To prohibit certain assistance to North Korea or the Korean Peninsula Development Organization, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.
This Act may be cited as the “North Korea Democracy Act of 2003”.

SECTION 2. FINDINGS.
Congress makes the following findings:
(1) Under the Agreed Framework of October 21, 1994, North Korea committed to—
(A) freeze and eventually dismantle its graphite-moderated reactors and related facilities;

(B) implement the North-South Joint Declaration on the Denuclearization of the Korean Peninsula, which prohibits the production, testing, or possession of nuclear weapons; and

(C) allow implementation of its IAEA safeguards agreement under the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) for nuclear facilities designated under the Agreed Framework and any other North Korean nuclear facilities.

(2) The General Accounting Office has reported that North Korea has diverted heavy oil received from the United States-led Korean Peninsula Energy Development Organization for unauthorized purposes in violation of the Agreed Framework.

(3) On April 1, 2002, President George W. Bush stated that he would not certify North Korea’s compliance with all provisions of the Agreed Framework.

(4) North Korea has violated the basic terms of the Agreed Framework and the North-South Joint Declaration on the Denuclearization of the Korean
Peninsula by pursuing the enrichment of uranium for the purpose of building a nuclear weapon and by “nuclearizing” the Korean peninsula.

(5) North Korea has admitted to having a covert nuclear weapons program and declared the Agreed Framework nullified.

(6) North Korea has announced its intention to restart the 5-megawatt reactor and related reprocessing facility at Yongbyon, which were frozen under the Agreed Framework, and has expelled the IAEA personnel monitoring the freeze.

(7) North Korea has announced its intention to withdraw from the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow on July 1, 1968 (21 UST 483).

SEC. 3. DEFINITIONS.

In this Act:

(1) AGREED FRAMEWORK.—The term “Agreed Framework” means the Agreed Framework Between the United States of America and the Democratic People’s Republic of Korea, signed in Geneva on October 21, 1994, and the Confidential Minute to that agreement.

(2) IAEA.—The term “IAEA” means the International Atomic Energy Agency.
(3) KEDO.—The term “KEDO” means the Korean Peninsula Energy Development Organization.

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


SEC. 4. SENSE OF CONGRESS REGARDING THE AGREED FRAMEWORK AND THE NORTH KOREAN NUCLEAR WEAPONS PROGRAM.

It is the sense of Congress that—

(1) the Agreed Framework is, as a result of North Korea’s own illicit and deceitful actions over several years and recent declaration, null and void;

(2) North Korea’s pursuit and development of nuclear weapons—

(A) is of grave concern and represents a serious threat to the security of the United States, its regional allies, and friends;

(B) is a clear and present danger to United States forces and personnel in the region and the United States homeland; and
(C) seriously undermines the security and
stability of Northeast Asia; and

(3) North Korea must immediately come into
compliance with its obligations under the Treaty on
the Non-Proliferation of Nuclear Weapons and other
commitments to the international community by—

(A) renouncing its nuclear weapons and
materials production ambitions;

(B) dismantling its nuclear infrastructure
and facilities;

(C) transferring all sensitive nuclear mate-
rials, technologies, and equipment (including
nuclear devices in any stage of development) to
the IAEA forthwith; and

(D) allowing immediate, full, and unfet-
tered access by IAEA inspectors to ensure that
subparagraphs (A), (B), and (C) have been
fully and verifiably achieved; and

(4) any diplomatic solution to the North
Korean crisis—

(A) should take into account that
North Korea is not a trustworthy negoti-
ating partner;
(B) must achieve the total dismantlement of North Korea’s nuclear weapons and nuclear production capability; and

(C) must include highly intrusive verification requirements, including on-site monitoring and free access for the investigation of all sites of concern, that are no less stringent than those imposed on Iraq pursuant to United Nations Security Council Resolution 1441 (2002) and previous corresponding resolutions.

SEC. 5. PROHIBITION ON UNITED STATES ASSISTANCE UNDER THE AGREED FRAMEWORK.

No department, agency, or entity of the United States Government may provide assistance to North Korea or the Korean Peninsula Energy Development Organization under the Agreed Framework.

SEC. 6. LIMITATIONS ON NUCLEAR COOPERATION.

(a) Restriction on Entry Into Force of Nuclear Cooperation Agreement and Implementation of the Agreement.—Section 822(a) of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as enacted by section 1000(b)(7) of Public Law 106–113; 113 Stat. 1501A–472) is amended to read as follows:
“(a) IN GENERAL.—

“(1) RESTRICTIONS.—Notwithstanding any other provision of law or any international agreement, unless or until the conditions described in paragraph (2) are satisfied—

“(A) no agreement for cooperation (as defined in section 11 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2014 b.)) between the United States and North Korea may become effective;

“(B) no license may be issued for export directly or indirectly to North Korea of any nuclear material, facilities, components, or other goods, services, or technology that would be subject to such agreement;

“(C) no approval may be given for the transfer or retransfer directly or indirectly to North Korea of any nuclear material, facilities, components, or other goods, services, or technology that would be subject to such agreement;

“(D) no license may be issued under the Export Administration Act of 1979 for the export to North Korea of any item or related technical data which, as determined under section 309(c) of the Nuclear Non-Proliferation
Act of 1978, could be of significance for nuclear explosive purposes or the production of nuclear materials;

“(E) no license may be issued under section 109 b. of the Atomic Energy Act of 1954 for the export to North Korea of any component, substance, or item that is subject to a license requirement under such section;

“(F) no approval may be granted, under the Export Administration Act of 1979 or section 109 b.(3) of the Atomic Energy Act of 1954, for the retransfer to North Korea of any item, technical data, component, or substance described in subparagraph (D) or (E); and

“(G) no authorization may be granted under section 57 b.(2) of the Atomic Energy Act of 1954 for any person to engage, directly or indirectly, in the production of special nuclear material (as defined in section 11 aa. of the Atomic Energy Act of 1954) in North Korea.

