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Stalled Denuclearization Talks:

Waiting for the Phone to Ring or the Other Shoe to Drop

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The U.S.-North Korean denuclearization talks are stalled. Special Envoy Stephen Biegun, like his predecessors, tried valiantly to engage with North Korean counterparts only to be repeatedly rebuffed. Pyongyang declared it is not interested in either working level or summit meetings. Once again, it is North Korea that rejects diplomacy and negotiations. Kim Jong-un has shown himself to be no more willing to abandon his country's arsenal than his predecessors.

Euphoric claims of breakthroughs made after the Singapore summit turned out to be premature. To date, President Trump's top-down approach of summit diplomacy has been no more effective than previous efforts to curtail Pyongyang's nuclear ambitions. However, Trump's willingness to meet with Kim tested the long-standing hypothesis of engagement enthusiasts that a face-to-face meeting of the U.S. and North Korean leaders would resolve the nuclear impasse.

Despite three meetings between Trump and Kim, the two sides remain far apart even over the definitions of seemingly straightforward terms such as "denuclearization" and "Korean Peninsula," let alone the sequencing, linkages, and timeline for achieving denuclearization.

In the Hanoi summit, Kim Jong-un proposed closing the Yongbyon nuclear complex, just as his father and grandfather had done for decades. It was the fifth time that Pyongyang offered Yongbyon in an agreement.¹ President Trump walked away from the opportunity to reach a flashy but poorly crafted deal. For that he is to be commended. But, while a correct tactical decision, it leaves the Trump Administration no closer to achieving its strategic objective of denuclearizing North Korea.

There has been no progress toward denuclearization or any degradation of the North Korean military threat to the United States and its allies. Instead, Pyongyang continues its nuclear and missile programs unabated. It has likely produced fissile material for another six to eight nuclear weapons since the Singapore summit while testing new weapons and expanding production facilities for missiles, mobile missile launchers, and nuclear warheads.

In 2019, North Korea launched 26 missiles, the highest-ever number of violations of UN resolutions in one year. Pyongyang unveiled five new short-range ballistic missiles that threaten South Korea, Japan, and U.S. forces stationed in both countries.

Waiting for the Next Provocation

At the end of 2019, Kim Jong-un announced he no longer felt bound by his promise to President Trump not to conduct nuclear or ICBM tests. Instead, Pyongyang threatened to demonstrate a new, "promising strategic weapon system."²

¹ The previous agreements were the 1994 Agreed Framework, the 2005 and 2007 six-party talks agreements, and the 2012 Leap Day Agreement.

² "Report on 5th Plenary Meeting of 7th C. C., WPK," KCNA, January 1, 2020, <https://kcnawatch.org/newstream/1577829999-473709661/report-on-5th-plenary-meeting-of-7th-c-c-wpk/>.

After a four-day Korea Workers' Party plenum meeting, North Korea left the door to negotiations open the tiniest of cracks, with the "scope and depth" of its nuclear and missile deterrent contingent on a dramatically altered U.S. policy. But the regime's demands, including an end to military exercises and weapons sales to South Korea, have long been unacceptable to the United States. The regime dismissed Washington's calls for dialogue as stalling tactics and indicated it would seize the initiative rather than waiting for the situation to improve.

Pyongyang may move incrementally up the escalation ladder to garner concessions before returning to diplomatic talks. Options include medium-range and intermediate-range missile launches and a space-launch vehicle before crossing President Trump's red line of nuclear and ICBM tests. The regime could also restore its mothballed nuclear test site, unveil a new missile system or submarine, or conduct low-level military provocations in the West Sea near South Korea.

Historically, Pyongyang has moved slowly to implement its threats, seeking to gain negotiating leverage or objectives. But, the regime could maximize its leverage by moving immediately to a long-range missile or nuclear test to confront Washington with a high-stakes crisis.

