

**References to North Korea in the Consolidated Appropriations Act, 2008
Signed into Law on December 26, 2007
and
The Defense Authorization Act, 2008
Signed into Law on January 28, 2008**

Highlights

- ❖ \$53,000,000 is available for energy-related assistance to North Korea.
- ❖ \$3,000,000 is available for the promotion of democracy and human rights in North Korea.
- ❖ Funds are to be made available for assistance to North Korean migrants and refugees.
- ❖ The National Nuclear Security Agency in the Department of Energy has discretion to provide up to \$10,000,000 from funds provided for Non-proliferation and International Security toward NNSA activities in North Korea, but the conference report expresses concern “about relying upon a mid-year reprogramming of resources from other critical nonproliferation programs to support what is currently a fluid and uncertain effort.”
- ❖ “Not more than \$500,000” is to be made available by the Department of State “to support initiatives which bring together public officials and private individuals from nations involved in the Six-Party Talks for informal discussions on resolving the North Korea nuclear issue.”
- ❖ \$5,000,000 is made available to VOA and RFA for broadcasting into North Korea.
- ❖ The Defense Authorization Act, repeals the 2007 provision that ostensibly required the administration to appoint a North Korea policy coordinator; requires the administration to report on family reunions between U.S. citizens and their relatives in the DPRK; calls for an expansion of CTR activities related to the Korean Peninsula; and includes “an increase of \$5.0 million for Dismantlement and Transparency, including technical support to the Six Party process on the denuclearization of the Korean Peninsula.”

Details

H.R.2764: Consolidated Appropriations Act, 2008 Signed into Law on December 26, 2007 (PL 110-161)

Under “Other Bilateral Economic Assistance” Economic Support Fund (Including Transfer of Funds)

“That notwithstanding any other provision of law, of the funds appropriated under this heading, up to \$53,000,000 may be made available for energy-related assistance for North Korea, subject to the regular notification procedures of the Committees on Appropriations”

Under “Other Bilateral Economic Assistance” Migration and Refugee Assistance

“Provided further, That funds made available under this heading shall be made available for assistance for refugees from North Korea”

Sec. 607 Prohibition against Direct Funding for Certain Countries

“SEC. 607. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, North Korea, Iran, or Syria: *Provided,* That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.”

[Note: This is standard language, and North Korea has appeared on this list in previous years. In this bill (for Fiscal Year 2008), Libya was removed from the list of prohibited countries, as proposed by the Senate.]

Sec. 688 (b) Transparency and Accountability

“(b) UNITED NATIONS DEVELOPMENT PROGRAM- Twenty percent of the funds appropriated by this Act under the heading ‘International Organizations and Programs’ for a United States contribution to the United Nations Development Program (UNDP) shall be withheld from disbursement until the Secretary of State reports to the Committees on Appropriations that UNDP is--

- (1) giving adequate access to information to the Department of State regarding UNDP's programs and activities as requested, including in North Korea and Burma;
- (2) conducting oversight of UNDP programs and activities globally; and

(3) implementing a whistleblower protection policy equivalent to that recommended by the United Nations Secretary General on December 3, 2007.”

**References to North Korea in the Conference Report¹
to the Consolidated Appropriations Act, 2008 (PL 110-161)**

Nuclear Disablement Activities in North Korea

Energy and Water Report (Division C), p. 50

“Nuclear Disablement Activities in North Korea – The Committees on Appropriations are concerned about the NNSA resources required to support disablement of North Korea’s nuclear weapons arsenal and production capability. The Committees on Appropriations strongly support NNSA’s contributions to this diplomatic mission, but remain concerned about relying upon a mid-year reprogramming of resources from other critical nonproliferation programs to support what is currently a fluid and uncertain effort. From within the funds provided for Nonproliferation and International Security, the NNSA has funding discretion to provide up to \$10,000,000 toward NNSA activities in North Korea. The Department is directed to submit a supplemental budget request if additional resources are required to continue activities during fiscal year 2008.”

International Broadcasting Corporation

Foreign Operations (Division J), p. 14.