“(2) CONDITIONS.—The conditions referred to in paragraph (1) are that—

“(A) the President determines and reports to the Committee on International Relations of
the House of Representatives and the Committee on Foreign Relations of the Senate that—

“(i) North Korea has come into full compliance with its safeguards agreement with the IAEA (INFCIRC/403), and has taken all steps that have been deemed necessary by the IAEA in this regard;

“(ii) North Korea has permitted the IAEA full access to—

“(I) all additional sites and all information (including historical records) deemed necessary by the IAEA to verify the accuracy and completeness of North Korea’s initial report of May 4, 1992, to the IAEA on all nuclear sites and material in North Korea; and

“(II) all nuclear sites deemed to be of concern to the IAEA subsequent to that report;

“(iii) North Korea has consistently and verifiably taken steps to implement the Joint Declaration on Denuclearization, and is in full compliance with its obligations
under numbered paragraphs 1, 2, and 3 of
the Joint Declaration on Denuclearization;

“(iv) North Korea does not have ura-

nium enrichment or nuclear reprocessing

facilities, and is making no progress to-

ward acquiring or developing such facili-

ties;

“(v) North Korea does not have nu-

clear materials or nuclear weapons and is

making no effort to acquire, develop, test,

produce, or deploy such weapons; and

“(vi) the transfer, approval, licensing,

or authorization of any of such materials,

components, facilities, goods, services,


technologies, data, substances or produc-

tion to, for or in North Korea is in the na-

tional interest of the United States; and

“(B) there is enacted into law a joint reso-

lution stating in substance the approval of Con-

gress of such action.”.

(b) CONFORMING AMENDMENT.—Section 822(b) of

such Act is amended by striking “subsection (a)” and in-

serting “subsection (a)(1)”.

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SEC. 7. APPLICATION OF UNITED STATES SANCTIONS.

(a) Authority To Impose Additional United States Sanctions Against North Korea.—The President is authorized to exercise any of his authorities under the Foreign Assistance Act of 1961, the Arms Export Control Act, the International Emergency Economic Powers Act, or any other provision of law to impose full economic sanctions against North Korea, or to take any other appropriate action against North Korea, including the interdiction of shipments of weapons, weapons-related components, materials, or technologies, or dual-use items traveling to or from North Korea, in response to the activities of North Korea to develop nuclear weapons in violation of North Korea’s international obligations.

(b) Prohibition on Availability of Funds for Easing of Sanctions Against North Korea.—None of the funds appropriated under any provision of law may be made available to carry out any sanctions regime against North Korea that is less restrictive than the sanctions regime in effect against North Korea immediately prior to the September 17, 1999, announcement by the President of an easing of sanctions against North Korea.

SEC. 8. PURSUIT OF MULTILATERAL MEASURES.

The President should take all necessary and appropriate actions to obtain—
(1) international condemnation of North Korea for its pursuit of nuclear weapons and serious breach of the Treaty on the Non-Proliferation of Nuclear Weapons and other international obligations, and

(2) multilateral diplomatic and economic sanctions against North Korea that are at least as restrictive as United Nations Security Council Resolution 661 concerning Iraq.

SEC. 9. TREATMENT OF REFUGEES FROM NORTH KOREA.

(a) Sense of Congress.—It is the sense of Congress that the United States should begin immediately to work with other countries in the region to adopt a policy with respect to refugees from North Korea that would—

(1) guarantee all such refugees safe arrival in a country of first asylum in which the refugees would stay on a temporary basis; and

(2) promote burden-sharing of refugee costs between countries by providing for the resettlement of the refugees from the country of first asylum to a third country.

(b) Eligibility for Refugee Status.—

(1) In general.—In the case of an alien who is a national of North Korea, the alien may establish, for purposes of admission as a refugee under
section 207 of the Immigration and Nationality Act, that the alien has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion by asserting such a fear and asserting a credible basis for concern about the possibility of such persecution.

(2) NOT TREATED AS NATIONAL OF SOUTH KOREA.—For purposes of eligibility for refugee status under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), or for asylum under section 208 of such Act (8 U.S.C. 1158), a national of North Korea shall not be considered a national of the Republic of Korea.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 10. INCREASED BROADCASTING BY RADIO FREE ASIA.

(a) IN GENERAL.—In making grants to Radio Free Asia, the Broadcasting Board of Governors shall ensure that Radio Free Asia increases its broadcasting with respect to North Korea to 24 hours each day.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.
SEC. 11. SENSE OF CONGRESS.

It is the sense of Congress that the United States, in conjunction with the Republic of Korea and other allies in the Pacific region, should take measures, including military reinforcements, enhanced defense exercises and other steps as appropriate, to ensure—

(1) the highest possible level of deterrence against the multiple threats that North Korea poses; and

(2) the highest level of readiness of United States and allied forces should military action become necessary.

SEC. 12. PRESIDENTIAL REPORT.

Not later than 180 days after the date of enactment of this Act, the President shall submit a report to Congress regarding his actions to implement the provisions of this Act.