

United States Senate

WASHINGTON, DC 20510

March 15, 2012

The Honorable Hillary Clinton
Secretary of State
U.S. Department of State
2201 C Street NW
Washington, DC 20520

Dear Secretary Clinton:

We write to you to express our serious concern about the administration's decision to provide food aid to North Korea in exchange for hollow commitments on denuclearization.

Despite continual assurances from senior administration officials that past mistakes of both Republican and Democratic administrations would not be repeated, it is evident to us that the Obama Administration is indeed embracing a policy of appeasement with Pyongyang. We believe this approach undermines U.S. nonproliferation objectives and sends precisely the wrong message to other would-be proliferators – namely, that there are no consequences for serial proliferation and continued acts of belligerence.

Moreover, the administration's actions stand in stark contrast to the guarantees provided on multiple occasions to Congress that North Korea would not be rewarded for actions it has already agreed to undertake on denuclearization. Despite the Obama Administration's refutations to the contrary – that there was no *quid pro quo* to provide food aid in return for denuclearization commitments in the February 29 agreement – the facts speak for themselves.

Therefore, we respectfully request clarification on the modalities of the agreement that was recently reached with North Korea.

Specifically, we request that you spell out precisely what nuclear activities at Yongbyon will be prohibited under this so-called Leap Day agreement. Does the agreement cover all the facilities within the perimeter of the Yongbyon complex? Moreover, does the prohibition on nuclear activities pertain to all nuclear-related activities – encompassing both plutonium and uranium – and does it include activities such as building and equipment maintenance?

We understand that North Korea's nuclear program is likely far more extensive than the facilities and materials located at Yongbyon. However, the February 29 announcement is silent on activities occurring outside of this one particular location. What is the administration's position on continued North Korean nuclear activities that may be detected or observed at other domestic facilities or outside of North Korea? Please state the Obama Administration's redlines with respect to continued North Korean nuclear and ballistic missile activities – including proliferation of associated materials, equipment, and expertise to other states or actors – that would effectively terminate the Leap Day agreement.

Pyongyang's official statement on the February 29 agreement noted that, in the event that Six-Party Talks are resumed, "priority will be given to the discussion of issues concerning the lifting of sanctions on the DPRK and provision of light water reactors." Please state the Obama

Administration's position regarding unilateral and multilateral sanctions on North Korea for illicit activities, including the implementation and enforcement of existing and, if warranted, additional sanctions. Has the administration undertaken any commitments to provide sanctions relief, or to discuss the provision of light water reactors or any nuclear-related technology or equipment with Pyongyang?

Finally, we are deeply concerned that the administration has abandoned the long-standing U.S. policy of not linking food aid with political objectives. This North Korea policy U-turn runs counter to deep-seated U.S. values and traditions. Moreover, it threatens to undermine our credibility and leadership on global humanitarian assistance. This is truly regrettable.

We expect that the administrative particulars – including monitoring and verification procedures – will be shared with us in a timely manner, given congressional oversight of food aid programs. In addition, we seek clarification on several outstanding issues related to the administration's decision to resume food aid to North Korea.

In 2009, when North Korea terminated ongoing U.S.-sponsored food aid operations, approximately 21,000 metric tons (MT) of food aid was left in North Korea. The FY2011 omnibus appropriations act (P.L. 111-117) effectively requires North Korea to "pay back" the dollar value of this remaining food aid, as determined by the State Department. Does the 240,000 MT account for the value of the 21,000 MT left in North Korea in 2009? What is the dollar value of this food aid?

Oftentimes in past food aid arrangements between the United States and North Korea, the United States has paid for the food items with North Korea assuming financial responsibility for shipping costs. What are the financial terms of the February 29 agreement?

Lastly, we are aware of past oversight and accountability problems at UN-affiliated agencies in North Korea. What measures will the Obama Administration undertake to ensure that UN-affiliated or independent NGOs responsible for distributing U.S. food aid will be accountable for that distribution, and that they will abide by all international sanctions on North Korea? In addition, what monitoring mechanisms will the administration put in place to ensure that nutritional food items, including powdered milk, will not be sold for cash in the Chinese black market in order to help finance Pyongyang's military and illicit activities?

We trust that the administration will rectify its imprudent conduct, and that it will deal forthrightly with Congress on North Korea policy moving forward. We respectfully await your detailed responses to our questions and requests for information.

Sincerely,



JON KYL
United States Senator



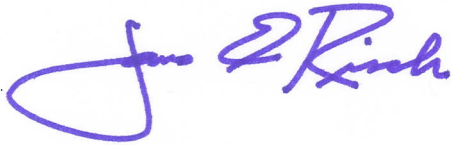
JAMES INHOFE
United States Senator



MARCO RUBIO
United States Senator



JOHN CORNYN
United States Senator



JAMES RISCH
United States Senator

CC: The Honorable Tom Donilon, National Security Advisor