## United States Senate

WASHINGTON, DC 20510

September 28, 2017

The Honorable Donald J. Trump President of the United States The White House 1600 Pennsylvania Ave. NW Washington, DC

Dear President Trump:

We write to express how critical it is that the U.S. Government robustly enforce the Countering America's Adversaries Through Sanctions Act (P.L. 115-44), which you signed into law on August 2, 2017. This important law, which tightens and enhances sanctions against Russia, Iran, and North Korea, received a rare show of near unanimous support, passing through Congress with votes of 98-2 and 419-3. Congress' swift and united action, and your signature, sent a strong message to our allies and adversaries alike, and particularly to those such as Russia, who have sought to undermine our democracy. Now, as critical deadlines are approaching, it is imperative that your Administration implement the law to its fullest extent to uphold and protect American interests.

As you noted in signing the Act into law, we must make clear that "America will not tolerate interference in our democratic process, and that we will side with our allies and friends against Russian subversion and destabilization." This law is a critical step in sending that message.

Given the ongoing threat that Russia poses to the U.S. and our allies, we are particularly concerned about the need for vigorous enforcement of the sanctions against Russia. As Turkey's recent purchase of a Russian air defense system demonstrated, there may have already been actions that violate the law and require the administration to act swiftly. We know from prior experience that rigorous oversight of sanctions is necessary, and that sophisticated actors will seek to evade their reach. It is therefore incumbent on you to demonstrate from the highest levels that any effort to undermine U.S. sanctions will not be tolerated.

That requires a robust and sustained effort by your administration to engage in a good faith implementation to carry out Congress' clear intent, and to remain vigilant against attempts to undermine the existing Russia sanctions regime. In particular, we urge you to make the following areas top priorities as your administration implements Russia-related provisions of P.L. 115-44:

1. **Defense and Intelligence Sectoral Sanctions:** By October 1, 2017, P.L 115-44 requires that the administration issue "regulations or other guidance to specify the persons that are a part of, or operate for or on behalf of, the defense and intelligence sectors of the Government of the Russian Federation." We are very concerned that Russia may attempt to work around sanctions by funneling the arms trade through companies not included in

the administration's guidance. To prevent such attempts, the administration must ensure that it does not limit the reach of Section 231, but expansively defines these actors to ensure that the perpetrators of the attack on our democracy last year – the defense and intelligence sectors – are sanctioned appropriately. Therefore, this guidance must include a wide range of government institutions and public and private companies, such as entities like Rosoboronexport, Rostec, Almaz-Antey, United Shipbuilding Corporation, and all other companies involved in Russia's production and export of arms.

As the Russian Federation is the second largest arms exporter in the world, arms purchases must remain an area of vigilant oversight. The administration should also take full advantage of a provision in the law that allows it to urge countries to significantly decrease Russian arms purchases to avoid sanctions.

- 2. Coordination with Europe: The State and Treasury Departments must build support among and unity with countries across Europe for a strong sanctions regime against the Russian Federation. The U.S. and Europe must come to a common understanding of the threat posed by the Russian government in order to formulate a commensurate response. In addition to implementing existing sanctions, the administration should urge the European Union to align its sanctions regime with that of the United States, to adopt cyber sanctions against Russia, similar to those which target cyber attackers in P.L. 115-44, as well as sanctions on the Russian defense and intelligence sectors. Many countries across Europe have fallen victim to Russian cyber attacks and other forms of Russian interference and our collective response can be much more effective if done in coordination.
- 3. Energy Sanctions: While unity is critical, the administration must fully implement Section 225, which imposes mandatory sanctions on entities that engage in Russian arctic, deepwater and shale projects. These sanctions were permissive under the Ukraine Freedom Support Act, but P.L 115-44 makes them mandatory, out of concern that European companies had backfilled the sector to the detriment of U.S. firms. Full implementation of this provision will ensure a level playing field for all companies whose governments are engaged in this sanctions regime. The administration must also clearly communicate to energy companies in the U.S. and around the world that it will aggressively enforce all mandatory energy sanctions laid out in the law.

Finally, P.L. 115-44 authorizes assistance to build the resiliency of democratic institutions across Europe and Eurasia. We urge robust implementation of this programming to ensure that the U.S. is taking an active role in supporting our closest friends and allies in government and civil society.

As you know, the law provides for Congress to review any administration determination to remove sanctions designations on individuals or entities. Based on the overwhelming Congressional support for enacting this law, and that provision in particular, Congress will undoubtedly take that role seriously. We have spoken to our Senate colleagues about the importance of conducting rigorous oversight of the administration's sanctions implementation, particularly as it relates to Russia. We also plan to engage your administration separately on the

sanctions regimes against the governments of Iran and North Korea that P.L 115-44 also authorizes.

As the October 1st deadline related to the Russian defense sector sanctions approaches, we request that the Departments of State and Treasury provide us with a briefing on the administration's overall sanctions implementation plan with respect to Russia, to include the issues raised in this letter.

I look forward to hearing from you and your administration on these important issues, and look forward to working together to ensure that America's interests are protected.

Sincerely,

Benjamin L. Cardin United States Senator

molini

John McCain United States Senator