

THE SIX-PARTY PROCESS: PROGRESS AND PERILS IN NORTH KOREA'S DENUCLEARIZATION

JOINT HEARING

BEFORE THE

SUBCOMMITTEE ON ASIA, THE PACIFIC, AND
THE GLOBAL ENVIRONMENT

AND THE

SUBCOMMITTEE ON TERRORISM,
NONPROLIFERATION, AND TRADE

OF THE

COMMITTEE ON FOREIGN AFFAIRS
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**THE SIX-PARTY PROCESS: PROGRESS AND
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TION**

THURSDAY, OCTOBER 25, 2007

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON ASIA, THE PACIFIC,
AND THE GLOBAL ENVIRONMENT, AND
SUBCOMMITTEE ON TERRORISM,
NONPROLIFERATION, AND TRADE,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The subcommittees met, pursuant to notice, at 3 o'clock p.m. in room 2318, Rayburn House Office Building, Hon. Eni F.H. Faleomavaega (chairman of the Subcommittee on Asia, the Pacific, and the Global Environment) presiding.

Mr. FALEOMAVAEGA. The joint subcommittee hearing this afternoon will be brought to order. We are very, very happy to have our distinguished visitor here as our witness for this afternoon's hearing. And I want to thank also my co-chairman, the gentleman from California, who is chairman of the House Foreign Affairs' Subcommittee on Terrorism, Nonproliferation, and Trade, and his ranking member, the gentleman from California, Mr. Royce. My ranking member, my dear friend, the gentleman from Illinois, is not here with us yet, Mr. Manzullo. But certainly I welcome the members of both of our subcommittees for this hearing this afternoon.

For the sake of time, I have just been informed that Assistant Secretary Hill is really taken for time because of his schedule this afternoon, and we are due to complete this hearing hopefully by 4:15 this afternoon. So for the sake of time I am just going to present my opening statement to be made part of the record. And certainly I would like to give the opportunity, and I will be very strict in giving the allotted time to both the subcommittee chairman and our ranking members, 5 minutes for their opening statements. And then following that, I will then allow our witness for his testimony.

So at this time I would like to give the opportunity now for the opening statement to the gentleman from California, the subcommittee chairman of Terrorism, Nonproliferation, and Trade, Mr. Sherman.

[The prepared statement of Mr. Faleomavaega follows:]

PREPARED STATEMENT OF THE HONORABLE ENI F.H. FALEOMAVAEGA, A REPRESENTATIVE IN CONGRESS FROM AMERICAN SAMOA, AND CHAIRMAN, SUBCOMMITTEE ON ASIA, THE PACIFIC, AND THE GLOBAL ENVIRONMENT

On October 3, 2007, the six parties announced an agreement concerning the implementation of Phase Two which calls for a "complete declaration of all nuclear programs" by North Korea and "disablement of all existing nuclear facilities" in North Korea. I commend Secretary Christopher Hill for his role in these historic negotiations and I welcome him to today's hearing which is being held jointly with the Subcommittee on Terrorism, Nonproliferation, and Trade which is chaired by my good friend, Congressman Brad Sherman, who I commend for his leadership on this issue. I also commend our Ranking Members, Mr. Don Manzullo, and Mr. Ed Royce, and look forward to their comments.

Given that this is a joint hearing and in consideration of the Secretary's time, we will recognize Chairman Sherman, and Ranking Members Manzullo and Royce for any opening statements they may have and as much time as they may consume. We will also recognize other Members of the subcommittee for two minute opening statements and we ask that all Members limit their questioning to 5 minutes.

By December 31, 2007, the new agreement specifies the disablement of North Korean nuclear installations and a complete and correct declaration of North Korea's nuclear programs. In return, the US will fulfill its commitment by removing NK from the US list of state sponsors of terrorisms and terminating economic sanctions in parallel with North Korea's actions. The US and North Korea will also increase bilateral exchanges and enhance mutual trust.

Upon completion of Phase Two, a separate negotiation could begin over a Korean peace agreement to replace the 1953 Korean armistice. A Korean peace agreement negotiation is a high priority for the government of South Korea and I support such efforts.

The Bush Administration has also joined South Korea, China, and Russia in financing the provision of the one million tons of heavy oil that North Korea is to receive under the February 2007 agreement. I support these efforts, too, and applaud the Administration, Secretary Rice, and Assistant Secretary Hill for the way they have successfully managed the North Korean crisis thus far. I also give due credit to China which is often overlooked for the positive role it has played in these negotiations.

While diplomacy is working, we can agree that serious problems still lie ahead especially as we try and determine to what extent North Korea has shared nuclear know-how with Iran and Syria. I continue to also have serious concerns about Pakistan. North Korea's began its highly enriched uranium (HEU) program with Pakistani assistance. The US also continues to subsidize Pakistan's military at about \$80 million per month which is roughly equal to one-quarter of Pakistan's total defense expenditures. What the public may not know is that North Korea and Pakistan have been engaged in conventional arms trade for over 30 years and, in 2006, General Musharraf admitted that Pakistan has transferred nuclear technology to North Korea, and other rogue nations.

What does a Pakistan-North Korea alliance mean for India and why does the US continue to turn a blind eye? These questions are daunting and given the dangerous circumstances of our times and the potential for nuclear proliferation in the Asia Pacific region, I believe our most important responsibility is to do all in our power to further peace.

Again, I commend Secretary Hill for the work he is doing and I look forward to his testimony regarding the progress and perils in North Korea's denuclearization.

At this time, I recognize Chairman Sherman for any opening remarks he may have.

Mr. SHERMAN. Thank you, Mr. Chairman. I wish I could be as brief as you. I am unable to do so. I want to thank Secretary Hill for coming before us. I know you can only be here for 1 hour and 15 minutes, and I know we are going to have votes on the floor. Eni's special status may absolve him of that. And that is why I called you earlier today. And I want to thank you for your commitment to come back soon if that is necessary, given our limited time today.

This is a foreign policy administration. That is how historians will view it. Iraq is probably not going to be regarded as an overwhelming positive. The centrifuges are probably going to be turn-

ing in Isfahan come the end of this administration. And so the administration is somewhat desperate for a foreign policy success.

Your boss, Secretary Rice, has thrown a Hail Mary pass in the direction of Jerusalem. I am not so sure that that is going to work out. So when it comes to a shining foreign policy success for the Bush years, Secretary Hill, you are it.

There is of course pressure to get a deal done. And often the easiest deal to make is one that is vague, illusory, or lacks adequate enforcement. And that is especially true with the North Koreans, who have a history of violating agreements and, as you have discovered, as we have all discovered watching you, a process of making an agreement and then backing out of it, even if it is specific.

So we look at what are the specifics as best we can determine in the deal points that have been announced this month. The key issues that the North Koreans give us is at least unplugging Yongbyon. That is good, but they can plug it back in. The deal calls for decommissioning of that facility. But then the question is: Are we talking about hard decommissioning, or soft decommissioning or, as I would use the term, squishy decommissioning?

A soft decommission is something that can be obviously reversed in less than a year. My definition of a hard decommissioning is what we saw at Chernobyl. You pour the concrete in and it gets hard. And then you have hard decommissioning of the site. Squishy decommissioning is a circumstance where there is some decommissioning, but within a few months, perhaps within a year, perhaps less, the facility can be turned back on. So we do need to determine what level of decommissioning. My fear is that we will settle for something less than hard decommissioning.

When we look at what North Korea gets out of this deal, it is 1 million tons of fuel oil; 150,000 of those tons to be delivered by the end of October. That is, at today's prices as I understand it, between \$600 million and \$700 million. And they are supposed to get normalization, removal from the terrorist list, and subject to some recent discussions at the head of state level, it appears to be a peace treaty as well. What they want most immediately is removal from the terrorist list. And it will be interesting to see whether they get that removal for something less than a hard decommissioning of Yongbyon.

There are a number of other commitments that they have made. One is about this declaration they are supposed to issue. A recent report prepared for these subcommittees by the Congressional Research Service at least interprets the agreement as it by no means being clear that they are supposed to tell us about their HEU program, and that it is uncertain that this declaration should disclose stockpiled plutonium and the number of atomic bombs made from the plutonium. So all that we can tell from what the North Koreans have officially agreed to is that there will be a statement. Then the issue will arise as to whether we have any rights to, as Reagan says, trust but verify. And we will be interested in looking at that.

I believe my time has expired, and I look forward to hearing from the witness.

[The prepared statement of Mr. Sherman follows:]

PREPARED STATEMENT OF THE HONORABLE BRAD SHERMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA, AND CHAIRMAN, SUBCOMMITTEE ON TERRORISM, NONPROLIFERATION, AND TRADE

I want to thank our distinguished witness, Assistant Secretary Christopher R. Hill for joining us today to provide an update on our efforts towards North Korea's denuclearization.

The stated goal of the Six Party process is the peaceful and verifiable denuclearization of the Korean Peninsula. The importance and urgency of this task has never been greater, and its implications extend far beyond the Peninsula.

Today, we know that the nuclear programs of North Korea, Iran, Libya and now perhaps Syria, share a common thread. In August 2003, the world learned of a vast illegal international nuclear proliferation network led by the Pakistani scientist A.Q. Khan. Khan sold nuclear equipment and related technologies to Libya, Iran and North Korea. Thankfully, in large part because of a concerted multilateral sanctions regime led by the United States and its allies, Libya saw it in its interest to give up its nuclear program. Unfortunately, the centrifuges in Iran continue to turn to this day due, in part, to the Khan network. We know that North Korea's uranium enrichment program was aided by the Khan network.

Last month, we learned that Israel conducted an air strike against a facility in northern Syria, which allegedly was connected to a nuclear program. The Washington Post reported yesterday that, based on commercial satellite photos, some experts believe that the destroyed site was similar in design to a North Korean reactor capable of producing nuclear material for bombs. This has fueled speculation of North Korean complicity in the matter.

The lesson from these events is clear: denuclearization of nations such as North Korea and Iran is not limited to those countries alone; it has global consequences. We need to be sure that we are not duped. At the end of the day, North Korea must give up its own nuclear materials and must never be in the business of forward proliferation.

It is in that context that we review the Administration's strategy known as the Six Party process. Despite the Administration's efforts over the last seven years, tangible results remain illusive: by all accounts, should it choose to, North Korea is capable of producing more weapons today than in the past. According to David Albright, a renowned expert on North Korea's nuclear program, the vast majority of North Korea's separated plutonium—between 80 and 99 percent—was produced since North Korea lifted the freeze on production and reprocessing in 2003. The remainder was separated before 1992.