“The Appropriations Committee endorses language contained in House Report 110-197 and Senate Report 110-128 regarding broadcasting in North Korea.”

House Report 110-197 states “The Committee continues to support initiatives by the BBG to defeat jamming and reach a wider audience for Radio Free Asia and Voice of America broadcasts to China, Tibet, Vietnam, and North Korea. . . The recommendation for VOA includes the increase requested for broadcasting to North Korea in accordance with the North Korea Human Rights Act of 2004 (Public Law 108-333). . . The Committee strongly supports increased broadcasting efforts to China, Tibet, Burma, Vietnam, North Korea, Laos, and Cambodia. . . . In addition, the recommendation includes the increased funding proposed for broadcasting to North Korea to pursue objectives outlined in the North Korea Human Rights Act of 2004 (Public Law 108-333).”

Senate Report 110-128 states “North Korea.--The Committee recommends not less than \$5,000,000 for broadcasting into North Korea through RFA Korea Service and

¹ House, Senate and Conference Reports are used by Congress to comment and elaborate on the purposes of various provisions in bills, (and in some cases are used in lieu of a bill, for example when the Senate amends a House bill.) Most are available at Thomas, <http://thomas.loc.gov>.

VOA Korea Service, and directs that these funds be used to increase daily broadcast hours of original content and to improve the accessibility of radio transmissions.”

Economic Support Fund

Foreign Operations (Division J), p. 33.

North Korea appears in the table headed “Economic Support Fund,” along with the figure \$53,000,000.

Democracy Fund/Economic Support Fund

Foreign Operations (Division J), p. 36

“The amended bill provides funding to promote democracy and human rights in North Korea under “Democracy Fund,” and not under this heading, as proposed by the Senate.

The amended bill provides \$53,000,000 for energy-related assistance for North Korea, subject to the regular notification procedures of the Appropriations Committees.”

National Nuclear Security Administration – Track II Events

Foreign Operations (Division J), p. 36

“The amended bill does not include language proposed by the Senate providing not more than \$500,000 should be made available for the Department of Energy’s National Nuclear Security Administration to support initiatives relating to North Korea. The Department of State is directed to make \$500,000 available for this purpose.”

This language refers to Senate Amendment No. 2767 to the Foreign Operations bill, as modified: “ On page 255, line 5, before the period, insert the following: ‘*Provided further,* That of the funds appropriated under this heading, not more than \$500,000 should be made available for the Department of Energy’s National Nuclear Security Administration to support initiatives which bring together public officials and private individuals from nations involved in the Six-Party Talks for informal discussions on resolving the North Korea nuclear issue.’

Democracy Fund

Foreign Operations (Division J), p. 41

North Korea appears in the table under Democracy Fund, which is introduced with the language “Funds in this account are allocated in the following table, subject to the requirements of section 619.” \$3 million is allocated to North Korea.

Migration and Refugee Assistance

Foreign Operations (Division J), p. 46

“The amended bill includes a proviso stating that funds shall be made available for the assistance to refugees from North Korea, as proposed by the Senate. The House included no similar provision.”

From PL 110-181, the National Defense Authorization Act for Fiscal Year 2008, and 110-477, the Conference Report to Accompany H.R. 1585

SEC. 1254. REPEAL OF REQUIREMENT RELATING TO NORTH KOREA.

“Section 1211 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2420) is amended by striking subsection (a).”

The Report Comments:

“Repeal of requirement relating to North Korea (sec. 1254)

The Senate amendment contained a provision (sec. 1217) that would prohibit the Secretary of Defense from obligating or expending any funds authorized to be appropriated under section 1207 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163) until the administration has fully implemented section 1211 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364).

The House bill contained no similar provision.

The House recedes with an amendment that would repeal subsection (a) of section 1211 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364).

The conferees note that section (a) of section 1211 mandated the appointment of a North Korea Policy Coordinator because of the conferees' concern that the

administration lacked a coordinated approach to addressing the North Korean nuclear threat. However, more recently, the conferees have noted progress in the Six-Party Talks with North Korea, and are satisfied that the Assistant Secretary of State for East Asian and Pacific Affairs has sufficient authority in these negotiations. Therefore, the conferees deem that the intent of section 1211 (a) has been met.”

