

AMENDMENT TO H.R. 2415
OFFERED BY MR. GILMAN AND MR. MARKEY

Page 84, after line 16, insert the following (and make such technical and conforming changes as may be necessary):

1 **SEC. 703. RESTRICTIONS ON NUCLEAR COOPERATION WITH**
2 **NORTH KOREA.**

3 (a) IN GENERAL.—Notwithstanding any other provi-
4 sion of law or any international agreement, no agreement
5 for cooperation (as defined in sec. 11 b. of the Atomic
6 Energy Act of 1954 (42 U.S.C. 2014 b.)) between the
7 United States and North Korea may become effective, no
8 license may be issued for export directly or indirectly to
9 North Korea of any nuclear material, facilities, compo-
10 nents, or other goods, services, or technology that would
11 be subject to such agreement, and no approval may be
12 given for the transfer or retransfer directly or indirectly
13 to North Korea of any nuclear material, facilities, compo-
14 nents, or other goods, services, or technology that would
15 be subject to such agreement, until—

16 (1) the President determines and reports to the
17 Committee on International Relations of the House
18 of Representatives and the Committee on Foreign
19 Relations of the Senate that—

1 (A) North Korea has come into full compli-
2 ance with its safeguards agreement with the
3 IAEA (INFCIRC/403), and has taken all steps
4 that have been deemed necessary by the IAEA
5 in this regard;

6 (B) North Korea has permitted the IAEA
7 full access to all additional sites and all infor-
8 mation (including historical records) deemed
9 necessary by the IAEA to verify the accuracy
10 and completeness of North Korea's initial re-
11 port of May 4, 1992, to the IAEA on all nu-
12 clear sites and material in North Korea;

13 (C) North Korea is in full compliance with
14 its obligations under the Agreed Framework;

15 (D) North Korea is in full compliance with
16 its obligations under the Joint Declaration on
17 Denuclearization;

18 (E) North Korea does not have the capa-
19 bility to enrich uranium, and is not seeking to
20 acquire or develop such capability, or any addi-
21 tional capability to reprocess spent nuclear fuel;

22 (F) North Korea has terminated its nu-
23 clear weapons program, including all efforts to
24 acquire, develop, test, produce, or deploy such
25 weapons; and

1 (G) the transfer to North Korea of key nu-
2 clear components, under the proposed agree-
3 ment for cooperation with North Korea and in
4 accordance with the Agreed Framework, is in
5 the national interest of the United States; and

6 (2) there is enacted a joint resolution stating in
7 substance that the Congress concurs in the deter-
8 mination and report of the President submitted pur-
9 suant to paragraph (1).

10 (b) CONSTRUCTION.—The restrictions contained in
11 subsection (a) shall apply in addition to all other applica-
12 ble procedures, requirements, and restrictions contained in
13 the Atomic Energy Act of 1954 and other laws.

14 (c) DEFINITIONS.—In this section:

15 (1) AGREED FRAMEWORK.—The term “Agreed
16 Framework” means the “Agreed Framework Be-
17 tween the United States of America and the Demo-
18 cratic People’s Republic of Korea”, signed in Geneva
19 on October 21, 1994, and the Confidential Minute to
20 that Agreement.

21 (2) IAEA.—The term “IAEA” means the
22 International Atomic Energy Agency.

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

1 (4) JOINT DECLARATION ON
2 DENUCLEARIZATION.—The term “Joint Declaration
3 on Denuclearization” means the Joint Declaration
4 on the Denuclearization of the Korean Peninsula,
5 signed by the Republic of Korea and the Democratic
6 People’s Republic of Korea on January 1, 1992.