Kim Jong-un may feel that he has the upper hand when confronting the United States. North Korean officials have repeatedly referenced the 2020 U.S. election, believing that threats of resuming nuclear and ICBM tests would hang as the sword of Damocles over President Trump's head and would hence induce additional concessions.

What Does North Korea Want?

An adage amongst long-time North Korea watchers is that "something is important to Pyongyang ... until it isn't. And it isn't important ... until it is." The saying reflects the regime's shifting priorities for its demands of the United States and the international community in return for denuclearization. Like parched nomads chasing a desert mirage only to have it disappear, U.S. diplomats often found a key North Korean demand vanish in favor of a new requirement.

Pyongyang's bait-and-switch technique seeks parallel paths to benefits while keeping diplomatic opponents off balance. When a U.S. concession gained no traction with the recalcitrant regime, engagement advocates called on Washington to offer yet another to maintain "progress" or to "improve the negotiating atmosphere."

However, the United States has already offered economic benefits, developmental assistance, humanitarian assistance, diplomatic recognition, declarations of non-hostility, turning a blind eye to violations, not enforcing U.S. laws, and reducing allied defenses all to no avail.

South Korea has participated in large joint economic ventures with North Korea. Successive South Korean administrations offered extensive economic and diplomatic inducements in return for Pyongyang *beginning* to comply with its denuclearization pledges.

Diplomacy Tried, and Tried, and Tried. The international community has engaged in repeated diplomatic efforts to prevent, then reverse, Pyongyang's quest to develop nuclear weapons. All of the accords collapsed because North Korea cheated or did not fulfill its pledged obligations. A

record of zero-for-eight does not instill much confidence in the benefit of undertaking even more attempts.³

For over twenty years, there have been two-party talks, three-party talks, four-party talks, and six-party talks to resolve the North Korean nuclear weapons issue. Seoul has signed 240 inter-Korean agreements on a wide range of issues.

Despite decades of U.S. diplomacy with North Korea, real negotiations on eliminating the regime's nuclear arsenal have yet to begin. Pyongyang rejects the core premise of negotiations, which is that it must abandon its nuclear weapons and programs.

Cancelling Military Exercises Did Not Work. In Singapore, President Trump declared that he would suspend the “provocative” U.S.-South Korea “war games”—terms that Washington had previously rejected when used by North Korea.

Secretary of State Michael Pompeo recently indicated that President Trump promised to cancel large-scale allied military exercises in return for Kim's promise to refrain from nuclear and ICBM tests—a poor deal, given that North Korea is prohibited by 11 U.N. resolutions from conducting nuclear or *any* missile launch, regardless of range. Prior to the Singapore meeting, Kim had announced nuclear and ICBM testing were no longer necessary since both programs had been completed.

The United States and South Korea have reduced the size, scope, volume, and timing of allied military exercises in Korea. Washington and Seoul cancelled at least thirteen military exercises and imposed constraints on additional military training. Doing so risks degrading allied deterrence and defense capabilities. The exercises are necessary to ensure the interoperability and integration of allied military operations and ensure readiness to respond to North Korean attacks.

Pyongyang did not codify its missile and nuclear-test moratorium in the Singapore communiqué, nor did it announce reciprocal constraints on its own military exercises. General Robert Abrams, commander of U.S. Forces Korea, testified that “we have observed no significant changes to size, scope, or timing of [North Korea's] ongoing exercises.” He added that Pyongyang's 2019 annual winter training cycle involved one million troops.⁴

Sanctions Relief Did Not Work. Successive U.S. administrations have provided indirect sanctions relief by never fully enforcing U.S. laws against North Korean and other violating entities. President George W. Bush reversed U.S. law enforcement against a foreign bank engaged in money laundering in a vain attempt to make progress in denuclearization negotiations. President Barack Obama pursued a policy of timid incrementalism in sanctions enforcement.

The Trump administration, for all its declarations of “maximum pressure” on North Korea, has only anemically applied sanctions since the Singapore summit. In June 2018, Trump explained that he

³ Pyongyang acceded to the 1992 North-South Denuclearization Agreement, the Non-Proliferation Treaty, the safeguards of the International Atomic Energy Agency (IAEA), the Agreed Framework, three agreements under the six-party talks, and the Leap Day Agreement.

