2013, Michael Flynn, the Di-
14 rector of the Defense Intelligence Agency testified
15 that Syria's liquid-propellant missile program de-
16 pends on essential foreign equipment and assistance,
17 primarily from North Korean entities. Further state-
18 ments by United States Government officials report
19 that North Korea helped Syria build the Al Kibar
20 nuclear reactor, which Israel reportedly destroyed in
21 2007, and could have been used to produce pluto-
22 nium for nuclear weapons.

23 (8) Of the three foreign governments currently
24 designated as state sponsors of terrorism, the gov-
25 ernments of Iran and Syria are designated as state

1 sponsors of terrorism for their support of Hamas
2 and Hezbollah. The Department of State’s 2005,
3 2007, 2010, 2012, and 2013 “Country Reports” all
4 cited Iran and Syria for supplying weapons to
5 Hezbollah through Syrian territory, and most of
6 them also cited Iran’s training of Hezbollah.

7 (9) In the case of Chaim Kaplan v. Hezbollah
8 (case number 09–646), a United States district
9 court found in 2014 that North Korea materially
10 supported terrorist attacks by Hezbollah, a des-
11 ignated foreign terrorist organization, against Israel
12 in 2006.

13 (10) In December 2009, a North Korean arms
14 shipment aboard an Ilyushin Il–76 cargo plane was
15 discovered and seized by authorities of the Govern-
16 ment of Thailand. The cargo, which was marked as
17 consisting of oil-drilling equipment, contained 35
18 tons of rockets, surface-to-air missiles (MANPADS),
19 explosives, rocket-propelled grenades, and other
20 weaponry. A similar shipment was impounded in the
21 United Arab Emirates a few months earlier in July
22 2009. A third shipment was intercepted by the
23 Israeli government in the Eastern Mediterranean in
24 November 2009. According to published media re-
25 ports, United States and Israeli intelligence agencies

1 concluded that the shipments were destined for Ira-
2 nian-backed terrorists, including Hezbollah, Hamas,
3 and the Quds Force. Another large quantity of ship-
4 ments to both Hamas and Hezbollah, is believed to
5 have been transferred unnoticed.

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

15 (12) In July 2014, press reports indicated that
16 militants from Hamas, a designated foreign terrorist
17 organization, attempted to negotiate a new arms
18 deal with North Korea for missiles and communica-
19 tions equipment that would have allowed the mili-
20 tants to maintain their armed terrorist attacks
21 against Israel. Security officials announced that the
22 deal between Hamas and North Korea was worth
23 hundreds of thousands of dollars and was handled
24 by a Lebanese-based trading company.

1 (13) On November 24, 2014, a hacker group
2 that identified itself as the “Guardians of Peace”
3 leaked confidential data from the film studio Sony
4 Pictures Entertainment. The data included personal
5 information about Sony Pictures employees, e-mails
6 between employees, information about executive sala-
7 ries at the company, copies of then-unreleased Sony
8 films, and other information.

9 (14) On December 16, 2015, the “Guardians of
10 Peace” sent a message to Sony Pictures, to “clearly
11 show it to you at the very time and places ‘The
12 Interview’ be shown . . . how bitter fate those who
13 seek fun in terror should be doomed to”. The mes-
14 sage further stated, “The world will be full of fear”,
15 “[. . .] Remember the 11th of September 2001”,
16 and “We recommend you to keep yourself distant
17 from the places at that time.”. The threat caused
18 theaters across the United States to cancel showings
19 of “The Interview” and caused Sony Pictures to
20 cancel the release of the film in theaters.

21 (15) On December 19, 2015, the Federal Bu-
22 reau of Investigation concluded that North Korea
23 was responsible for the cyber attack on Sony Pic-
24 tures Entertainment and the threat against the
25 movie theaters, and that the “Guardians of Peace”

1 was a unit of North Korea’s Reconnaissance General
2 Bureau, its foreign intelligence service.

3 (16) In March 2015, the South Korean govern-
4 ment publicly accused North Korea of responsibility
5 for a December 2014 cyber attack against multiple
6 nuclear power plants in South Korea, stated that the
7 attacks were intended to cause a malfunction at the
8 plants’ reactors, and described the attacks as acts of
9 “cyber-terror targeting our country”.