Nevertheless, the agreement reached this month in Beijing contains the elements of a successful roadmap for a lasting solution to this problem. The agreement exacts commitments on the part of North Korea of a scope not seen in a decade. It may be the best hope we have, but it cannot be allowed to morph into a nuclear Munich.

According to the agreement, North Korea has agreed to provide a complete and correct declaration of all its nuclear programs by the end of this year. North Korea has also agreed to disable all of its existing nuclear facilities. Disablement of Yongbyon's 5 megawatt Experimental Reactor, Reprocessing Plant, and Nuclear Fuel Rod Fabrication Facility will be completed by December. Appropriately, the United States will lead these activities and provide the initial funding.

Notably absent from those commitments is specific mention of North Korea's alleged uranium program, which originally triggered this nuclear crisis in 2003. Also absent is reference to existing nuclear weapons or devices in North Korea's arsenal. Most observers assess that the North so far has reprocessed 40–50 kilograms of plutonium, sufficient for roughly six to eight bombs. Denuclearization must include disarmament of the existing nuclear weapons that continue to pose a threat to the region. If the Yongbyon nuclear complex is allowed to operate as business as usual, North Korea could produce one bomb's worth of plutonium per year for the next few years.

Pyongyang has also reaffirmed its commitment not to transfer nuclear materials, technology, or know-how to other nations. Recent events with regard to Syria's alleged nuclear program illustrate the importance of this. Not only do we have to denuclearize and disarm North Korea of its nuclear weapons, we have to verify that North Korea is not sharing sensitive information with the likes of Iran and Syria.

In return, the United States will provide substantial economic, energy and humanitarian assistance to North Korea. The United States has also agreed to begin the process of normalizing relations with North Korea, including eventual removal of North Korea from the U.S. list of State Sponsors of Terrorism.

The agreement reached is a milestone and I applaud today's witness for his efforts at getting us this far. The commitments made by North Korea seem to represent

real and positive change. However, the issue of nuclear disarmament of North Korea is not without its history. What were heralded in the past as great achievements turned out to be hidden failures. The weight of that history suggests prudence. It suggests that the United States must remain vigilant in its verification that North Korea fully complies with its commitments.

As we review testimony from today's witness, we need an explanation of how the Administration intends to monitor North Korea's commitments. This is all the more important given the IAEA's marginal involvement in the verification process. Will you have the resources, access and information needed to provide unequivocal confirmation that North Korea is meeting its obligations? For instance, how does the Administration plan to remove or discard 8,000 fuel rods from the reactor? I am told that they just can't be buried. These fuel rods must first be reprocessed before being safely disposed.

We also need to know how the outstanding issues such as uranium enrichment and North Korea's existing nuclear arsenal will be handled.

I would also like the witness to comment on the Administration's plan to remove North Korea's designation as a state sponsor of terrorism, to provide additional shipments of fuel and other aid, and other commitments made on the U.S. side of the equation.

Lastly, Congress obviously has a role to play in this process. My colleagues and I remain committed to ensuring rigorous oversight is applied in the months ahead. I welcome your views on what legislative authorities are needed to implement various aspects of the agreement and facilitate its success.

I look forward to hearing from our witness. Thank you.

Mr. FALEOMAVAEGA. Thank the chairman of our Subcommittee on Terrorism, Nonproliferation, and Trade. The gentleman from Illinois, Mr. Manzullo, and the ranking member of our Asia, the Pacific, and the Global Environment Subcommittee.

Mr. MANZULLO. Thank you, Mr. Chairman, for holding this very important hearing on the Six-Party Talks process. I want to take this opportunity to welcome Chris Hill to Congress, and yet again commend him for again making Capitol Hill outreach a priority. Let me begin by saying again thank you for your tireless efforts. In fact, Ambassador Hill will be traveling to my district on the weekend to give an important briefing at Rockford College on peace in the Korean Peninsula. We were on our way to take him to Chicago, but we had to cancel that end of it because he is on his way to Beijing. So I know the transparency of this man. In talks before the Congress, in meeting with the public, in trying to form a consensus as to not only the importance of denuclearizing the Korean Peninsula, he is always making sure the American people are informed at all times as to the steps of what are necessary, and that they also give him the things we would like to see done. So Ambassador Hill, I commend for your openness and willingness to really include everybody in this important process.

I am going to submit the rest of my statement for the record because I want to hear Ambassador Hill. I would also like to submit, at the request of Congressman Hoekstra and Congresswoman Ros-Lehtinen an article that they wrote—

Mr. FALEOMAVAEGA. Without objection.

Mr. MANZULLO. Thank you.

[The prepared statement of Mr. Manzullo follows:]

PREPARED STATEMENT OF THE HONORABLE DONALD A. MANZULLO, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS

Mr. Chairman, thank you for holding this important hearing on the Six Party Talks process. I want to take this opportunity to welcome Chris Hill to Congress yet again, and to commend him for making Capitol Hill outreach a priority. So, let me begin by saying "thank you" for your tireless efforts.

The complete and verifiable denuclearization of the Korean peninsula is a goal that we must all support. The Six Party Talks process, which in addition to the United States and North Korea, includes Japan, South Korea, China, and Russia, is a good framework for such a sensitive topic. I commend the Administration for taking this measured, deliberate, and multilateral approach. Now, we are at the critical Phase Two juncture where the future of the talks is very much at stake.

I have reviewed both the February 13th Agreement and the October 3rd Joint Statement in detail. Both agreements are vague in terms of a detailed timeline and specific commitments. The February 13th agreement called for North Korea to freeze its nuclear facility at Yongbyon (YONG BEE ON) and to invite international monitors back into the country to monitor the freeze. Bilateral discussions, in the form of five working groups, were also to commence. In exchange for these actions, the February agreement called for the United States to provide 50,000 tons of heavy fuel oil. I note that the State Department has notified Congress about the funding needed to purchase this oil. I also note that an American-led team has recently returned from North Korea, and another one is scheduled to return in the near future.

Mr. Chairman, much has been said about the quality of the February agreement and the October statement. The Phase Two implementation plan raises a lot of questions that I hope our distinguished witness will address. I understand that we should not let the perfect be the enemy of the good, but knowing full well the bizarre regime in North Korea is unreliable, we've got to get this agreement right from the start with solid verification mechanisms in place. But there are still many important questions that the people we represent will want answered. For example, how do we verify that the upcoming declaration by North Korea regarding its nuclear programs will be truthful and complete? There currently is no verification mechanism in the agreement that allows for widespread inspections inside the country. How will we know that the regime has not hidden more nuclear material somewhere else in the mountainous regions of North Korea? Also, will the Administration remove North Korea from the state sponsors of terrorism list even if there is not significant progress on resolving the kidnapping of Japanese citizens? Finally, the question of whether North Korea is continuing to engage in proliferation activities is most troubling. The Administration's decision to limit access to information concerning Israel's strike in Syria is a cause for concern.

The complete and verifiable denuclearization of North Korea is such an important matter that we should take all deliberate efforts to ensure that this is done right. What is at stake here is nothing less than world peace. But what we do not want is a repeat of the past where agreements are broken. I commend our witness for tackling such an important job, and I want to assure him that his efforts are for the broader good.

Mr. FALEOMAVAEGA. Thank the gentleman from Illinois. And now I would like to have the ranking member of our Subcommittee on Terrorism, Nonproliferation, and Trade, the gentleman from California, Mr. Royce, for his opening statement.

Mr. ROYCE. Mr. Chairman, thank you very much and welcome, Ambassador Hill.

There is no cookie-cutter approach when it comes to dealing with proliferation and checking proliferation. The Agreed Framework failed, but that doesn't doom another agreement today. But if we are trying to redo, skepticism is required.

That is especially the case because the February agreement is, frankly, so vague. North Korea's commitment to giving up its nuclear weapons is uncertain. Nothing has been agreed to on verification. There are concerns about its reversibility or, as my colleague said, soft decommission.

In Libya's case the path was clearer. This agreement has costs. Compromising our legal principles by sending back to North Korea ill-gotten gains parked in Banco Delta. We should be cracking down hard on this regime's illicit activities, including its counterfeiting, not easing up. Criminal activities have helped the regime pursue WMD and missile programs, and to survive.

Second would be downplaying North Korea's drug trafficking.

Third would be giving way on North Korea's demand to be removed from the terrorist list. Our ally, Japan, is distraught.

Fourth would be accepting a North Korean missile test in May as a routine event.

Lastly would be helping keep the wheels on a shaky, repressive, and dangerous regime with fuel payments. The administration has asked Congress this week for \$106 million for energy and economic assistance. The press has reported that North Korea is assisting Syria, a state sponsor of terrorism, to build nuclear facilities. What other nuclear activities might North Korea be undertaking as it negotiates? North Korea of course has an alarming proliferation history, including dealing with A.Q. Khan.

I advise the administration to be forthcoming regarding North Korean activities, including their activities in Syria.

Meanwhile, as the North Korean regime continues its brutal repression, we have sort of sidelined ourselves on human rights. Human rights abuses are important because North Koreans are suffering, and they also tell us something about the regime we are expecting to carry out commitments.

Summing up, my concern is that this process has us putting up carrots and putting down sticks while North Korea's nuclear arsenal is protected by the regime's delaying and denying, and I look forward to hearing why that is not the case.

Thank you again, Mr. Chairman.

Mr. FALEOMAVAEGA. I thank the gentleman from California. Without objection, all of the statements of the members of the committee will be made part of the record.

We have with us this afternoon the Assistant Secretary with the East Asian Bureau and Pacific Affairs, Assistant Secretary Christopher Hill, a member of the Senior Foreign Service at the State Department. This gentleman is a graduate of Bowdoin College in Maine, and received his Master's from the Naval War College. A distinguished career in the Foreign Service as a former Ambassador to Poland, to Macedonia. Also a negotiator dealing with Bosnia and Kosova, and a former Peace Corps volunteer to Cameroon.

So I can't say enough about your service, Secretary Hill, than the tremendous contributions that you have made as a servant of our Nation, and certainly to the world, in trying to establish peace, especially with the tremendous amount of responsibility that you bear as Assistant Secretary of State.

And with that, Ambassador Hill, I would like to give you now the floor to make your statement.

STATEMENT OF THE HONORABLE CHRISTOPHER R. HILL, ASSISTANT SECRETARY, BUREAU OF EAST ASIAN AND PACIFIC AFFAIRS, U.S. DEPARTMENT OF STATE

Ambassador HILL. Thank you very much, Chairman Faleomavaega. Thank you, Chairman Sherman, and Mr. Manzullo, Mr. Royce. It is good to have this opportunity to appear before you. I have a prepared statement which I would like to put into the record.

Mr. FALEOMAVAEGA. Without objection, your statement will be made part of the record.

