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CONGRESSIONAL TESTIMONY

North Korea After Kim Jong-Il: Still Dangerous and Erratic

**Testimony before the
Committee on Foreign Affairs
U.S. House of Representatives**

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Chairman Ros-Lehtinen, Ranking Member Berman, members of the committee, thank you for inviting me to testify this morning before the House Committee on Foreign Affairs.

My name is Fred Fleitz and I am Managing Editor of LIGNET.com, the Langley Intelligence Group Network, a new Washington, DC-based global forecasting and intelligence service. Before I started this job last year, I worked on national security issues for 25 years for the U.S. government with the Central Intelligence Agency, the Department of State, the Defense Intelligence Agency, and the House Permanent Select Committee on Intelligence.

My testimony will discuss North Korea's leadership transition, the nature of the threat from North Korea, and U.S. policy toward the new Kim Jong-Un regime. My testimony reflects both my views and the analysis of LIGNET.com.

CONTINUATION OF A DANGEROUS REGIME

LIGNET believes Kim Jong-Un's hold on power probably is secure. The North Korean regime has been planning for his succession for a number of years. Kim Jong-II's poor health was recognized after he nearly died from a stroke in late 2008. It is likely that succession planning shifted into high gear after this.

Kim Jong-Un may not have the same degree of power that his father held, but there is little incentive for the military to depose him. The Kim regime's extremely harsh punishment of traitors and political prisoners, including death and multi-generation prison terms for family members, serves as a powerful deterrent to any general thinking of staging a coup attempt. Kim Jong-II carefully promoted and brutally purged top officials – especially in the military – to assure their loyalty. These officials are likely to fight hard to retain their positions of privilege and power.

If there have been any political maneuverings to succeed Kim Jong-II or oust his family after his death, they have been kept secret. Kim Jong-II's powerful brother-in-law Chang Sung Taek and his wife (and Kim's sister) Kim Kyong Hui were promoted to very high positions at the same time Kim Jong-Un, the youngest of three sons, was designated the heir apparent. Chang, who holds several high-level positions, including vice chairman of the National Defense Commission, may have run the country when Kim Jong-II was incapacitated by his 2008 stroke. The elevation of Kim Jong-II's sister and brother-in-law likely reflected his deep confidence in them and a plan to establish either a short-term triumvirate or a regent while Kim Jong-Un consolidates his power. Whether Kim Jong-Un will be a figurehead with Chang actually running the country is unknown but could become apparent in the coming year.

Kim Jong-Un, believed to be 28 years old, stepped on to the world stage with a tighter grip on power than any political heir has enjoyed in modern times. He rules over 24 million North Koreans who are suffering malnutrition and live under the most repressive regime on earth. The younger Kim is supported by the million-man North Korean army. U.S. Forces Korea Commander General James Thurman testified to Congress last month that North Korea has the world's largest special operations force, which includes 60,000 soldiers trained in a variety of

infiltration methods such as overland, airborne, and undersea entry into South Korea.¹ General Thurman also raised his concern about North Korea's growing ability to conduct cyber warfare against the United States and South Korea.

The North Korean conventional weapons arsenal is believed to include 13,000 artillery systems, 2,000 armored personnel carriers, 1,700 aircraft, and 800 surface combatants.² Its unconventional arsenal may include 600-800 ballistic missiles, a number of intercontinental ballistic missiles, both a chemical and a biological weapons program, and a nuclear program well enough developed that North Korea exported this technology to Syria.

While there are serious questions about the capabilities and operational readiness of North Korea's armed forces, it has a massive arsenal of missiles as well as chemical weapons and nuclear weapons targeting Seoul and the 24 million who live in the Seoul metropolitan area. There is little leeway for miscalculation on North Korea.

I believe last week's failed rocket launch suggests possible subtle changes in the way the new Kim Jong-Un regime will govern, although it is too early to tell what its ultimate policies will be. The regime's decisions to invite foreign press to observe the launch and its uncharacteristic honesty to the world and at home may represent a slightly less belligerent approach to the world, at least for now. Given its tight hold on power and lack of avenues for popular dissent, I doubt the failed launch will lead to any serious challenges to the Kim Jong-Un regime.