10 (b) SENSE OF CONGRESS.—It is the sense of the
11 Congress that the Government of North Korea likely
12 meets the criteria for designation as a state sponsor of
13 terrorism and, if so, should be so designated. North Korea
14 has failed to live up to its 2008 commitments to verifiably
15 dismantle its nuclear weapons program and appears to
16 have continued to support acts of international terrorism
17 after its removal from the list of state sponsors of ter-
18 rorism in October 2008.

19 (c) REPORT; DETERMINATION OR JUSTIFICATION.—

20 (1) IN GENERAL.—Not later than 90 days after
21 the date of the enactment of this Act, the Secretary
22 of State shall submit to the appropriate congres-
23 sional committees a report that finds whether—

24 (A)(i) with respect to each of the acts de-
25 scribed in paragraphs (5) through (16) of sub-

1 section (a), the Government of North Korea, in-
2 cluding any agents or instrumentalities of the
3 Government of North Korea, directly or indi-
4 rectly, committed, conspired to commit, at-
5 tempted, aided, or abetted such act; and

6 (ii) since October 2008, the Government of
7 North Korea, including any agents or instru-
8 mentalities of the Government of North Korea,
9 directly or indirectly, committed, conspired to
10 commit, attempted, aided, or abetted any other
11 act of international terrorism, including
12 through—

13 (I) support for any organization des-
14 ignated as a foreign terrorist organization,
15 any entity designated pursuant to Execu-
16 tive Order 13224, or any entity that other-
17 wise supports acts of international ter-
18 rorism;

19 (II) direct sponsorship of acts of
20 international terrorism; or

21 (III) the provision of armaments or
22 other controlled goods, services, or tech-
23 nology to any country the government of
24 which is designated as a state sponsor of
25 terrorism; and

1 (B) such act constitutes support for inter-
2 national terrorism.

3 (2) DETERMINATION OR JUSTIFICATION.—If
4 the Secretary of State finds that the Government of
5 North Korea, including any agents or instrumental-
6 ities of the Government of North Korea, directly or
7 indirectly, committed, conspired to commit, at-
8 tempted, aided, or abetted any act described in
9 clause (i) or (ii) of paragraph (1)(A) and such act
10 constitutes support for international terrorism under
11 paragraph (1)(B), the Secretary shall make a deter-
12 mination of whether, based on the information in the
13 report and all other relevant sources, the Govern-
14 ment of North Korea meets the criteria for designa-
15 tion as a state sponsor or terrorism, and in the
16 event the Secretary does not decide to designate the
17 Government of North Korea a state sponsor of ter-
18 rorism, the Secretary shall provide a detailed jus-
19 tification for why the Government of North Korea
20 should not be designated a state sponsor of ter-
21 rorism.

22 (d) FORM.—The report required by subsection (c)(1)
23 shall be submitted in unclassified form, but may include
24 a classified annex, if appropriate.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

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

6 (A) the Committee on Foreign Relations of
7 the Senate; and

8 (B) the Committee on Foreign Affairs of
9 the House of Representatives.

10 (2) FOREIGN TERRORIST ORGANIZATION.—The
11 term “foreign terrorist organization” means an or-
12 ganization designated by the Secretary of State as a
13 foreign terrorist organization under section 219 of
14 the Immigration and Nationality Act (8 U.S.C.
15 1189).

16 (3) NORTH KOREA.—The term “North Korea”
17 means the Democratic People’s Republic of Korea.

18 (4) STATE SPONSOR OF TERRORISM.—The term
19 “state sponsor of terrorism” means a country the
20 government of which the Secretary of State has de-
21 termined, for purposes of section 6(j) of the Export
22 Administration Act of 1979 (50 U.S.C. 4605(j)) (as
23 in effect pursuant to the International Emergency
24 Economic Powers Act), section 620A of the Foreign
25 Assistance Act of 1961 (22 U.S.C. 2371), section 40
26 of the Arms Export Control Act (22 U.S.C. 2780),

1 or any other provision of law, is a government that
2 has repeatedly provided support for acts of inter-
3 national terrorism.

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