Ambassador HILL. Thank you. And what I will do is perhaps summarize from this. But also I think because of some of the concerns that have been expressed, maybe I can just speak directly to some of the issues that all of you have particular concerns about.

Our goal remains to achieve the complete and verifiable, irreversible dismantlement of all of North Korea's nuclear weapons and nuclear programs. And to achieve that, we are embarked on a step by step process. And as we achieve each step, it doesn't mean we have achieved our goal. We have to keep going to that goal. And should we stall, and should we not be able to move forward, the steps that we have achieved I don't think in and of themselves will have been valuable. In short, they are only valuable insofar as they play a role in getting to our ultimate goal.

So what we have done in this process is to break it up and to try to deal in specific steps. The first of these steps was to get together in a six-party process because this is not a bilateral matter, this is not a matter between North Korea and the United States, this is a matter that involves many other countries, especially the countries in the neighborhood. So we brought together a process that includes China, that includes South Korea, Russia, Japan, and the United States. And in putting together this process, I think we have a good framework, a good framework for building something.

And so the first thing we sought to build was a set of principles so that we could always refer back to what is the real goal of this and what has everyone agreed to? And the first—and what we were able to do in September, 2005, was to agree on a joint statement which sets clearly at the outset that the six parties unanimously reaffirm the goal is verifiable denuclearization. And importantly, right after that initial sentence, the DPRK, that is the Democratic Peoples Republic of Korea, North Korea, committed to abandoning all nuclear weapons and existing nuclear programs, and returning at an early date to the Treaty of Nonproliferation of Nuclear Weapons and to IAEA safeguards. So it is set out there. And now we need to begin the process of implementing this.

In February of this year, after many delays, we were able to agree on a statement by which North Korea would begin the process of denuclearization. And that first step was to shut down the Yongbyon facility.

Now, Mr. Chairman, you made the very valid point that if you shut something down you can turn it back on. But on the other hand, you have to shut it down before you can do anything else. We are not going to be able to disable a reactor that is working or dismantle a reactor that is working, so shutting it down is an essential step. And it was a step that was taken. In addition to shutting down the reactor, we had international verifiers from the IAEA to come and put seals on the equipment, and put cameras, and to assure that the shutting down of these facilities is in fact verifiable. And today, as we sit here, we have IAEA personnel in Yongbyon continuing to monitor the shutdown.

But of course if we just left it at shutting down the facility, we wouldn't be getting very far. And that is why we have moved now to a second phase. And this second phase involves a number of key elements. The first is that by the end of this calendar year, by December 31st, North Korea is obliged to give us a complete listing

of all of their nuclear programs. And all of these nuclear programs must of course be slated for their eventual abandonment, because they agreed to that in September 2005. So we anticipate that within the next 2 weeks they will begin to share with us their list. Now, the initial list may not be precisely the list we would want to see. And for that reason we want to get going on this process as early as the next couple of weeks, so that by December we can have a list that is fully agreed on as representing the totality of their nuclear programs.

A second key element of this process is that the nuclear facility at Yongbyon, now shut down, should be disabled. Now, the disabling must be a process by which in order to reverse disabling it should be expensive and time-consuming. And so we have sent two teams already to Yongbyon to work with the North Korean engineers there on processes that could be undertaken that would allow us to begin this disabling so that they cannot reverse this. And so we believe we will have disabling, we will have a set of measures to disable these facilities that will mean that even should North Korea want to restart these facilities, it would take them over a year to do so.

Now, we think it is—while we want to have it be over a year, whether it takes them 12 months or 14 months to restart the facilities, I think it is worthwhile to pause and think that if they are in that direction we have a big problem. That is if they are going to restart these facilities again and put them back together, we have a big problem. So I think it behooves us not to get too hung up on whether it is 12 months or 14 months or 16 months. We need to understand we have a problem. And therefore, the real purpose of this disabling is to enable us to move on to the next phase.

So we expect a team of experts to go in starting in the beginning of November, that is next Thursday, and begin disabling activities. This has never been done before. In the past we had the reactor and facilities shut down, as we do now have them shut down. But when these disabling steps take place beginning next Thursday on the 1st, it will be the first time that the North Korean facilities have been disabled. In addition to the disabling and to the full disclosure of all of their nuclear programs, there is one issue that has been very important to us and that we have pressed the North Koreans on throughout, and that is our very real concerns that they may have a clandestine nuclear—a highly enriched uranium program. And so we have agreed with them that by the end of the year we will have this resolved to mutual satisfaction. I can't tell you as we sit here at the end of October precisely how we will do that, but I can tell you that we have had some good conversations on this matter. And it is my professional judgment that by the end of this year we will have a clarity on their uranium enrichment such that we can be assured that uranium—that a highly enriched uranium program is no longer a threat to our country.

So we will be proceeding on these tracks to get ready for what will be, I think, a very important year in 2008; that is, starting the day after December 31st. We will then begin what we hope to see to be the final process of getting North Korea to give up its—to abandon its fissile material, the separated plutonium, the plutonium that is available for bomb making, and indeed it is plutonium

that has been used to test a nuclear device in October of last year. The estimates of this plutonium vary. Some people say it is about 60 or 70 pounds. Some people say it is more like 120 pounds. The North Koreans will give us the declaration on this, and we will have—by the end of this year, and we will have a means by which to verify how much, precisely how much plutonium will need to be abandoned pursuant to the agreement.

We will also look forward to moving from this disablement phase to a dismantlement phase. And dismantlement needs to be looked at as irreversible disabling. Now when we talk about irreversible, one has to remember that it took North Korea some 5 or 6 years to initially build the entire Yongbyon complex. So if we even took Yongbyon down to the grass and then tried to rebuild it again, you are talking about 5 or 6 years of disablement. But the point is to take—that it would have to be a long time, it would have to be very expensive, and it would have to be totally, from the North Korean perspective, a wrong decision to try to reverse this.

So we will begin in 2008 to deal with the dismantlement and the ultimate abandonment of the fissile material that has already been produced. Obviously, the measures we are taking today in this second phase, that is this phase of disablement and full disclosure of their programs, are not in and of themselves the end of the game. We must get on to 2008. And a lot of people ask do we have enough incentives for the North Koreans to do this? We believe we do have an incentive structure, and it goes in the following.

The North Koreans very much need energy. And we have an agreement among participants in the six parties, among four of the participants to provide energy. You recall in previous efforts to deal with North Korea's nuclear threat we had an energy component, and it was one done almost entirely by the United States. This time we have four different countries providing energy to the tune or to the total of 950,000 tons of Heavy Fuel Oil. It is worth noting that Heavy Fuel Oil is a kind of fuel oil that can be used in certain factories, in heating facilities. It cannot be used, for example, in military vehicles. So that is one element.

Another element is that the DPRK has been very interested in being removed from the list of state sponsors of terrorism, and also removed from the trading—from application of the Trading with the Enemy Act. In February we did agree to begin this process. We believe it is important for our country to work with countries that are on that list to see if we can create the circumstances by which they are taken off the list of state sponsors of terrorism.

We cannot take a country off that list unless the country is no longer a state sponsor of terrorism; that is, that is not some prize one gets for doing something in another field. You have to deal with the issue of terrorism. You have to look very carefully at when were the last examples of state sponsorship of terrorism. You have to look to see whether the country is signing up to certain international covenants on terrorism. You have to look to see whether they have agreed in the future, made statements to the effect that they will refrain from or halt such support for terrorism. All of these issues; that is, related to being removed from the list of state sponsors of terrorism, would need to be looked at quite apart from the issue of the disablement of the nuclear reactor. And we will do

that such that at the time that the administration comes forward to first of all inform Congress of its intention to remove DPRK from this list, the Congress needs to be assured that there is adequate reasons for doing this and that we are justified in our approach on this.

So this is something that we will continue to work with the DPRK on because it is in our interest to see if we can get countries off of this list. Because when they are off of that list it means that they are no longer a threat to our country.

Of course this next year, as we try to move to this final stage of getting the DPRK to abandon their fissile material, of getting them to dismantle these facilities once and for all, it is going to be a difficult phase and it is going to be a tough negotiation. One of the benefits we believe that will be there for North Korea is our commitment to normalize with North Korea. But we have made it very clear we will not establish diplomatic relations until such time as North Korea is out of this nuclear business. So we will not go to any kind of full normalization until they have gone to a full denuclearization. That is one issue.

Another issue that we have been prepared to work with them on is the idea of establishing a peace treaty, a peace mechanism on the Korean Peninsula. Again we are prepared to engage in this process. We are not prepared to finalize it until North Korea gets out of the nuclear business.

And finally, we are also prepared to work with North Korea, and also work with the other states in the region on creating a Northeast Asian peace and security mechanism. Now a lot of people look at a Northeast Asian peace and security mechanism and say why do we need another forum for just talking? Why is there any need for more diplomatic fora of this kind? Actually, I would argue in Northeast Asia there has not been enough of a sense of community, there has not been enough of a sense of countries working together to solve common problems, whether they be environmental or other. And we believe it is high time that we get this kind of process going in Northeast Asia. And it is perhaps ironic that we could get to this process via the very difficult task of dealing with North Korea's nuclear ambitions, but that is indeed what we are going to be trying to do.

Mr. Chairman, I have been in the Foreign Service 30 years this month and I have never seen a problem as tough as this one. And what I can assure you I will continue to do, and what I can assure you that my team, especially in the Korea Desk and my bureau, but throughout the multi-agency process, that we will commit our best efforts, we will work as hard as we can, and importantly, we will continue to be in very close contact with the Congress.

Chairman Sherman, I want to assure you that even though I don't have a lot of time today, I am prepared not only to come to any other committee meeting, but also come to your office if there is anything I can do, because it is very important that we stand together, because when the Congress and the administration are together on this issue we are going to be able to move this thing ahead.

Thank you very much.

[The prepared statement of Mr. Hill follows:]

PREPARED STATEMENT OF THE HONORABLE CHRISTOPHER R. HILL, ASSISTANT SECRETARY, BUREAU OF EAST ASIAN AND PACIFIC AFFAIRS, U.S. DEPARTMENT OF STATE

INTRODUCTION

Thank you, Chairman Faleomavaega and Chairman Sherman, Ranking Member Manzullo and Ranking Member Royce, and distinguished Members for inviting me to discuss with your subcommittees recent developments in our efforts to achieve the verifiable denuclearization of the Korean Peninsula through the Six-Party process.

