

111TH CONGRESS  
1ST SESSION

# H. R. 3423

To impose certain sanctions on North Korea as a result of the detonation by that country of a nuclear explosive device on May 25, 2009, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 30, 2009

Mr. McMAHON (for himself and Mr. INGLIS) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To impose certain sanctions on North Korea as a result of the detonation by that country of a nuclear explosive device on May 25, 2009, 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 Sanctions  
5       Act of 2009”.

6       **SEC. 2. FINDINGS; SENSE OF CONGRESS.**

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

1           (1) On May 25, 2009, North Korea announced  
2           that it had detonated a nuclear explosive device.  
3           This detonation has been certified by numerous  
4           credible sources.

5           (2) On May 25, 2009, the United States Geo-  
6           logical Survey detected a 4.7-magnitude quake at  
7           0054 GMT, 10 kilometers (six miles) underground,  
8           and put the center of the tremor about 43 miles  
9           northwest of Kimchaek, North Korea (233 miles  
10          northeast of Pyongyang and within a few miles from  
11          North Korea's 2006 nuclear test site). Geological  
12          agencies in both South Korea and the United States  
13          reported that this tremor indicated a nuclear explo-  
14          sion had taken place.

15          (3) The detonation is estimated to have been  
16          between 10 and 20 kilotons and is much larger than  
17          North Korea's October 2006 test.

18          (4) The United Nations Security Council unani-  
19          mously condemned the detonation and issued a  
20          statement that "The members of the Security Coun-  
21          cil voiced their strong opposition to and condemna-  
22          tion of the nuclear test conducted by the Democratic  
23          People's Republic of Korea on 25 May 2009, which  
24          constitutes a clear violation of Resolution 1718."'.  
25          Following this statement, the Security Council

1        adopted Resolution 1874, imposing further economic  
2        sanctions on North Korea and authorizing United  
3        Nations Member States to inspect North Korean  
4        cargo and destroy any cargo that may be involved in  
5        that country's nuclear weapons program.

6        (b) SENSE OF CONGRESS.—It is the sense of Con-  
7        gress that—

8                (1) the underground detonation of a nuclear ex-  
9        plosive device by North Korea on May 25, 2009, is  
10       a sign of North Korea's increasing hostility toward  
11       both the United States and the international com-  
12       munity and cannot be tolerated;

13               (2) the United States must take a firm stand  
14       against North Korea's refusal to comply with inter-  
15       national standards unanimously set by the United  
16       Nations Security Council; and

17               (3) North Korea's actions warrant the use of  
18       both unilateral and multilateral sanctions by both  
19       the United States and the international community.

20       **SEC. 3. IMPOSITION OF CERTAIN SANCTIONS AGAINST**  
21               **NORTH KOREA.**

22        (a) IN GENERAL.—Notwithstanding any other provi-  
23       sion of law, including paragraph (1) of subsection (b) of  
24       section 102 of the Arms Export Control Act (22 U.S.C.  
25       2799aa–1) (relating to a Presidential determination), the

1 sanctions described in paragraph (2) of such subsection  
2 shall apply, beginning on the date of the enactment of this  
3 Act, with respect to North Korea as a result of the detona-  
4 tion by that country of a nuclear explosive device on May  
5 25, 2009.

6 (b) WAIVER.—The President may waive the imposi-  
7 tion of sanctions against North Korea under subsection  
8 (a) of this section if the President certifies in writing to  
9 the Committee on Foreign Affairs of the House of Rep-  
10 resentatives and the Committee on Foreign Relations of  
11 the Senate that such imposition would—

12 (1) be detrimental to the national security of  
13 the United States;

14 (2) be seriously prejudicial to the achievement  
15 of United States nonproliferation objectives or other-  
16 wise jeopardize the common defense and security; or

17 (3) have a serious adverse effect on vital United  
18 States interests.

19 (c) NUCLEAR EXPLOSIVE DEVICE DEFINED.—In  
20 this Act, the term “nuclear explosive device” has the  
21 meaning given such term in section 830(4) of the Nuclear  
22 Proliferation Prevention Act of 1994 (22 U.S.C. 6305(4)).

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