

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 1293

To provide for implementation of the Agreed Framework with North Korea regarding resolution of the nuclear issue on the Korean Peninsula, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29 (legislative day, SEPTEMBER 25), 1995

Mr. MURKOWSKI (for himself, Mr. HELMS, Mr. McCAIN, and Mr. NICKLES) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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## A BILL

To provide for implementation of the Agreed Framework with North Korea regarding resolution of the nuclear issue on the Korean Peninsula, 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 “Authorization for Im-  
5       plementation of the Agreed Framework Between the  
6       United States and North Korea Act”.

1 **SEC. 2. STATEMENT OF PURPOSE; STATUTORY CONSTRUC-**  
2 **TION.**

3 (a) PURPOSE.—The purpose of this Act is to set forth  
4 requirements, consistent with the Agreed Framework, for  
5 the United States implementation of the Agreed Frame-  
6 work.

7 (b) STATUTORY CONSTRUCTION.—Nothing in this  
8 Act requires the United States to take any action which  
9 would be inconsistent with any provision of the Agreed  
10 Framework.

11 **SEC. 3. RESTRICTION ON FUNDING.**

12 (a) SUBJECT TO AN AUTHORIZATION OF APPROPRIA-  
13 TIONS ACT AND AN APPROPRIATIONS ACT.—The United  
14 States may not exercise any action under the Agreed  
15 Framework that would require the obligation or expendi-  
16 ture of funds except to the extent and in the amounts pro-  
17 vided in an Act authorizing appropriations and in an ap-  
18 propriations Act.

19 (b) PROHIBITION.—No funds may be made available  
20 under any provision of law to carry out activities described  
21 in the Agreed Framework unless the President determines  
22 and certifies to Congress that North Korea is in full com-  
23 pliance with the terms of the Agreed Framework.

24 **SEC. 4. NORMALIZATION OF DIPLOMATIC RELATIONS.**

25 None of the funds made available to carry out any  
26 program, project, or activity funded under any provision

1 of law may be used to maintain relations with North  
2 Korea at the ambassadorial level unless North Korea has  
3 satisfied the IAEA safeguards requirement described in  
4 section 7, the additional requirements set forth in section  
5 8, and the nuclear nonproliferation requirements of sec-  
6 tion 9.

7 **SEC. 5. NORMALIZATION OF ECONOMIC RELATIONS.**

8 (a) RESTRICTION ON TERMINATION OF ECONOMIC  
9 EMBARGO.—The President shall not terminate the eco-  
10 nomic embargo of North Korea until North Korea has sat-  
11 isfied the IAEA safeguards requirement described in sec-  
12 tion 7, the additional requirements set forth in section 8,  
13 and the nuclear nonproliferation requirements of section  
14 9.

15 (b) DEFINITION.—As used in this section, the term  
16 “economic embargo of North Korea” means the regula-  
17 tions of the Department of the Treasury restricting trade  
18 with North Korea under section 5(b) of the Trading With  
19 the Enemy Act (50 U.S.C. App. 5(b)).

20 **SEC. 6. RESTRICTION ON PETROLEUM SHIPMENTS.**

21 (a) RESTRICTION.—If North Korea does not main-  
22 tain the freeze of its graphite-moderated nuclear program  
23 as defined in the Agreed Framework, or if North Korea  
24 diverts heavy oil for purposes not specified in the Agreed  
25 Framework, then—

1           (1) no additional heavy oil may be exported to  
2       North Korea if such oil is subject to the jurisdiction  
3       of the United States, or is exported by a person sub-  
4       ject to the jurisdiction of the United States;

5           (2) the United States shall immediately cease  
6       any direct or indirect support for any exports of  
7       heavy oil to North Korea; and

8           (3) the President shall oppose steps to export  
9       heavy oil to North Korea by all other countries in  
10      the Korean Peninsula Energy Development Organi-  
11      zation.

