

United States Senate

March 31, 2020

The Honorable Michael R. Pompeo
Secretary
U.S. Department of State
2201 C Street, NW
Washington, DC 20050

The Honorable Steven T. Mnuchin
Secretary
U.S. Department of Treasury
1500 Pennsylvania Ave, NW
Washington, DC 20220

Dear Secretary Pompeo and Secretary Mnuchin:

We write to underscore the growing threat posed by the Democratic People's Republic of Korea (DPRK) and request that you urgently prioritize resources within your respective agencies to step up enforcement of U.S. and United Nations (U.N.) sanctions on the North Korean government, while ensuring that humanitarian aid can reach the North Korean people, consistent with U.S. and international law.

We note with regret that nearly two years since Trump-Kim "summit diplomacy" began, North Korea continues to refuse to enter working level talks with the United States while nevertheless continuing to test missiles and produce fissile material. Yet, U.S. engagement and leadership at the United Nations regarding sanctions violations and the pace of unilateral U.S. designations of entities violating DPRK sanctions has diminished considerably. Therefore, we urge you to continue to make clear that the ultimate objective of United States policy remains to seek denuclearization of the DPRK, a longstanding policy goal enshrined in U.S. law, including the North Korea Sanctions and Policy Enhancement Act (Public Law 114-122) and the Asia Reassurance Initiative Act (Public Law 115-409).

The recent action taken by the Department of Treasury to impose sanctions on two Chinese actors that assisted malicious North Korean cyber-related activity is a positive step, but is not commensurate with the scale of North Korean cyber-enabled sanctions evasion. Regular designations would deter increasingly sophisticated cyber-crime and sanctions evasion activities and underscore the United States' commitment to protecting the global financial system.

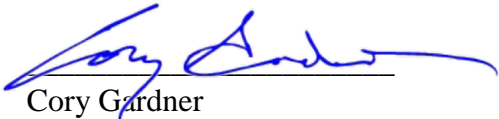
Moreover, we are disturbed by press reports that a forthcoming Panel of Experts report to the U.N. Security Council North Korea sanctions committee, due to be made public in April, states that much of Pyongyang's illegal coal exports and refined petroleum imports were conducted via ship-to-ship transfers between DPRK-flagged vessels and Chinese barges. This systematic facilitation of illegal transactions, in violation of international law, must be addressed in order for U.N. sanctions to achieve their purpose. The United States cannot continue to stand silent – or be complicit – as the sanctions regime erodes.

Indeed, in order to pressure Pyongyang to negotiate the dismantlement of its illicit weapons programs the administration must increase the pressure on the People's Republic of China and the Russian Federation, including secondary sanction if appropriate, to enforce U.N. Security Council resolutions. Towards this end, the pending Leverage to Enhance Effective Diplomacy (LEED) Act would expand criminal penalties against North Korea and its enablers, as well as authorize additional funds for U.S. maritime and reconnaissance aircraft to better detect and punish entities complicit in North Korea's illegal import and export activity. We urge you to work with your interagency colleagues to fully implement U.S. law, including coordinating with the Department of Justice to impose criminal penalties against North Korea's enablers in China and elsewhere.

This February, the Senate Foreign Relations Committee held a hearing at which expert witnesses testified that throughout the deadlock in negotiations in 2019 North Korea launched twenty-six missiles, constituting "the highest-ever number of violations of U.N. resolutions in one year." Yet the administration did little to hold North Korea to account, sending a dangerous signal. Without the administration's strong and continued condemnation of these launches and additional deterrent measures from the United States and with our allies and partners, North Korea will continue to expand its ballistic missile capabilities. Permitting further short- and medium-range testing enables the continued development of technologies required for long-range missile systems which are detrimental to U.S national security and that of our allies.

We look forward to your response and to working with you to achieve these goals.

Sincerely,



Cory Gardner
United States Senator



Robert Menendez
United States Senator