I am pleased to report several positive and significant steps toward achieving our goal. Most recently, on October 3, 2007, the Six Parties announced an agreement on "Second-Phase Actions for Implementation of the Joint Statement" which outlines a roadmap for a declaration of all of the Democratic People's Republic of Korea's (DPRK) nuclear programs and disablement of its three core nuclear facilities at Yongbyon by the end of the year. These Second-Phase actions would effectively block the DPRK's known ability to produce plutonium—a major step towards the goal of achieving the verifiable denuclearization of the Korean Peninsula. We are working closely with the other parties to implement this agreement expeditiously, and in the past few weeks we have taken several steps forward on implementation of the agreement.

IMPLEMENTATION OF FEBRUARY 13 "INITIAL ACTIONS" AGREEMENT

The October 3 agreement builds on the February 13, 2007, agreement on "Initial Actions for the Implementation of the Joint Statement." Pursuant to the February 13 agreement, the DPRK in July shut down and sealed the core nuclear facilities at Yongbyon and invited back the International Atomic Energy Agency (IAEA) to conduct monitoring and verification activities, as provided for in the February 13 agreement. Upon returning to the DPRK in July, the IAEA verified the shutdown status of the 5-MW(e) reactor, fuel fabrication facility, reprocessing facility, an uncompleted 50-MW(e) reactor, and an uncompleted 200-MW(e) reactor. The IAEA continues to monitor and verify the shutdown status of those sites.

The IAEA has reported excellent cooperation from DPRK authorities, and we have urged the DPRK to continue to provide full cooperation to the Agency's personnel working at Yongbyon. To support the work of IAEA monitoring and verification activities in the DPRK, the United States provided \$1.8 million from existing funds as the U.S. voluntary contribution to the IAEA to help cover associated expenses. Japan has also pledged \$500,000 to support this effort, and we would welcome voluntary contributions from other member states to support the IAEA's ongoing work in the DPRK.

Under the February 13 agreement, the Six Parties agreed that as the DPRK implements its commitments to denuclearization, the other parties would provide the DPRK with energy assistance in the form of Heavy Fuel Oil (HFO) or its equivalent in alternative economic, energy, and humanitarian assistance. Thus, as agreed, once the DPRK implemented its Initial-Phase commitments to shut down and seal Yongbyon facilities and invite back the IAEA, it received 50,000 tons of HFO. As the DPRK has taken steps to implement its Second-Phase commitments to provide a complete and correct declaration of all its nuclear programs and to disable facilities at Yongbyon, the other parties have begun implementing their commitment to provide an additional 950,000 tons of HFO or equivalent. Additionally, as part of beginning the movement toward normalization of relations between the United States and the DPRK, the United States committed to begin the process of removing the designation of the DPRK as a state sponsor of terrorism and advance the process of terminating the application of the Trading with the Enemy Act (TWEA) with respect to the DPRK. To help implement these tasks, the February agreement established five working groups, all of which have met at least twice and reported their results to the Heads of Delegation.

OCTOBER 3 AGREEMENT ON SECOND-PHASE ACTIONS

Building on the successful implementation of these Initial-Phase actions, the Six Parties announced on October 3 an agreement on a set of Second-Phase actions. Under this latest agreement, the DPRK agreed to provide a complete and correct declaration of all its nuclear programs by the end of the year. The declaration will include all nuclear facilities, materials, and programs. As the President said last week, it must include "plutonium that has been manufactured and/or the construction of bombs." The DPRK also agreed to address concerns related to any uranium enrichment programs and activities.

The DPRK also agreed to disable all existing nuclear facilities subject to the September 2005 Joint Statement and February 13 Agreement. As a start, the core nuclear facilities at Yongbyon—5-MW(e) nuclear reactor, reprocessing plant, and fuel rod fabrication facility—are to be disabled by the end of the year. Specific disablement actions will be based on the findings of the U.S.-China-Russia experts who visited the DPRK in September to survey the facilities at Yongbyon and the U.S. technical team that visited from October 11 to 18. At the request of the Six Parties, the United States has agreed to lead disablement activities. We will provide initial funding for these activities and expect to have our technical experts back on the ground in Yongbyon shortly. They will begin the actual work of disabling the facilities in a manner that should ensure that the DPRK would have to expend significant time and effort to reconstitute its ability to produce weapons-grade plutonium.

The task of disablement will not end with the core facilities at Yongbyon, and it will not end on December 31, 2007. The Parties have agreed that disablement will extend to all existing nuclear facilities and that this process will extend beyond December 31, 2007. But by the end of the year, implementation of the October 3 agreement will have effectively blocked the DPRK's known ability to produce plutonium, and it would take the DPRK a significant period of time to restart those activities.

And as the President has said, he is pleased with the progress we're making but believes that there is work to be done. This is not the end point of the process, and we hope to move forward early next year to the Third and final Phase, which will be aimed at dismantling all of North Korea's nuclear facilities, capturing all fissile material the DPRK has produced, and the abandonment of its nuclear weapons and existing nuclear programs.

The United States also has several commitments under the February 13 and October 3 agreements. As I mentioned earlier, the other Parties agreed to provide the DPRK with one million tons of HFO or equivalent in return for its actions in the Initial and Second phases. The Republic of Korea supplied the first shipment of 50,000 tons of HFO, and China provided the second. The United States is providing the third shipment, which is set to arrive in the DPRK in late October. Russia has indicated it will provide the next shipment of HFO. At this point, the Japanese government is not yet participating in energy assistance to the DPRK because of its outstanding concerns regarding Japanese abductees, and we continue to press the DPRK to address Japan's concerns. The working group on Economy and Energy Cooperation will continue to meet to review options for other forms of energy assistance that could be provided to the DPRK as HFO-equivalent under the agreement.

Under the October 3 agreement, the United States also reaffirmed its intent to fulfill its commitments regarding the removal of the designation of the DPRK as a state sponsor of terrorism and the termination of the application of the TWEA with respect to the DPRK. U.S. action related to the terrorism designation and TWEA application will depend on the DPRK's fulfillment of its Second-Phase commitments on providing a complete and correct declaration and disabling its nuclear facilities, as well as on satisfaction of legal requirements. The legal criteria for removing a country's designation as a state sponsor of terrorism are set forth in U.S. law. The Administration intends to consult closely with Congress and follow appropriate procedures on any decision to take action on the terrorism designation or TWEA application with regard to the DPRK.

We remain very concerned about nuclear proliferation—the potential for such proliferation has always been one of our major concerns about the DPRK's pursuit of nuclear weapons programs. In the October 3 agreement the DPRK reaffirmed its commitment “not to transfer nuclear materials, technology, or know-how,” and we intend to hold North Korea to its word. We have discussed this issue with the North Koreans many times and will remain vigilant about proliferation concerns. The North Koreans are cognizant of the fact that United Nations Security Council Resolution 1718 remains in effect.

The United States recognizes that some issues remain unresolved, including remaining questions about Japanese abductees, and we continue to urge the DPRK at every opportunity to address Japan's concerns. Japan is an important friend and ally of the United States, and we will continue to consult closely with the Japanese government as we move forward on this issue.

TRANSFORMING NORTH KOREA'S RELATIONS WITH THE INTERNATIONAL COMMUNITY

As the October 3 agreement is implemented and we move forward into the next phase of actions in early 2008 toward complete denuclearization, I believe the Six Parties can begin to make real progress on transforming North Korea's relations with the international community, and indeed transforming Northeast Asia. The United States and DPRK have committed to improving bilateral relations and work-

ing toward full diplomatic relations. One way we will seek to do this is to increase bilateral exchanges between the United States and DPRK aimed at enhancing mutual trust. Our goal through this process will remain improving the lives of the people of North Korea. On a separate track to address humanitarian assistance needs, the United States announced in August that we are prepared to provide substantial food aid to the DPRK, subject to appropriate monitoring procedures. We have also made clear to the DPRK that discussion of outstanding issues of concern, including the DPRK's human rights record, would be part of the normalization process.

We also remain committed to replacing the 1953 Armistice with a permanent peace arrangement on the Korean Peninsula. The United States believes that discussions of a Korean Peninsula peace regime could begin among the directly related parties once the DPRK has disabled its existing nuclear facilities, has provided a complete and correct declaration of all of its nuclear programs, and is clearly on the road to complete denuclearization. We can achieve a permanent peace arrangement on the Korean Peninsula once the DPRK fully discloses and abandons its nuclear weapons programs.

We also hope to move forward on developing a Northeast Asia Peace and Security Mechanism, which would help transform the cooperative relationships built through the Six-Party process into an enduring security framework for Northeast Asia. To advance all of our goals, the Six Parties remain committed to holding a ministerial level meeting in the near future.

THE ROAD AHEAD

What I have outlined here today—the agreements implemented to date and commitments still to be fulfilled—represent an important set of achievements on the road to verifiable denuclearization of the DPRK through full implementation of the September 2005 Joint Statement. But much remains to be done. Full implementation of the October 3 agreement, including follow-on disablement activities, should effectively block the DPRK's known ability to produce plutonium, but we must continue to move forward in the Six-Party process to realize the DPRK's abandonment of all fissile material and nuclear weapons in accordance with the September 2005 Joint Statement, as well as its return to the Treaty on Non-Proliferation of Nuclear Weapons and to IAEA safeguards. We will continue to work closely with our Six-Party partners as we move forward on the tough tasks that lie ahead.

Thank you for the opportunity to appear before you today. I am happy to answer your questions.

Mr. FALCOMA. Thank you, Secretary Hill. Yesterday in my opening statement before our Secretary of State, and I want to repeat myself in commending both you and Secretary Rice for giving diplomacy and statesmanship an opportunity, a chance. This could be one of the basic and fundamental foreign policy developments of what we want to do as a government, both in the Congress as well as the administration, that we pursue this line of conducting our foreign policy through diplomacy.

Now I would like to turn the time over to the chairman of our Subcommittee on Terrorism, Nonproliferation, and Trade, the gentleman from California, Mr. Sherman. You are given 5 minutes because of the time frame we are under.

Mr. SHERMAN. Thank you. Obviously, the most important question is whether you will come to my district, since you are coming to Manzanillo's district.

Ambassador HILL. I will be delighted. Any time.

Mr. SHERMAN. As soon as the fires are out. It is my understanding from this agreement, and I agree with the prioritization. To me it is all about nuclear weapons. But it is my understanding that North Korea could get off the terrorism list even if they didn't address the issues of counterfeiting, drug smuggling or missile proliferation. Is that true?

Ambassador HILL. What we are doing is, with respect to the financial issues, we are going to have a meeting with the North Koreans in the next couple of weeks to discuss this issue further. As

you know, we had a number of discussions in connection with this Banco Delta Asia matter before. So we are going to meet with them and continue to work through this issue. And we are also going to be in very close contact with the Japanese, because it is very important that Japan also make progress on its bilateral agenda. So we are going to be moving forward, but we are going to be doing it in close coordination.