12       (b) ENFORCEMENT.—Whoever violates subsection  
13   (a)(1) having the requisite knowledge described in section  
14   11 of the Export Administration Act of 1979 (50 U.S.C.  
15   App. 2410) shall be subject to the same penalties as are  
16   provided in that section for violations of that Act.

17   **SEC. 7. IAEA SAFEGUARDS REQUIREMENT.**

18       The requirement of this section is satisfied when the  
19   President determines and certifies to the appropriate con-  
20   gressional committees that North Korea is in full compli-  
21   ance with its safeguards agreement with the International  
22   Atomic Energy Agency (INFCIRC/403), in accordance  
23   with part IV (3) of the Agreed Framework under the time-  
24   table set forth therein, as determined by the Agency  
25   after—

1           (1) conducting inspections of the two suspected  
2       nuclear waste sites at the Yongbyon nuclear com-  
3       plex; and

4           (2) conducting such other inspections in North  
5       Korea as may be deemed necessary by the Agency.

6 **SEC. 8. ADDITIONAL REQUIREMENTS.**

7       The additional requirements referred to in sections  
8   4 and 5 are the following, as determined and certified by  
9   the President to the appropriate congressional committees:

10           (1) That progress has been made in talks be-  
11       tween North Korea and the Republic of Korea, in-  
12       cluding implementation of confidence-building meas-  
13       ures by North Korea as well as other concrete steps  
14       to reduce tensions.

15           (2) That the United States and North Korea  
16       have established a process for returning the remains  
17       of United States military personnel who are listed as  
18       missing in action (MIAs) during the Korean conflict  
19       between 1950 and 1953, including field activities  
20       conducted jointly by the United States and North  
21       Korea.

22           (3) That North Korea no longer meets the cri-  
23       teria for inclusion on the list maintained by the Sec-  
24       retary of State under section 6(j)(1)(A) of the Ex-  
25       port Administration Act of 1979 of countries the

1 governments of which repeatedly provide support for  
2 acts of international terrorism.

3 (4) That North Korea has taken positive steps  
4 to demonstrate a greater respect for internationally  
5 recognized human rights.

6 (5) That North Korea has agreed to control  
7 equipment and technology in accordance with the  
8 criteria and standards set forth in the Missile Tech-  
9 nology Control Regime, as defined in section 74(2)  
10 of the Arms Export Control Act (22 U.S.C. 2797c).

11 **SEC. 9. NUCLEAR NONPROLIFERATION REQUIREMENTS.**

12 The nuclear nonproliferation requirements referred to  
13 in sections 4 and 5 are the following, as determined and  
14 certified by the President to the appropriate congressional  
15 committees and the Committee on Energy and Natural  
16 Resources of the Senate:

17 (1) All spent fuel from the graphite-moderated  
18 nuclear reactors of North Korea have been removed  
19 from the territory of North Korea as is consistent  
20 with the Agreed Framework.

21 (2) The International Atomic Energy Agency  
22 has conducted any and all inspections that it deems  
23 necessary to account fully for the stocks of pluto-  
24 nium and other nuclear materials in North Korea,  
25 including special inspections of suspected nuclear

1 waste sites, before any nuclear components con-  
2 trolled by the Nuclear Supplier Group Guidelines are  
3 delivered for a light water reactor for North Korea.

4 (3) The dismantlement of all graphite-based nu-  
5 clear reactors in North Korea, including reprocess-  
6 ing facilities, has been completed in accordance with  
7 the Agreed Framework and in a manner that effec-  
8 tively bars in perpetuity any reactivation of such re-  
9 actors and facilities.

10 **SEC. 10. SUSPENSION OF UNITED STATES OBLIGATIONS.**

11 The United States shall suspend actions described in  
12 the Agreed Framework if North Korea reloads its existing  
13 5 megawatt nuclear reactor or resumes construction of nu-  
14 clear facilities other than those permitted to be built under  
15 the Agreed Framework.

