

115TH CONGRESS
1ST SESSION

S. _____

To require a report on designation of North Korea as a state sponsor of terrorism, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. CRUZ introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To require a report on designation of North 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 makes the following find-
10 ings:

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

4 (2) On October 11, 2008, North Korea's des-
5 ignation as a state sponsor of terrorism was re-
6 scinded, following commitments by the Government
7 of North Korea to dismantle its nuclear weapons
8 program. However, North Korea has failed to live up
9 to these commitments.

10 (3) On October 22, 2015, the U.S. Special Rep-
11 resentative for North Korea Policy with the Depart-
12 ment of State testified before the House Foreign Af-
13 fairs Subcommittee on Terrorism, Nonproliferation,
14 and Trade that North Korea's "conduct poses a
15 growing threat to the United States, our friends in
16 the region, and the global nonproliferation regime"
17 and the Deputy Coordinator for Homeland Security,
18 Screening, and Designations with the Department of
19 State noted that "weapons transfers that violate
20 nonproliferation or missile control regimes could be
21 a relevant factor for consideration, depending on the
22 circumstances, consistent with the statutory criteria
23 for designation as a state sponsor of terrorism".

24 (4) 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 (5) 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 (6) In the case of *Chaim Kaplan v. Hezbollah*
14 (case number 09–646), a United States district
15 court found in 2014 that North Korea materially
16 supported terrorist attacks by Hezbollah, a des-
17 ignated foreign terrorist organization, against Israel
18 in 2006.

19 (7) In June 2010, Major Kim Myong-ho and
20 Major Dong Myong-gwan of North Korea's Recon-
21 naissance General Bureau pled guilty in a South Ko-
22 rean court to attempting to assassinate Hwang
23 Jang-yop, a North Korean dissident in exile, on the
24 orders of Lieutenant General Kim Yong-chol, the
25 head of North Korea's Reconnaissance General Bu-

1 reau. The court sentenced each defendant to 10
2 years in prison.

3 (8) In March 2015, the South Korean govern-
4 ment concluded that North Korea was responsible
5 for a December 2014 cyber attack against multiple
6 nuclear power plants in South Korea. The South
7 Korean government stated that the attacks were in-
8 tended to cause a malfunction at the plants' reac-
9 tors, and described the attacks as acts of "cyber-ter-
10 ror targeting our country".

11 (9) On December 19, 2015, the Federal Bureau
12 of Investigation (FBI) concluded that North Korea
13 was responsible for a cyber attack on Sony Pictures
14 Entertainment and a subsequent threat of violence
15 against theaters that showed the film "The Inter-
16 view". The FBI concluded that the "Guardians of
17 Peace," which sent the threat to Sony Pictures, was
18 a unit of North Korea's Reconnaissance General Bu-
19 reau, its foreign intelligence service.

20 (10) South Korean and Malaysian authorities
21 have alleged that officials from North Korea's secret
22 police and Foreign Ministry were involved in the poi-
23 soning and killing of the estranged half-brother of
24 the country's leader, Kim Jong-nam, using the
25 chemical weapon VX nerve agent, a substance

1 banned for use as a weapon by the United Nations
2 Chemical Weapons Convention, on February 13,
3 2017, in Kuala Lumpur.

4 (b) SENSE OF CONGRESS.—It is the sense of the
5 Congress that the Government of North Korea should be
6 designated as a state sponsor of terrorism.

7 (c) DETERMINATION.—Not later than 90 days after
8 the date of the enactment of this Act, the Secretary of
9 State shall submit to the appropriate congressional com-
10 mittees a determination as to whether North Korea meets
11 the criteria for designation as a state sponsor of terrorism.

12 (d) FORM.—The report required by subsection (c)
13 shall be submitted in unclassified form, but may include
14 a classified annex, if appropriate.

15 **SEC. 3. DEFINITIONS.**

16 In this Act:

17 (1) APPROPRIATE CONGRESSIONAL COMMIT-
18 TEES.—The term “appropriate congressional com-
19 mittees” means—

20 (A) the Committee on Foreign Relations of
21 the Senate; and

22 (B) the Committee on Foreign Affairs of
23 the House of Representatives.

24 (2) FOREIGN TERRORIST ORGANIZATION.—The
25 term “foreign terrorist organization” means an or-

1 organization designated by the Secretary of State as a
2 foreign terrorist organization under section 219 of
3 the Immigration and Nationality Act (8 U.S.C.
4 1189).

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

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