It would be a mistake to interpret minor changes in policy concerning the way North Korean officials handled last week's failed missile launch as a major policy shift. Kim Jong-Un may have signaled this when he endorsed the "military first" policy of his father during his first public speech at a massive celebration in Pyongyang yesterday. Another indication might have been a large, new shrouded missile that was part of a military parade yesterday, perhaps the next missile that North Korea plans to test.

A CRIMINAL STATE

It is likely that North Korea continues to engage in criminal activity to generate hard currency to shore up its disastrous economy and finance WMD programs. According to David Asher, a former senior adviser on North Korea for the U.S. State Department, "North Korea is the only government in the world today that can be identified as being actively involved in directing crime as a central part of its national economic strategy and foreign policy."³ North Korea has engaged in illegal activities more typical of an organized crime syndicate than a nation state, including kidnapping, narco-trafficking, black market activity, and counterfeiting U.S. currency.

North Korea may have kidnapped several hundred Japanese and South Koreans in the late 1970s and early 1980s. Most are believed to have been taken to assist North Korean agents with

¹ Testimony of General James D. Thurman, Commander, US Forces Korea, House Arms Services Committee, March 28, 2012

² Ibid.

³ Peter Brookes, "Mob Nation," Heritage Foundation commentary, January 17, 2006, <http://www.heritage.org/Press/Commentary/ed011706a.cfm>.

espionage training. Some Japanese and South Korean women may have been seized to serve as wives for North Korean officials and spies. While North Korea admitted to a handful of Japanese abductions in 2002, it has never fully accounted for them. In 2004, North Korea provided remains of two allegedly deceased Japanese abductees that DNA testing later proved did not belong to them.

The issue of Japanese citizens abducted by North Korea remains an enormously important issue for the people of Japan and unfortunately has been largely ignored by both the Obama and Bush administrations.

North Korea has periodically engaged in other provocative acts over the last few years that were likely intended to demonstrate its military might and to lure its neighbors and the United States to the negotiating table so it could bargain for food and fuel aid. These include regular short-range missile tests and occasional tests of longer-range missiles, including some that could potentially reach the West Coast of the United States. North Korea detonated nuclear devices in 2006 and 2009, probably to both test its nuclear technology and to force the West to open nuclear talks on its terms.

The question now is whether Kim Jong-Un and his family members will engage in new provocative actions to consolidate their power and discourage the country's adversaries from trying to take advantage of the regime transition. Some experts have speculated that the March 20, 2010 sinking of the South Korean naval ship the *Cheonan* and the November 2010 shelling of the South Korean island of Yeonpyeong may have been actions taken on orders from Kim Jong-Un, perhaps as a way to establish his reputation with the North Korean army.⁴

Chinese officials have already met with Kim Jong-Un and likely strongly counseled him to avoid doing anything that could become an international incident. Based on last week's missile test, it is clear that he ignored such advice.

A DANGEROUS AND GROWING WMD PROGRAM

Kim Jong-Un assumes power of a state with a robust WMD program, including biological weapons, chemical weapons, ballistic missiles, and nuclear weapons. The country is believed to have a vast system of tunnels, caves, and underground facilities containing WMD stockpiles and production facilities. North Korean military leaders likely view these weapons as a deterrent and do not want to start a war with the South or the United States. North Korean generals know that while they could do enormous damage to South Korea and Japan with their missile arsenal, the U.S. response would devastate the country and destroy the regime.

North Korea's missile tests have been destabilizing because they increase the capability of Pyongyang to threaten its neighbors, possibly with missiles capable of delivering nuclear warheads. North Korea has 600-800 ballistic missiles, mostly short- and medium-range, intended

⁴ James, Less, "Cheonan attack may be tied to North Korean succession," *Christian Science Monitor*, May 27, 2010, <http://www.csmonitor.com/From-the-news-wires/2010/0527/Cheonan-attack-may-be-tied-to-North-Korean-succession> Bill Powell, "Behind the Koreas' artillery fire: Kim succession," *Time*, May 23, 2010, <http://www.time.com/time/world/article/0,8599,2032806,00.html>

to strike South Korea and Japan. It has a small number of missiles designated ICBMs such as the Taepodong-2 which may have a range of 7,000 miles and the capability of striking the West Coast of the United States. This missile has now been tested twice, including two alleged satellite launches. U.S. Secretary of Defense Leon Panetta reportedly testified to Congress last November that North Korea is developing a road-mobile ICBM.⁵ If true, such a missile could be capable of hitting the West Coast of the United States and would be difficult to detect.