Mr. SHERMAN. You mentioned Japan. Could you imagine yourself recommending to the President that North Korea should be removed from the terrorist list prior to the time when North Korea gives the Japanese a full accounting of what happened to the missing Japanese citizens?

Ambassador HILL. Well, let me put it this way, Chairman Sherman. I have personally, on every occasion that I have met with the North Koreans I have personally raised the issue of abducted Japanese citizens. This is not just a matter for the Japanese. This is a matter for the entire international community to speak out clearly about. So I believe, I am hopeful that the North Koreans understand the message that this is important, and that ultimately their relations with Japan are extremely important to their future, and that this issue can be addressed.

Mr. SHERMAN. That is a little short of giving the Japanese an assurance, but still shows the concern. Let's talk about the verification called for by this agreement. Let's say you get the declaration and it doesn't happen to mention anything going on in, say, an area 50 miles west of Nangnim, if I am pronouncing that right. And the CIA comes to you and says, hey, we got these pictures, we think they are doing something nuclear there. And you turn to the North Koreans and you say this whole area, you don't have anything on the list. And they say, yeah, there is nothing to list. Does the IAEA, the United States or anyone else have a right to go to this site and find out whether it is a fertilizer factory or whether the CIA is right and it is a nuclear facility?

Ambassador HILL. Well, Mr. Chairman, we have to, in working with them on this list, indeed, if we have concerns, we have to be able to make sure those concerns are addressed. We cannot have a situation where they pretend to denuclearize and we pretend to believe them. So indeed I can assure you that if we have information that is not reflected in their declaration we have to run that down. And so one of the reasons we want to get going on this, not by the end of December, when we look at a—we unwrap a list and look at it at Christmastime, but rather get going on it now to make sure that by the time we get to the end of December it will be a list that we can all be comfortable with.

Mr. SHERMAN. Now, speaking of this declaration, Congressional Research Service looks at what has been stated and says that the declaration may not include stockpiled plutonium and the number of atomic bombs that North Korea has created therefrom. Could you imagine yourself recommending removing North Korea from the terrorist list if their declaration failed to include a description of their stockpiled plutonium and bombs?

Ambassador HILL. Mr. Chairman, I cannot imagine myself recommending further steps if their declaration failed to include an accurate description of the separated plutonium, because ulti-

mately the weaponized plutonium is what we are after. And but the reason we start with shutting down the reactor is let's say we have 50 kilos of this weaponized plutonium. I don't want this to become a 100-kilo problem or a 200-kilo problem. We want it to be a 50-kilo problem. And therefore we need to get an accurate rendition of it, and then go after it and see that it is abandoned pursuant to the agreement.

Mr. SHERMAN. Okay. North Korea has promised not to engage in nuclear proliferation. They repeated that promise. But you can't believe the repetition if you didn't believe it initially. Do events in Syria demonstrate that North Korea's pledge not to proliferate nuclear technology cannot be taken at face value?

Ambassador HILL. Well, what I can assure you is our concerns about proliferation are really one of the main reasons that we came together in the six-party process in the first place. So we cannot conclude this process without getting to the heart of any—of proliferation concerns. So what I can assure you of is in past months, and especially in the months ahead, proliferation concerns are going to be very much in the top of our agenda.

Mr. SHERMAN. My time has expired. Thank you.

Mr. FALEOMAVEGA. Thank you, Chairman Sherman. We would like to turn now to our senior ranking member of the Asia, the Pacific, and the Global Environment Subcommittee, the gentleman from Illinois, Mr. Manzullo, for his 5 minutes.

Mr. MANZULLO. Thank you. Mr. Sherman, you might be interested in knowing that the Korean Ambassador to the United States and the Japanese Ambassador to the United States have also been in my district.

Mr. SHERMAN. No one wants to come to mine.

Mr. MANZULLO. You have to ask them, and they both had an opportunity to discuss this. And I have been doing that for a reason, is that I believe that it could very well be the most important thing that this Congress does or this administration does is to end up with a nuclear-free Korea. The stakes are tremendous. It is a life and death situation if it is done wrong.

Ambassador, I have got a list here of several things, counterfeiting, that Mr. Royce has done a lot of work on that, drug trafficking, human rights, Japanese abduction. I have got an attorney in my district who represents members of the Pueblo, and they want the ship returned. And there is the matter of the \$25 million in money that had been scrubbed in Macao and finally was released. And in trying to cobble together the best agreement that you can, while having the assurance that there is verification, that the nuclear capability has been eliminated, that the stockpiles have been removed, how many of these issues can you blend into an agreement at the same time and still come up with a six-party agreement?

Ambassador HILL. Well, to be sure all of those issues need to be addressed. And whether they can be addressed in nuclear talks is hard to say, but they need to be addressed. No country, certainly not ours, but no country in the world can be indifferent to the counterfeiting of its currency. This is a fundamental issue that every country has to be fundamentally concerned about. So we have to deal with that issue. And but we have to find mechanisms, ways

to talk to the North Koreans about this. And that is what we are trying to do. You know, there are a lot of issues about should you be having bilateral talks and this sort of thing, but we need these talks in order to address some of these issues. That is why we have used this platform of a working group to address some of our concerns.

Now, for example, North Korea wants access to the international financial community. Now one of the reasons they don't have access is for precisely the reasons that you mentioned. A lot of banks don't want to take their money. And I would say that the issue of Banco Delta Asia and the return of this money to North Korea, I can assure you this got people's attention in North Korea. So I think this whole effort in Banco Delta Asia did make them understand that whether they like it or not, they are going to have to play by the rules financially and the international financial system.

So we are going to have a meeting with them in the next couple of weeks to discuss some of these issues. I think we need to remain seized on it. I think our law enforcement people, who have been very active on this, need to be continually active on this. We cannot have a situation where our currency is being counterfeited.

Mr. MANZULLO. The reason I raise these issues, and obviously they are all important, as I read the agreement, it is vague, and it is not inclusive, but it is something that you take step by step and you add to it as steps occur. For example, the reactor is shut down. Then you want to disable it. Then you want to irreversibly dismantle it. So the people who are interested in these other issues, would it be correct to say that what you are asking for is to have a system of absolute verification with which everybody agrees, and then move through the agreement and discuss these issues as that agreement is being processed? Would that be a correct interpretation of it?

Ambassador HILL. With respect to these other issues, including these financial issues?

Mr. MANZULLO. Yes, the counterfeiting, the drug trafficking, and all that.

Ambassador HILL. Yes, but I think we want to get going on some of those even now. So while in Beijing in the six-party process we are very much engaged on some of these nuclear issues, you know just getting these teams launched into North Korea, going down to Yongbyon, figuring out how you dismantle a reactor, you know, things like that, we are moving on that. But in a parallel process, as we move to—as we move ahead in our bilateral relationship we need to address these financial issues. So I think we can do both. And some of them I don't think can be done in a six-party context. For example, the Japanese have a number of issues, including financial issues as well, that they have to deal with in their working group. And what I do is stay in pretty much daily contact with my Japanese counterpart to see how they are doing on their issues.

Mr. MANZULLO. Thank you.

Mr. FALCOMA. The ranking member of our Subcommittee on Terrorism, Nonproliferation, and Trade, the gentleman from California, Mr. Royce.

Mr. ROYCE. Thank you, Mr. Chairman. There is speculation about North Korea's involvement with Syria, Ambassador Hill. And

my colleagues, Peter Hoekstra and Ileana Ros-Lehtinen, who have been briefed, wrote an op-ed in the *Wall Street Journal*. And I will quote from that. Based on what we have learned, that it is critical for every Member of Congress to be briefed on this incident, and as soon as possible. David Albright, a nonproliferation expert, has released imagery which I have seen of Syria that shows structures roughly similar to design of a North Korean reactor. If North Korea was continuing to pursue its nuclear program or to proliferate outward while this six-party process moves forward, I think that would be a pretty damning indictment of Pyongyang's intentions in that regard. And can you assure this committee that post-shutdown of Yongbyon, North Korea has ceased its nuclear program and ceased proliferation, including proliferation outside the country?

Ambassador HILL. Mr. Royce, I am not sure I am in a position to make a certification on this issue except to say that what I can assure you of is the central importance that we attach to proliferation. And clearly, we cannot be reaching a nuclear agreement with North Korea if at the same time they are proliferating. It is not acceptable.

Mr. ROYCE. I think we concur on that. But the reaction from the government there this week has been to send a high ranking delegation to Damascus. So if we are pressing them hard, one would have assumed this trip would have been pulled in light of what the press is already reporting. And that is the reason for my question.

Ambassador HILL. Well, first of all, they have a number of things going with Syria, including missiles, which is a big problem. Missile proliferation is a very big problem, and one that we have to get to. We can't get to it in the middle of a nuclear negotiation, but we do have to get to that problem. They also have other things going on with Syria that are a lot more benign. But, you know, clearly we need to work very closely, be very vigilant.

I mean we worked very hard to take down this whole A.Q. Khan nuclear smuggling operation a few years ago. We need to continue to do that sort of thing.

Mr. ROYCE. Let me ask you this.

Ambassador HILL. But what I can assure you is we are not playing trust me in this negotiation. We are doing things in a very verifiable way.

Mr. ROYCE. Well, after North Korea's test the President said the transfer of nuclear weapons or material by North Korea to states or nonstate entities would be considered a grave threat to the United States, and we would hold North Korea fully accountable of the consequences of such action. And I just ask is that still the policy of the United States in light of what transpired in Syria?

Ambassador HILL. Well, I can assure you what the President said remains the policy of the United States.

Mr. ROYCE. Okay. Let's go to another question. You testified that North Korea's declaration will include all nuclear facilities, materials, and programs. Now, when you look at the text of the October 3rd agreement, I think it allows for a little more wiggle room. It states that they are to provide a complete and correct declaration of all its nuclear programs.

Now, one of the difficulties we have is we read that experts are asserting that it is uncertain that the number of atomic bombs that

North Korea has manufactured will be part of that declaration. So I would ask would that be part of the declaration and will the North's declaration be made available to the public or to share with Congress?

Ambassador HILL. With respect to the latter question, I am not sure how the declaration will be publicized, but I think clearly relevant committees in the Congress must be fully informed on it. With respect to the issue of what will be included, I would say to you, Mr. Congressman, that all means all. And what is especially important to us is they have weaponized plutonium. They have plutonium. We are not sure how much yet. But we need to know precisely how much and we need to be able to verify how much. This is the key question. Plutonium. That is the fissile material. That is what you make weapons out of. So that is what we have to keep our eye on, and that is a key part of the declaration.