SEC. 1265. Report on Family Reunions between United States Citizens and their Relatives in North Korea.

“(a) Report Required- Not later than 180 days after the date of the enactment of this Act, the President shall transmit to Congress a report on family reunions between United States citizens and their relatives in the Democratic People's Republic of Korea.

(b) Elements- The report under subsection (a) shall include the following:

(1) A description of the efforts, if any, of the United States Government to facilitate family reunions between United States citizens and their relatives in North Korea, including the following:

(A) Discussing with North Korea family reunions between United States citizens and their relatives in North Korea.

(B) Planning, in the event of a normalization of relations between the United States and North Korea, for the appropriate role of the United States embassy in Pyongyang, North Korea, in facilitating family reunions between United States citizens and their relatives in North Korea.

(2) A description of additional efforts, if any, of the United States Government to facilitate family reunions between United States citizens and their relatives in North Korea that the President considers to be desirable and feasible.”

The Report Comments:

“Report on family reunions between United States citizens and their relatives in North Korea (sec. 1265)

The Senate amendment contained a provision (sec. 1238) that would require the President to submit to Congress, not later than 180 days after the date of enactment of this Act, a report on family reunions between United States citizens and their relatives in North Korea.

The House bill contained no similar provision.

The Senate recedes with an amendment that would modify elements of the required report.

The conferees expect the report to include information regarding what additional actions, if any, the President considers desirable and feasible in order to facilitate safe and transparent reunions of U.S. citizens and their relatives in North Korea, wherever those reunions may take place.

The conferees support the ongoing Six-Party Talks with North Korea and placing the priority on the de-nuclearization of the Korean peninsula, but note that normalization, which would encompass a number of issues, is also being addressed within the talks.”

SEC. 1306. NEW INITIATIVES FOR THE COOPERATIVE THREAT REDUCTION PROGRAM

“(a) Sense of Congress- It is the sense of Congress that--

(1) the Department of Defense Cooperative Threat Reduction (CTR) Program should be strengthened and expanded, in part by developing new CTR initiatives;

(2) such new initiatives should--

(A) be well-coordinated with the Department of Energy, the Department of State, and any other relevant United States Government agency or department;

(B) include appropriate transparency and accountability mechanisms, and legal frameworks and agreements between the United States and CTR partner countries;

(C) reflect engagement with non-governmental experts on possible new options for the CTR Program;

(D) include work with the Russian Federation and other countries to establish strong CTR partnerships that, among other things--

(i) increase the role of scientists and government officials of CTR partner countries in designing CTR programs and projects; and

(ii) increase financial contributions and additional commitments to CTR programs and projects from Russia and other partner countries, as appropriate, as evidence that the programs and projects reflect national priorities and will be sustainable;

(E) include broader international cooperation and partnerships, and increased international contributions;

....

and

(H) include efforts to develop new CTR programs and projects in Russia and the former Soviet Union, and in countries and regions outside the former Soviet Union, as appropriate and in the interest of United States national security; and

- (3) such new initiatives could include--
 (A) programs and projects in Asia and the Middle East; and
 (B) activities relating to the denuclearization of the Democratic People's Republic of Korea.²

The Report Comments:

“New initiatives for the Cooperative Threat Reduction program (sec. 1306)

The House bill contained a provision (sec. 1303) that would set forth the sense of Congress that the Department of Defense (DOD) should expand and strengthen the Cooperative Threat Reduction (CTR) program. This would include expansion of the scope of CTR program activities within Russia and the former Soviet Union (FSU) as well as in states outside the FSU, including those in Asia and the Middle East, and specifically on the Korean Peninsula.”

National Nuclear Security Administration (sec. 3101)
(In Report only)

“an increase of \$5.0 million for Dismantlement and Transparency, including technical support to the Six Party process on the denuclearization of the Korean Peninsula.”

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² Emphasis not in original