North Korea's missile tests also serve as advertisements to other states in the market to buy ballistic missiles. North Korea is the world's leading vendor of ballistic missiles to rogue states and has earned hard currency by selling missiles to Iran, Syria, Libya, and possibly Burma. Iran and North Korea have forged an especially close relationship and Tehran's rapidly advancing missile program is based on North Korean technology.

North Korea's announcement last month that it would use a long-range rocket to place a satellite into orbit surprised some Western observers coming so soon after Pyongyang's February 29 agreement to freeze missile testing and some nuclear activity in exchange for 240,000 tons of food aid from the United States. Most Western observers believe the launch was actually a North Korean test of an intercontinental ballistic missile (ICBM) capable of delivering a nuclear payload as far as the western United States.

The Obama administration condemned the launch last week as "highly provocative" and a violation of UN Security Council resolutions. In October 2006, the Security Council unanimously passed Resolution 1718, which said that North Korea must "not conduct any further nuclear test or launch of a ballistic missile" and must "suspend all activities related to its ballistic missile program."

While North Korean officials rejected international condemnation of their planned missile launch, they did announce some steps that appear intended to lower tensions. Pyongyang released a flight plan that it termed a "safe-flight orbit" which used a more southerly route than the previous two alleged satellite tests to not overfly Japan. North Korea also invited large numbers of the international media to witness the launch. Even more unusual for the North Korean government, it admitted to the world and its people that last week's missile launch failed. This is in stark contrast to the 2009 long-range missile launch, which North Korea insisted had succeeded and placed a satellite in orbit that began broadcasting songs about Kim Il Sung and Kim Jong-Il. (North Korea made a similar claim about an alleged satellite it said was boosted into orbit by a failed multi-stage rocket launch in 1998.)

Last week's missile launch was consistent with past North Korean behavior. Although it may seem counterproductive coming, as it did, just weeks after a food aid deal was reached with the United States, North Korea has done this before, apparently in the wrong-headed belief that provocations strengthen its ability to prevail in future diplomatic talks. There has been a cycle of apparent North Korean agreements, followed by provocations, cooling-off periods, and then new agreements. Pyongyang has learned that no matter how badly it acts, the United States will eventually come back to the negotiating table, usually with new concessions.

⁵ Bill Gertz, "North Korea Making Missile Capable of Hitting US," Washington Times, December 5, 2011, <http://www.washingtontimes.com/news/2011/dec/5/north-korea-making-missile-able-to-hit-us/?page=all>

Consider for example the 2007-2009 period when prospects for a nuclear agreement with North Korea were highest. The Bush State Department was determined to get an agreement with North Korea and dropped some sanctions on North Korean banks in 2007. In 2008, North Korea was removed from the U.S. state sponsors of terror list. The Obama administration came to office in January 2009 promising a policy of even closer engagement with North Korea.

Despite U.S. negotiators in the 2007-2009 time frame from Republican and Democratic administrations who were prepared to make compromises to get a deal with North Korea, the Six Party talks collapsed in April 2009 when North Korea fired a long-range missile that supposedly was intended to lift a satellite into orbit. North Korea then tested its second nuclear device on May 25, 2009. Also in April 2009, North Korea reactivated a nuclear reactor at its Yongbyon nuclear facility that had been disabled under an earlier agreement and resumed reprocessing spent nuclear fuel rods to produce plutonium.

Despite these provocations, the Obama administration kept talking to North Korea and sent Ambassador Stephen Bosworth, its North Korea special envoy, to meet with North Korean officials in Pyongyang in December 2009.