Mr. ROYCE. I understand that. We are considering taking North Korea off the terrorist list. Syria is a terrorist state today. I am just raising the questions here about them being able to verify the parts of this agreement in light of what we are discovering and in light of some of the questions that experts on nonproliferation have given us in terms of will that include these atomic bombs.

In the October 3rd agreement, the United States indicated a willingness to terminate the application of the Trading With the Enemy Act with respect to North Korea. I think the result of that is going to be at least \$30 million being unfrozen and released to the North Korean regime. At least that is I think CRS—

Mr. FALEOMAVAEGA. Could you respond to his question because his time is up?

Ambassador HILL. Mr. Congressman, I think all of these assets are in dispute and would be—would not be—it is not envisioned that any of them would be returned to the DPRK. Certainly not at this time.

Mr. ROYCE. Thank you very much, Ambassador Hill. Thank you, Mr. Chairman.

Mr. FALEOMAVAEGA. Thank you. The gentleman from Georgia.

Mr. SCOTT. Thank you very much, Mr. Chairman. Ambassador Hill, do you trust the North Koreans?

Ambassador HILL. I trust but verify. I mean clearly, Congressman Scott, we—

Mr. FALEOMAVAEGA. Do the North Koreans trust us?

Ambassador HILL. These sorts of negotiations, as I said to Mr. Royce, this is not a matter of playing trust me. I mean trust comes in in things like, well, by next Tuesday can you get this done because we will have our thing done? And then there is some trust factors there. But overall these agreements must be based on verification.

Mr. SCOTT. Let me focus my follow-up questions and the reason for asking you the trust factor because I am very troubled about North Korea and the possibility, the very real possibility, and maybe the truthful fact that they are indeed selling their nuclear technology. And I want to focus that particularly as it relates to Syria, and quite possibly Iran. Syria and Iran are closely connected. They are certainly allies. And they are both certainly sponsors of terrorism. And they both sponsor Hezbollah, in which we

know from credible information that North Korea has been aiding Hezbollah, which I do want to get at and ask you a question about that as well.

When we examine the recent Israeli air strike in Syria, it was against a nuclear reactor that was under construction, but it was against a nuclear reactor that had very similar technology to that used in the reactor in North Korea. So my question is, is there evidence that North Korea did in fact sell technology to Syria?

Ambassador HILL. I am not in a position here to discuss intelligence matters, which is the level that one would need to discuss questions of whether they did or did not.

Mr. SCOTT. Well, let me ask you this, Mr. Ambassador. Was this issue brought up in your talks privately—

Ambassador HILL. Yes—

Mr. SCOTT [continuing]. With the North Koreans?

Ambassador HILL. Yes. I have raised this issue.

Mr. SCOTT. Well, I won't pursue that any further because I do not want to get into sensitive intelligence issues. But I am glad that you did. And this is one Congressman who is very concerned about that. And I also want to know will this issue temper the carrots that we offer North Korea in any future negotiations? And if so, will that cause the North Koreans to pull back from their promises?

Ambassador HILL. Well, I think throughout the process we have made it clear that we cannot accept any agreement that has us winking at proliferation issues. So proliferation or nonproliferation need to be at the heart of any agreement.

Mr. SCOTT. When the Israelis made the air strike in Syria, were there any North Korean technicians at that site that Israel bombed in September 2007?

Ambassador HILL. I am not in a position to confirm or not confirm. I don't know. And I think the answer to a question like that would have to come in a different forum, whether or not. I don't know.

Mr. SCOTT. Oftentimes it is the question that is raised that gives the portent as opposed to the answer. So I think it is very important that we as Congressmen raise these important questions to make sure that we are not flying blind. This is a very, very serious issue of nuclear proliferation and nuclear weapons in the hands of North Korea, especially as we are moving with the threats of nuclear capability in the very volatile Middle East. And if North Korea is playing with a dirty hand in this it certainly needs to be exposed that some of us here in Congress are very concerned about this, and we do not have a blind eye, but we have a very jaundiced eye, and that we didn't just fall off the turnip truck.

Let me go to the issue.

Mr. FALEOMAVAEGA. The gentleman has one more question. Your time is about up, sir.

Mr. SCOTT. Has North Korea provided arms and training to Hezbollah, including during the period before the 2006 Israeli-Hezbollah war?

Ambassador HILL. I am not aware of any credible information that would confirm such an accusation.

Mr. SCOTT. Thank you, Ambassador.

Mr. FALEOMAVAEGA. The gentleman from Texas, Mr. Poe, for his questions.

Mr. POE. Thank you, Mr. Chairman. Ambassador, thank you for your service. Thirty years as a diplomat, God bless you. I have been called a lot of things in my life, but a diplomat is not one of them. I frankly don't believe anything the North Korean Government says about anything. They would lie when the truth would suit them better. And as questions have been asked already, I am concerned about what they are doing in Syria. And I would like for you to tell me why you can't tell us what they are doing in Syria. I don't understand that. So if you would explain that to me, and you don't have to be diplomatic about it. Just tell me why you won't tell us what you know about Syria and the North Koreans working together.

Ambassador HILL. With respect to the Syrian issue, I think the answers to the questions of whether or not they are involved are of a classified nature, and this is an open hearing. And it does relate to intelligence matters, and this is not an intelligence hearing. So I am not in a position here to discuss their presence or lack of presence in a Syrian nuclear program.

What I can tell you is what I am doing in the six-party process, and to assure you, as I assured Mr. Scott, that our concerns about proliferation are profound, and that we cannot reach an agreement when proliferation issues are ignored. And so we cannot have an agreement in which North Korea is allowed to go ahead and have nuclear proliferation. So the issue is, and the issue is always in our six-party process how to come up with a verification method so we are not, as I said earlier, playing trust me in any way, that we are in fact looking for measures that we can agree on and that can be verified.

In shutting down the reactor, which we did in July, I can assure you we can verify today the reactor is shut down. In disabling the reactor, when that starts next week, I can assure you that when it is disabled we can verify that it is disabled. So as we move forward, when they provide a declaration, we will verify what is on that declaration. When they give us an amount of weapons grade plutonium, we will be able to verify the weapons grade plutonium.

Mr. POE. Let me ask you another question, because of my time. And I hope we don't have to find out what is happening in Syria out of the *Washington Post*. I hope we can learn sooner than having to read it through the media. You made the comment that can't deal with the issue of the North Koreans supplying missiles to Syria because you are dealing with the issue of nuclear proliferation. Why not?

Ambassador HILL. Well, I would very much like to get engaged in a missile negotiation with the North Koreans. I think it is very important to us. It is very important to the Japanese. I would hope that we could address missiles at some stage. I think they ultimately are a very destabilizing factor in the entire North Korean equation. I think we should get to a missile regime.

Mr. POE. Thank you, Mr. Chairman. I yield back my time.

Mr. FALEOMAVAEGA. The gentleman from Indiana, Mr. Burton.

Mr. BURTON. You know, you work hard. And you have a very difficult job. I serve on the Government Reform Committee and the

Foreign Affairs Committee, and we have had the honor of having Secretary of State Condoleezza Rice before both committees in the last 2 days. Yesterday on the Foreign Affairs Committee the question was asked about the nuclear technology coming from Korea to Syria. And today it was asked again. And both times, and now today you are saying the same thing, that it is classified and we shouldn't know about it.

Now let me just say this to you. You can't give it to us. We have been asking for this, and they haven't said that we will give it to you in a classified briefing. They haven't said they will have a closed briefing to give it to all the Members of Congress. But I want to tell you, you are going to be asking us, the administration, for \$106 million in a supplemental for Korea. You are going to be asking for removal from the terrorist list, which is going to free up about \$30 million of their money.

Now in 1994, during the Clinton administration, they gave them light water reactor technology in exchange for them stopping their nuclear program. They didn't do it. And now we are going to try to give away half of the store, while at the same time there is a very distinct possibility that they gave nuclear technology to Syria, which is a terrorist state right next to Iran. And the whole Middle East is a tinderbox right now. I can't believe that Israel is going to sit around waiting for both of those countries to develop nuclear weapons and threatening their existence. And so we could have a real tragedy over there if we don't deal with this thing properly.

Now, the people that are going to have to help in the decision-making process is the Congress of the United States. And I have high regard for Secretary Rice. She is one of my favorite people in the whole world. But you guys over there at State can't keep this from Congress. You have got to tell us what is going on. And you know, for you to say, well, you know, this is a classified—we are all cleared for classified. And if somebody violates that then those people should be censured. But since we are asked to participate in giving North Korea, a known terrorist state who wants to be taken off the terrorist list, who wants more things from us, money included, then by golly we need to know if they are dealing honorably with us or fairly with us. They didn't in the past. They lied to us consistently in the future. They have lied to the whole world. And we need to know if we should be appropriating this money or being willing to deal with it.

Now I know it is a very sensitive issue. I understand that. And I know you are in a tough position, as is the State Department. But if we are going to be able to deal with them and try to stop nuclear proliferation, we need to know what is going on. And you guys over at State, and you can tell Condoleezza Rice, as I said, who I think is dynamite, that they have got to tell us. And if it is a closed hearing, a closed briefing, that is fine. But it needs to be done and it needs to be done very quickly. And with that I yield back my time.

Mr. FALEOMAVAEGA. Thank the gentleman from Indiana. The gentleman from Oregon, Mr. Wu.

Mr. WU. Thank you, Mr. Chairman. Ambassador Hill, I have just one very brief question for you, which—and I will take the answer in writing afterwards, unless you are prepared to answer it right now. And I will not assume that. I have received a request from

humanitarian groups at home in Oregon to be supportive of an effort to build or help support parts of a college or university to be built in Pyongyang. And I believe that the acronym is PUST, the Pyongyang University of Science and Technology. Now the people making this request are very well-intentioned individuals whom I know. I have no idea what will happen, if there is any assistance with any funds or technology that goes to a college or university there. I would like to think that education generally makes a positive difference, but I am concerned about the hijacking perhaps of any equipment or other things that are transferred if I choose to participate, as I have been requested to by various humanitarian groups in Oregon to help in this effort with the Pyongyang University of Science and Technology. And I would like to lay that out here in this hearing. And when your staff has had an opportunity to research the issue, I would take what you said back under very serious consideration in any further action that I decide to take.

Ambassador HILL. Okay. We will be happy to look at that and get you answer in writing.