16 **SEC. 11. WAIVER.**

17 The President may waive the application of section  
18 7, 8, 9, or 10 if the President determines, and so notifies  
19 in writing the appropriate congressional committees, that  
20 to do so is vital to the security interests of the United  
21 States.

22 **SEC. 12. REPORTING REQUIREMENTS.**

23 Beginning 6 months after the date of enactment of  
24 this Act, and every 12 months thereafter, the President

1 shall transmit to the appropriate congressional committees  
2 a report setting forth—

3           (1) an assessment of the extent of compliance  
4       by North Korea with all the provisions of the Agreed  
5       Framework and this Act;

6           (2) a statement of the progress made on con-  
7       struction of light-water reactors, including a state-  
8       ment of all contributions, direct and indirect, made  
9       by any country to the Korean Peninsula Energy De-  
10      velopment Organization from the date of signature  
11      of the Agreed Framework to the date of the report;

12          (3) a statement of all contributions, direct or  
13      indirect, by any country which is not a member of  
14      the Korean Peninsula Energy Development Organi-  
15      zation for implementation of the Agreed Framework;

16          (4) a statement of all expenditures made by the  
17      Korean Peninsula Energy Development Organiza-  
18      tion, either directly or indirectly, for implementation  
19      of the Agreed Framework;

20          (5) an estimate of the date by which North  
21      Korea is expected to satisfy the IAEA safeguards re-  
22      quirement described in section 7;

23          (6) a statement whether North Korea is trans-  
24      ferring missiles or missile technology to other coun-



1       tries, including those countries that are state spon-  
2       sors of international terrorism;

3           (7) a description of any new developments or  
4       advances in North Korea's nuclear weapons pro-  
5       gram;

6           (8) a statement of the progress made by the  
7       United States in fulfilling its actions under the  
8       Agreed Framework, including any steps taken to-  
9       ward normalization of relations with North Korea;

10          (9) a statement of any progress made on dis-  
11       mantlement and destruction of the graphite-mod-  
12       erated nuclear reactors of North Korea and related  
13       facilities;

14          (10) a description of the steps being taken to  
15       implement the North-South Joint Declaration on the  
16       Denuclearization of the Korean Peninsula;

17          (11) an assessment of the participation by  
18       North Korea in talks between North Korea and the  
19       Republic of Korea; and

20          (12) a description of any action taken by the  
21       President under section 6(a)(2).

22       (b) FORM OF REPORT.—To the maximum extent pos-  
23       sible, the President should submit the report in unclassi-  
24       fied form.

1 **SEC. 13. DEFINITIONS.**

2 As used in this Act:

3 (1) AGREED FRAMEWORK.—The term “Agreed  
4 Framework” means the document entitled “Agreed  
5 Framework Between the United States of America  
6 and the Democratic People’s Republic of Korea”,  
7 signed October 21, 1994, at Geneva, and the at-  
8 tached Confidential Minute.

9 (2) APPROPRIATE CONGRESSIONAL COMMIT-  
10 TEES.—The term “appropriate congressional com-  
11 mittees” means the Committees on Foreign Rela-  
12 tions and Armed Services of the Senate and the  
13 Committees on International Relations and National  
14 Security of the House of Representatives.

15 (3) IAEA SAFEGUARDS.—The term “IAEA  
16 safeguards” means the safeguards set forth in an  
17 agreement between a country and the International  
18 Atomic Energy Agency, as authorized by Article  
19 III(A)(5) of the Statute of the International Atomic  
20 Energy Agency.

21 (4) NORTH KOREA.—The term “North Korea”  
22 means the Democratic People’s Republic of Korea,  
23 including any agency or instrumentality thereof.

24 (5) INSPECTIONS.—The term “inspections”  
25 means inspections conducted by the International  
26 Atomic Energy Agency pursuant to an IAEA safe-

1 guards agreement, including special inspection of  
2 undeclared information or locations if the IAEA can-  
3 not account for nuclear material and is therefore un-  
4 able to verify that there has been no diversion of nu-  
5 clear materials.