It is possible that last week's missile launch was intended to test American resolve and to see how much leeway North Korea has to continue its missile program. Since the February 29 food aid deal with the United States was quite generous and placed limited restrictions on the North Korean nuclear program, Pyongyang may have been tempted to see how far it could push Washington. North Korea also may have believed that with the United States distracted by Afghanistan and Iran, it would be reluctant to confront Pyongyang over the missile launch.

I believe North Korea probably gambled that the United States and its allies would only mildly protest the missile launch but were unlikely to hold it against it as long as the missile did not result in some kind of catastrophe, such as landing on Japanese soil.

Despite the reported "failure" of last Friday's launch, I believe this launch was indeed an ICBM test and could have provided North Korea with important technical data. Given the close cooperation between North Korea and Iran, it is likely that there were Iranian observers in North Korea at the time of the launch and Tehran will benefit from any data gathered from it. The test was thus a dangerous development since it may enhance the technical knowledge of both Iran and North Korea in developing a missile delivery system that could be used to carry nuclear weapons.

North Korea could follow up last week's missile test with an underground nuclear test, although the international blowback from such a test would seriously damage any future effort by Kim Jong-Un to reach out to other nations, assuming he wishes to do so. Some pundits have claimed that a nuclear test is now likely because two previous North Korean long-range missile tests were followed by nuclear tests and because South Korea has claimed there is satellite imagery of activity at North Korea's nuclear test sites. I am skeptical about these predictions and believe the chances of a nuclear test in the near future are less than 50-50.

I believe this for several reasons. First, the North Korean regime took significant steps to make last week's rocket launch less provocative, suggesting that it wanted to send a signal of strength but not go so far as to severely damage relations and its chances of winning more Western aid. Its openness with the press was unprecedented and was an effort to limit the political damage from the launch. It also is possible that the launch was actually at least partly to celebrate the 100th birthday of Kim Il-Sung.

Second, North Korea has only a limited amount of fissile material. I believe it will eventually test another nuclear weapon when it is technically ready and prepared to endure an enormous and debilitating amount of diplomatic isolation. While it is impossible to know exactly what this new regime will do, it does not appear to be moving in this direction.

Third, there is frequently some kind of activity going on at North Korea's nuclear sites. Given the country's extreme secrecy and good counterintelligence practices, I doubt very much that there would be any definitive imagery of a North Korean nuclear test before Pyongyang announced that one would take place.

This is not to say the North Korean nuclear weapons program is not extremely dangerous. I believe the trend for North Korea right now is to get diplomacy back on track and not torpedo its already dismal reputation with a nuclear test. Perhaps after a series of multilateral talks and aid deliveries, North Korea will then conduct a nuclear test.

U.S. INTELLIGENCE STUMBLES OVER NORTH KOREA'S EXPANDING NUCLEAR THREAT

While the U.S. intelligence community has publicly stated that it does not know whether North Korea has nuclear weapons, it stated in February 2009 that the country is capable of producing them and has produced enough plutonium for about six nuclear bombs.⁶

I want to point out that two months after the U.S. Intelligence Community released this figure, North Korea told the IAEA that "it had decided to reactivate all [Yongbyon nuclear] facilities and to go ahead with the reprocessing of spent fuel."⁷ As a result, North Korea may have amassed several more weapons-worth of plutonium since April 2009.

Uranium enrichment is one of two routes North Korea is pursuing to produce nuclear fuel that could be used for weapons purposes. North Korea tested nuclear devices in 2006 and 2009 using plutonium fuel obtained by reprocessing spent fuel rods from a nuclear reactor at the Yongbyon nuclear complex. Many observers long believed that North Korea was pursuing nuclear weapons fuel through uranium enrichment, a process that is easier to conceal than the plutonium route since it does not involve a nuclear reactor or the difficult process of handling highly radioactive spent fuel rods.

⁶ Statement for the Record on the Worldwide Threat Assessment of the U.S. Intelligence Community for the House Permanent Select Committee on Intelligence, February 2009, p. 24.