Mr. WU. Thank you, Mr. Ambassador.
[The information referred to follows:]

WRITTEN RESPONSE RECEIVED FROM THE HONORABLE CHRISTOPHER R. HILL TO
QUESTION ASKED DURING THE HEARING BY THE HONORABLE DAVID WU

In the October 3 agreement on "Second-Phase Actions for the Implementation of the Joint Statement," the United States and the DPRK stated that each country remains committed to improving bilateral relations and moving towards a full diplomatic relationship. The "Second-Phase" Actions agreement also states that the two sides will increase bilateral exchanges and enhance mutual trust. We strongly support the expansion of educational and exchange opportunities, and will continue to do so in a way that is consistent with our international obligations, including UNSCRs 1695 and 1718, as well as U.S. law.

Mr. WU. And, with that, Mr. Chairman, I yield back the balance of my time.

Mr. FALEOMAVAEGA. Thank you, Mr. Wu.

Now I had purposely withheld asking questions simply because I wanted to extend the courtesies to my colleagues, so it is my turn now. Thank you.

One of the issues that has always been dear to my heart at the times that I have had the privilege of visiting with the Korean leaders was one of the policies initiated by the former President Kim Dae-Jung. It was then known as the sunshine policy.

The opportunities that I had in meeting with some of our Korean counterparts, I was taken by the statement that one of the Korean leaders made to me. He said, the United States is our friend, but the North Koreans are our brothers. And that really hit me to the extent that I wanted to ask you, Mr. Ambassador—because I know at first the administration was very critical on any efforts on the part of the South Korean Government—is to try to reach out.

The problems of the division and North and South Korea not of their doing, by the way; and so for 50, 60 years these people have been divided—the same culture, the same language, same people—and now they are trying to make an effort to conduct these negotiations or by way of someday hopefully many of them believe that they would like to reunite together, not only as families but as a people and as a country.

And I would like to ask you where is the administration's position on the summit meetings that have been held recently by President Roh and Kim Jong-Il and some of the, I think, negotiated statements that have been made in their efforts in trying to reach out and to hopefully work out a better relationship between the two Koreas. I would like to ask you that.

Ambassador HILL. Mr. Chairman, I am not sure we have official policies toward those issues, but let me try to answer it in the following way. That I have said this before, I feel it is very important that Americans understand the great tragedy that befell the Korean people in the middle of the 20th century, the division of their land, a division that goes on now into this next century. And so I think it behooves us all as Americans to understand the great yearning of Korean people to somehow if not be together in one state but at least have the opportunity to have contacts and to meet together. So I think as Americans we need to respect that desire, and we don't want to put ourselves in the position of appearing to stand between or preventing this kind of context.

Now, of course we have a great security interest in the Korean Peninsula. We have U.S. troops stationed there. We have a security commitment to the Republic of Korea to defend it against attack. So, therefore, we have to be concerned about development, security developments on the Peninsula; and of course, we must be very, very concerned about some of the strategic problems that have emerged, including and especially nuclear weapons.

So what we have tried to do as the Republic of Korea has reached out to North Korea in various configurations, sunshine policy being one of them, is that we have tried to maintain a very close relationship with South Korea and especially our ability to coordinate and to consult as these things happen. That is, we try to avoid a situation where we or the South Koreans surprise each other, but rather we try to be in very close contact so that when things do happen, we anticipate them.

So I would say the essential issue is: What is the strength of our relationship these days with South Korea?; and I would say, Mr. Chairman, that we have a very good relationship with South Korea.

It is not for us to say who the South Koreans elect for their President or for their National Assembly. That is for the Korean people. But we do have a good relationship or a good diplomatic relationship with them. We have cultural relations. We have a lot of things going with Korea, such that their decisions to reach out to North Korea, sunshine policy or whatever, are ones that we know about. We are in close communication, coordination with. And I would say our relationship with South Korea is one of the best we have in the world.

Mr. FALEOMAVAEGA. Just one more question. I know my time is up.

Recently, your former colleague, former U.S. Ambassador to the United Nations, had a meeting with 42 Members of Congress here on the Hill. It made the headlines, making some very strong statements objecting to the process and the initiative that you and Secretary Rice and the President himself about how we deal with North Korea. Would you care to comment about that?

Ambassador HILL. Mr. Chairman, he is a private citizen. He is certainly entitled to his views.

Mr. FALEOMAVAEGA. Well, that is real nice, sweet and short. The gentleman from California, our chairman.

Mr. SHERMAN. Thank you.

I also have a question about your good friend, John Bolton.

He said recently that closing down Yongbyon is not a major deal because it is, "an old facility at or near the end of its useful life." How much more kick did that facility have in it and what are we getting by them terminating it at this point?

Ambassador HILL. Well, it was working. It was producing spent fuel which could be reprocessed into plutonium. It was working right up until the day it was shutdown. And from what we can understand is, yes, the reactor there is a 50-year-old design. So it is a very old design first developed in Europe. It's probably not a design anyone would want to build today. But, nonetheless, they were producing weapons grade plutonium through this process as late as a few months ago, so I think our country is safer for having shut it down. It will be safer still when we disable it, and it will be safer still when we dismantle and get rid of these nuclear programs.

Mr. SHERMAN. Do you believe they could have, if they kept it going, created enough plutonium for one or two more nuclear weapons?

Ambassador HILL. Absolutely. And continued to do so. There are no signs that it was on its last legs.

We have had people actually go visit it in recent months. I don't know if the private citizen you are referring to has actually been there, but people who have been there say that it was very much able to operate.

Mr. FALEOMAVAEGA. I would like to ask my friend from California if he could have one more question, and then I will give my friend from California also one question because we have 3 more minutes left.

Mr. SHERMAN. I gotcha.

The declaration you are supposed to get from North Korea should, as you pointed out, cover their HEU program. There are three subparts it could deal with. It could tell you what they got from A.Q. Khan. It could tell you what they got and imported from other countries in the way of technology and identify who the vendors were. And it could tell you what the infrastructure is that they have created and how much highly enriched uranium they have produced.

Do you expect to see all three of those sub-items included in the declaration before you feel the declaration is adequate?

Ambassador HILL. Well, Mr. Chairman, as we try to resolve the issue of highly enriched uranium, I think what we are looking for is acknowledgment. We are looking for an explanation, and that gets to some of your points there. And we are also looking for disposition, that is, equipment and what is going to become of it. So I think, ultimately, we are looking for real transparency so we know exactly what they have and what they have now.

Mr. SHERMAN. But you are not going to insist that they disclose the names of the vendors and give you a chance to roll those up?

Ambassador HILL. I can assure you we will go for as much as we can, because we not only want this problem stopped in North Korea, we want it stopped elsewhere.

Mr. SHERMAN. I yield back.

Mr. FALEOMAVEGA. Gentleman from California, Mr. Royce, for his one question.

Mr. ROYCE. Thank you.

Ambassador, you mentioned U.N. Security Council Resolution 1718 in your testimony, but, as you know, these resolutions are somewhat meaningless without enforcement. I would ask how this resolution is being put into practice, because we had a report that during the reporting period the committee has received no requests for designation with respect to the targeted financial sanctions and travel ban. And I just wonder if the rhetoric surrounding what the U.N. does there matches the reality, because I just don't see anything concrete with respect to 1718. I was going to ask you about that.

Ambassador HILL. Mr. Congressman, that is a very fair question. I do know that the United States has taken a number of steps, and what I could do is take your question and get back to you with a written answer to give you precisely what we have done.

I can say in a general sense that some countries have done a good job and some countries have not done a good job in enforcement of this. My understanding is we have taken a number of measures with respect to trade and with respect to the issue of traveling of certain persons, but I would have to get back to you with a specific answer in writing.

Mr. ROYCE. I'd appreciate that, because the committee that was set up under that resolution is the one that gave us the report that said that during the reporting period that committee received no requests for designation with respect to the financial sanctions and the travel ban, and so it makes it look as though absolutely no impact at all from the—

Ambassador HILL. I understand your very valid point and will get you an answer.

Mr. ROYCE. I appreciate it.

[The information referred to follows:]

WRITTEN RESPONSE RECEIVED FROM THE HONORABLE CHRISTOPHER R. HILL TO QUESTION ASKED DURING THE HEARING BY THE HONORABLE EDWARD R. ROYCE

It is essential that all United Nations Member States implement their obligations under UNSCR 1718 fully and effectively, and the United States has taken numerous measures on its own part to implement UNSCR 1718. These measures include imposition of further trade and assistance restrictions, where appropriate or required by U.S. law, and working with other states to prevent trade prohibited by the resolution. The following discussion outlines U.S. actions on the provisions of UNSCR 1718.

In regards to Paragraph 8(a)(i) of the resolution, in general, U.S. export control restrictions include, but are far broader in scope than, the items listed in UNSCR 1718, subparagraph 8(a)(i). The United States does not permit the export to North Korea of any items on the U.S. Munitions List (22 CFR 126.1(a)). The United States also does not approve the export and re-export to North Korea of any dual-use item covered by Paragraph 8(a)(i) of UNSCR 1718 that is included on the U.S. Commodity Control List (CCL). The United States also works with like-minded countries, including through the Wassenaar Arrangement, to prevent the transfer to or from North Korea of conventional arms, and transfers to North Korea of related dual-use technologies that could contribute to its conventional weapons programs as well as to the development, production, or delivery of Weapons of Mass Destruction

and their delivery systems. The United States continues to monitor and assess reports of possible munitions and dual-use technology transfers to and from North Korea.

In regards to paragraph 8(a)(ii) of the resolution, the United States does not permit the export to North Korea of any items that could contribute to North Korea's nuclear programs, including all of the items identified by the United Nations 1718 Committee and specifically listed in UN document S/2006/814. The United States also works with like-minded countries, including through the Nuclear Suppliers Group, the Zangger Committee, the Proliferation Security Initiative, and through outreach programs to non-member countries, to prevent the transfer of nuclear and nuclear-related equipment, materials, software and related technology to or from North Korea that could contribute to the development, production, or delivery of nuclear weapons.

The United States does not permit the export to North Korea of any items that could contribute to North Korea's missile programs, including all of the items identified by the 1718 Committee and specifically listed in UN document S/2006/815. The United States also works with like-minded countries, including through the Missile Technology Control Regime and the Proliferation Security Initiative to prevent the transfer of missile-related materials to or from North Korea that could contribute to the development or production of missiles.

All items on the dual-use chemical and biological list, as set forth in by the United Nations in UN document S/2006/853, require a license from the U.S. Department of Commerce for export or re-export to North Korea. Applications for export and re-export to all end users in North Korea of the items contained on this list are subject to a policy of denial. The United States also works with like-minded countries, including through the Australia Group and the Proliferation Security Initiative, to prevent the transfer of chemical- or biological-related materials to or from North Korea that could contribute to the development, production, or delivery of chemical or biological weapons. It is also important to note that the United States controls the export to North Korea of more items than those set forth in the UN document.