⁷ International Atomic Energy Agency Report by the Director General, "Application of Safeguards in the Democratic People's Republic of Korea (DPRK)," GOV/2009/45-GC(53)/13, June 30, 2009, p. 3. http://www.iaea.org/About/Policy/GC/GC53/GC53Documents/English/gc53-13_en.pdf

After years of disagreement within the U.S. government over whether North Korea had an active uranium enrichment program, North Korea ended the debate in November 2010 when it showed a private U.S. delegation led by former Los Alamos National Laboratory Director Siegfried Hecker a secret 2,000 centrifuge uranium enrichment facility at Yongbyon that Hecker described as “astonishingly modern.”⁸ Hecker was told that these centrifuges were to produce enriched uranium for a planned light water reactor.

The revelation to Hecker was extremely disconcerting because it demonstrated that North Korea had concealed a large-scale nuclear weapons program for 20 years or more from the world – and the U.S. intelligence community. Although the Bush administration confronted North Korea with evidence of this program a number of times between 2002 and 2010, U.S. intelligence officials had slowly reduced their certainty level for a North Korean uranium enrichment program because fresh intelligence indicating the existence of the program had dried up. This reflected an extreme reluctance by U.S. intelligence agencies to draw definitive conclusions about WMD-related issues due to the backlash over erroneous intelligence of Iraq’s WMD programs prior to the Iraq war, especially the 2002 Iraq WMD National Intelligence Estimate. Many people I know in government accused U.S. intelligence agencies of becoming “gun shy” about drawing such conclusions since 2003.

This became so bad that as late as October 2010, despite fairly compelling evidence, there were intelligence analysts and agencies arguing that North Korea did not have a uranium enrichment program at all.

This is a dangerous situation. Secretary of State Colin Powell stated during a March 26, 2003, House Appropriations Committee hearing that North Korea started its program to enrich uranium “before the ink was dry” on the Agreed Framework pact signed by the Clinton administration in 1994. The advanced enrichment facility that Dr. Hecker was shown confirmed Powell’s statement and represented years of covert nuclear research that the United States knew nothing about. Indeed, the U.S. Intelligence Community now concedes that this facility represented work over “an extended period.”⁹ Since the U.S. intelligence agencies did not know of the existence of this facility before North Korea showed it to the Hecker delegation, I am concerned that other covert facilities associated with nuclear weapons development may be operating in North Korea that the United States does not know about. Given the complexity of the new Yongbyon enrichment facility and how quickly it was constructed, I believe it is certain that other undisclosed nuclear facilities exist and were used to develop and support the Yongbyon enrichment facility.

I regret that this position is not universally held by U.S. intelligence analysts. According to the DNI’s 2012 Worldwide Threat Report to Congress, “Analysts differ on the likelihood that other

⁸ Siegfried S. Hecker, “A Return Trip to North Korea’s Yongbyon Nuclear Complex,” Center for International Security and Cooperation, Stanford University, November 20, 2010 <http://iis-db.stanford.edu/pubs/23035/HeckerYongbyon.pdf>

⁹ Statement for the Record on the Worldwide Threat Assessment of the U.S. Intelligence Community for the Senate Select Committee on Intelligence, February 16, 2012, p. 6.

production-scale facilities may exist elsewhere in North Korea.”¹⁰ I am concerned this suggests that despite the Hecker revelations, there are some U.S. intelligence North Korean analysts who refuse to admit they were wrong about the North Korean uranium enrichment program. The specter of the U.S. Intelligence Community’s erroneous pre-war Iraq WMD analysis still haunts our intelligence analysis today.

I am therefore concerned about the limited access to nuclear facilities agreed to by North Korea in the food aid pact struck with the Obama administration in February. This agreement only covers the aging Yongbyon nuclear complex. By limiting inspectors to Yongbyon, the agreement raises the risk that North Korea will continue to build up its nuclear arsenal elsewhere while the international community is lulled into a false sense of complacency.

There also are still unresolved questions of North Korean nuclear proliferation.

North Korea is known to have proliferated nuclear technology when it helped Syria construct a nuclear reactor in the Syrian desert near the town of al-Kibar which Israel destroyed before it was activated in September 2007. This reactor had no apparent purpose other than to produce plutonium for nuclear weapons. Some have speculated that Iran was also involved in this project, possibly as an effort to build a plutonium-producing reactor that would not be discovered by UN inspectors in Iran.

Madam Chairman, as you know, the Bush administration delayed fully briefing Congress for months on the al-Kibar facility because it was so desperate to negotiate an agreement with North Korea and did not want this incident to interfere. There are still many unknowns about al-Kibar, including the location of its uranium fuel rods. This is now an issue with the prospect of the Syrian state breaking down. North Korea has refused to discuss al-Kibar with the United States. If U.S. talks resume with North Korea, our negotiators should press for information about the al-Kibar reactor, associated facilities, and the location of its fuel rods.

In conclusion, I believe we are seeing the Kim Jong-Un regime repeat the same threatening behavior and negotiating patterns of his father’s regime. Like the prior regime, the new government probably has engaged in provocations in the mistaken belief that they strengthen its hand in future negotiations. It may not want war, but it could miscalculate with these provocations and spark a military conflict that could spin out of control.

North Korea knows that the Obama administration, like the Bush administration in its last years, is desperate to sign a diplomatic agreement. This probably convinced Pyongyang that it could get away with last week’s missile launch as long as the missile did not land on another country, especially Japan.

There may be some good news in that North Korea’s approach to last week’s rocket launch may indicate that there is a line it is not currently prepared to cross. While anything is possible with this new regime, I do not believe a nuclear weapons test is imminent.

¹⁰ Ibid.

This could only be a temporary reprieve. North Korea sees its WMD and missile programs as essential to regime survival. It is unlikely to give them up. The only solution to North Korea's WMD programs is regime change, which at this time does not appear to be on the horizon.

North Korea is unlikely to give up its nuclear weapons or halt its nuclear weapons program, although it may pretend to do so to win more aid from the West. It will plead that last week's rocket test was peaceful and a non-event and try to resume multilateral talks and significant food and fuel aid. Meanwhile, it will continue its nuclear weapons development, possibly at undeclared sites, and at Yongbyon if the current U.S./IAEA agreement breaks down. It will also continue missile tests and missile sales to Iran. At the proper time – when it is technically prepared and ready to endure a period of increased isolation – it will probably conduct another nuclear test, possibly a uranium-based device.

Diplomatic talks with North Korea will inevitably resume. The United States should avoid new agreements that strengthen the regime or undermine U.S. interests. While we should not make food aid contingent on agreements concerning North Korea's nuclear program, the United States should only sign future food aid agreements that allow us to verify that the food is reaching the North Korean people and is not being diverted to the military. U.S. negotiators should press for full access for IAEA inspectors to all of North Korea's nuclear facilities and for answers to questions about the size of its nuclear arsenal, its plutonium program, and its uranium enrichment program.

It is worth noting that Iran and North Korea closely watch U.S.-led diplomacy with the other state. If Israeli Prime Minister Netanyahu's claim that the recent talks on Iran's nuclear program gave Iran "a freebie" and a five-week gift from the world to continue enriching uranium, it will have a significant effect on North Korea's negotiating posture when U.S. officials try to resume diplomatic talks. The reverse is probably also true; too generous and/or too quick a deal with Pyongyang after the rocket launch will probably embolden Iran to drive a harder bargain in multilateral talks.

The United States must resist the urge to normalize relations with North Korea until it acknowledges and starts to rectify its hideous human rights record, especially its inhumane detention camps for political prisoners. At the same time, the United States must honor our commitment to Japan that the issue of Japanese abductees will be satisfactorily resolved as part of any agreement with North Korea. Two successive U.S. administrations have ignored this issue in a misguided effort to curry favor with Pyongyang. Japan is one of America's closest allies and this issue should no longer be pushed off to the side to win an agreement with an American adversary.

Thank you Madam Chairwoman, Ranking Member Berman, and members of the committee for inviting me here today. I look forward to your questions and comments.

United States House of Representatives
Committee on Foreign Affairs

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