In response to Paragraph 8(a)(iii) of the resolution banning the transfer of luxury goods to North Korea, on January 26, 2007, the United States Department of Commerce imposed restrictions on exports and reexports of luxury goods to the DPRK. To this end, the Bureau of Industry and Security (BIS) amended the Export Administration Regulations (EAR) to impose license requirements for the export and reexport of virtually all items subject to the EAR to North Korea, except food and medicines not listed on the CCL. BIS will generally deny applications to export and reexport luxury goods. BIS has published an illustrative list of luxury goods on the BIS website (www.bis.doc.gov). BIS also now reviews on a case-by-case basis applications to export and reexport all other items subject to the EAR.

In regards to Paragraph 8 (b) of the resolution, permanent imports of defense articles into the United States are regulated by the Department of Justice's Bureau of Alcohol, Tobacco, Firearms and Explosives under the direction of the Attorney General (see 27 CFR parts 447, 478, 479 and 555). Sections 73 and 74 of the Arms Export Control Act (22 U.S.C. 2797b and 2797c) provide for sanctions against foreign persons who, among other activities, export, transfer or otherwise engage in the trade of any Missile Technology Control Regime (MTCR) equipment or technology that contributes to the acquisition, design, development, or production of missiles in a country that is not an MTCR adherent and would be, if it were US-origin equipment or technology, subject to the jurisdiction of the United States under the Arms Export Control Act.

In regards to Paragraph 8 (c) of the resolution, U.S. restrictions on transfers of lethal military equipment, nuclear-related items, missile-related items, and chemical-biological items to North Korea include restrictions on providing related software, technology, assistance, training, advice or services. The United States works with like-minded countries, including through the Wassenaar Arrangement, the Nuclear Suppliers Group, the Zangger Committee, the Missile Technology Control Regime, the Proliferation Security Initiative, and through outreach programs to non-member countries, to prevent transfers to North Korea of technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of the items in subparagraphs (a) (i) and (a) (ii) of operative paragraph 8 of UNSCR 1718.

In regards to Paragraph 8(d) of the resolution, the UNSCR 1718 Committee has not named any persons or entities for the purposes of the asset freeze in Paragraph 8(d) at this time. The United States, however, has designated 12 entities and one individual under Executive Order 13382 for DPRK-related proliferation activities.

In June 2005, the President signed Executive Order 13382 (Blocking Property of Weapons of Mass Destruction Proliferators and Their Supporters). The Order allows

the United States to block or “freeze” the property and assets, subject to U.S. jurisdiction, of weapons of mass destruction (WMD) proliferators and their supporters. Persons that are designated under the Order are denied access to the U.S. financial and commercial systems, and U.S. persons, wherever located, are prohibited from engaging in transactions with them.

In regards to Paragraph 8(e) of the resolution, the UNSCR 1718 Committee has not designated any persons at this time as subject to the travel ban provisions.

In regards to Paragraph 8(f) of the resolution, the United States cooperates closely with allied and partner states to scrutinize closely North Korean exports and imports, in accordance with domestic law and international legal frameworks, that pass through their ports, airports, on their flagged ships, and border crossings, and takes appropriate steps to prevent the transfer of items prohibited by the resolution. The United States emphasizes that these actions are not intended to implement a blockade on North Korea.

U.S. efforts to take cooperative action to prevent the trafficking in nuclear, chemical, or biological weapons, their means of delivery, and related materials by North Korea and other proliferating states are generally implemented under the auspices of the Proliferation Security Initiative (PSI). The PSI is an international counterproliferation effort aimed at preventing and disrupting shipments of weapons of mass destruction, their delivery systems, and related materials flowing to or from states or non-state actors of proliferation concern.

Attachment:

UNSCR 1718, paragraph 8.

8. *Decides* that:

(a) All Member States shall prevent the direct or indirect supply, sale or transfer to the DPRK, through their territories or by their nationals, or using their flag vessels or aircraft, and whether or not originating in their territories, of:

- (i) Any battle tanks, armoured combat vehicles, large calibre artillery systems, combat aircraft, attack helicopters, warships, missiles or missile systems as defined for the purpose of the United Nations Register on Conventional Arms, or related materiel including spare parts, or items as determined by the Security Council or the Committee established by paragraph 12 below (the Committee);
- (ii) All items, materials, equipment, goods and technology as set out in the lists in documents S/2006/814 and S/2006/815, unless within 14 days of adoption of this resolution the Committee has amended or completed their provisions also taking into account the list in document S/2006/816, as well as other items, materials, equipment, goods and technology, determined by the Security Council or the Committee, which could contribute to DPRK’s nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes;
- (iii) Luxury goods;

(b) The DPRK shall cease the export of all items covered in subparagraphs (a) (i) and (a) (ii) above and that all Member States shall prohibit the procurement of such items from the DPRK by their nationals, or using their flagged vessels or aircraft, and whether or not originating in the territory of the DPRK;

(c) All Member States shall prevent any transfers to the DPRK by their nationals or from their territories, or from the DPRK by its nationals or from its territory, of technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of the items in subparagraphs (a) (i) and (a) (ii) above;

(d) All Member States shall, in accordance with their respective legal processes, freeze immediately the funds, other financial assets and economic resources which are on their territories at the date of the adoption of this resolution or at any time thereafter, that are owned or controlled, directly or indirectly, by the persons or entities designated by the Committee or by the Security Council as being engaged in or providing support for, including through other illicit means, DPRK’s nuclear-related, other weapons of mass destruction-related and ballistic missile-related programmes, or by persons or entities acting on their behalf or at their direction, and ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any persons or entities within their territories, to or for the benefit of such persons or entities;

(e) All Member States shall take the necessary steps to prevent the entry into or transit through their territories of the persons designated by the Committee or by the Security Council as being responsible for, including through supporting or promoting, DPRK policies in relation to the DPRK’s nuclear-related, ballistic missile-related and other weapons of mass destruction-related programmes, together with their family members, provided that nothing in this paragraph shall oblige a state to refuse its own nationals entry into its territory;

(f) In order to ensure compliance with the requirements of this paragraph, and thereby preventing illicit trafficking in nuclear, chemical or biological weapons, their means of delivery and related materials, all Member States are called upon to take, in accordance with their national authorities and legislation, and consistent with international law, cooperative action including through inspection of cargo to and from the DPRK, as necessary;

Mr. ROYCE. Thank you, Mr. Chairman.

Mr. FALEOMAVAEGA. Mr. Secretary, I'm going to have the record open for 5 days, and members will also have an opportunity to submit questions in writing to your office, and the responses will be made a part of the record.

I cannot thank you enough, Mr. Secretary, for taking time from your busy schedule in coming to meet with the members, assure again our absolute support in whatever we can do to be of help in the very delicate and the very important job that you are doing on behalf of our Nation.

With that, Mr. Secretary, have a good trip to Beijing and come back in one piece. Thank you.

[Whereupon, at 4:18 p.m., the joint subcommittee was adjourned.]

A P P E N D I X

MATERIAL SUBMITTED FOR THE HEARING RECORD

ARTICLE SUBMITTED FOR THE RECORD BY THE HONORABLE ILEANA ROS-LEHTINEN, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

WHAT HAPPENED IN SYRIA?

By PETER HOEKSTRA and ILEANA ROS-LEHTINEN
October 20, 2007; Page A10

Over the last few weeks, State Department officials have reported major diplomatic breakthroughs that will roll back North Korea's nuclear weapons program, allow Pyongyang to be removed from the U.S. state sponsors of terror list, and normalize relations between our two countries.

North Korea reportedly has agreed to disable its nuclear facilities and has, as it has done many times before, promised to give a full accounting of its nuclear program. The latest deadline is Dec. 31, 2007. Congress has been asked to support this agreement, which State Department officials claim will benefit our nation and promote regional stability.

Then, early last month, Israel conducted an airstrike against a facility in northern Syria that press reports have linked to nuclear programs by North Korea, Iran or other rogue states. If this event proves that Syria acquired nuclear expertise or material from North Korea, Iran or other rogue states, it would constitute a grave threat to international security for which Syria and any other involved parties must be held accountable.

The Bush administration, however, has thrown an unprecedented veil of secrecy around the Israeli airstrike. It has briefed only a handful of very senior members of Congress, leaving the vast majority of foreign relations and intelligence committee members in the dark. We are among the very few who were briefed, but we have been sworn to secrecy on this matter. However, we are prepared to state, based on what we have learned, that it is critical for every member of Congress to be briefed on this incident, and as soon as possible.

We are concerned that, although the Bush administration refuses to discuss the Israeli airstrike with the American people or with the majority of Congress, it has not hesitated to give information on background to the press to shape this story to its liking. New York Times writer David Sanger authored and coauthored articles on Oct. 14 and 15 that appeared to reflect extensive input from senior policy makers. Washington Post writer Glenn Kessler coauthored an article on Sept. 21 that also cited inside information from the administration. We believe this is unacceptable.

We want to remind President Bush that the Constitution invests Congress with various powers and authority over foreign policy. Not only does Congress have an obligation to conduct oversight over these matters, but it is accountable to the people of this country to ensure that their security and interests are safeguarded.

The proposed deals with North Korea will involve substantial expenditures of U.S. funds to pay for heavy fuel oil deliveries. Congress will be asked to approve the authorization of funds for this expenditure. We cannot carry out our duties when we are being denied information about these critical national security matters.

We all want to secure agreements that address the proliferation of nuclear weapons, ballistic missiles and unconventional weapons. However, for these agreements to have long-term viability, they must be transparent, and based on close consultations and collaboration with the Congress.

If the Israeli airstrike last month is related to covert nuclear collaboration involving Syria and either North Korea, Iran or other rogue states, this may or may not

be an issue that can be easily addressed by negotiations alone. It is certain, however, that such a serious international security issue will not stay secret forever.

Congress, therefore, needs to be fully briefed, not just on the details of the airstrike, but on how to address this matter and how, if press reports are true, rogue states will be held accountable for what could amount to a very serious case of WMD proliferation.

We regret that the administration has ignored numerous letters from Congress asking that all members be briefed on the Israeli airstrike. Failing to disclose the details of this incident to the legislative branch, preventing due diligence and oversight—but talking to the press about it—is not the way to win support for complex and difficult diplomatic efforts to combat proliferation by rogue nations.

Until Congress is fully briefed, it would be imprudent for the administration to move forward with agreements with state proliferators. Congress must be a full partner in this process and, from this point forward, must be kept dutifully and currently informed about this matter.

Mr. Hoekstra is the senior Republican member of the House Permanent Select Committee on Intelligence. Ms. Ros-Lehtinen is the senior Republican member of the House Foreign Affairs Committee.