⁴ General Robert B. Abrams, testimony before the Armed Services Committee, US Senate, February 12, 2019, https://www.armed-services.senate.gov/imo/media/doc/Abrams_02-12-19.pdf.

would not impose sanctions on 300 North Korean violators because “we’re talking so nicely” with Pyongyang.⁵ He added, “I don’t even want to use the term ‘maximum pressure.’”

The U.S. Treasury Department deferred imposing sanctions on three dozen Russian and Chinese entities providing prohibited support to North Korea, and the White House has taken no action against a dozen Chinese banks that Congress recommended be sanctioned for their dealings with Pyongyang. In March 2019, Trump reversed the Treasury Department’s minimalist step of targeting two Chinese shipping firms helping Pyongyang circumvent UN-imposed restrictions on North Korean trade. The White House spokesperson commented, “President Trump likes Chairman Kim and he doesn’t think these sanctions will be necessary.”⁶

Removing sanctions as the price for restarting negotiations would mean abandoning key leverage and would be contrary to U.S. laws. Sections 401 and 402 of the North Korea Sanctions and Policy Enhancement Act of 2016 define numerous actions that North Korea must take before the president is allowed to suspend sanctions against the regime for one year or to terminate them.

Security Guarantees Did Not Work. North Korea has made a recurring demand for a security guarantee. In the 2018 Singapore summit statement, President Trump committed to provide security guarantees to North Korea, and Secretary Pompeo affirmed that the United States was willing to offer North Korea “unique” security guarantees “to provide them sufficient certainty that they can be comfortable that denuclearization is not something that ends badly for them.”⁷

After the 2019 Hanoi summit failed to achieve progress, North Korean foreign minister Ri Yong-ho announced that “the security guarantee is more important to us [than sanctions release] in the process of taking the denuclearization measure.” Secretary Pompeo replied that “we’re prepared to provide a set of security arrangements that gives them comfort that if they disband their nuclear program, that the United States won’t attack them in the absence of that.”⁸

U.S. officials have sought clarification from North Korean diplomats but Pyongyang has not articulated what it wants guaranteed: No preemptive or preventive military attack? North Korean national sovereignty? Kim family regime survivability? Nor has the regime specified the form that a guarantee should take: A paper declaration? An end-of-Korean War declaration or peace treaty? More expansive confidence-building measures and military force reductions?

⁵ Ben Riley-Smith, “Trump-Kim Summit: Donald Trump Vows to ‘End War Games’ in ‘New History’ with North Korea,” *Telegraph*, March 21, 2018, <https://www.telegraph.co.uk/news/2018/06/11/donald-trump-kim-jong-un-summit-live-latest-news-updates-us>.

⁶ Jacob Pramuk, “Trump Will Remove New North Korea-Related Sanctions Because He ‘Likes’ Kim Jong Un,” *CNBC*, March 22, 2019, <https://www.cnbc.com/2019/03/22/trump-says-he-will-remove-north-korea-related-sanctions.html>.

⁷ “US to Offer North Korea ‘Unique’ Security Guarantees for Denuclearization: Pompeo,” *Channel News Asia*, June 11, 2018, <https://www.channelnewsasia.com/news/world/us-north-korea-unique-security-guarantees-denuclearisation-10420266>.

⁸ US Department of State, “Secretary of State Michael R. Pompeo with Buck Sexton of iHeartMedia,” July 22, 2019, <https://www.state.gov/secretary-of-state-michael-r-pompeo-with-buck-sexton-of-iheartmedia/>.

The United States has repeatedly provided such promises in the past—to no avail. In the 1994 Agreed Framework, Washington committed to “provide formal assurances to [North Korea] against the threat or use of nuclear weapons by the U.S..”⁹

In the 2005 Six-Party Talks Joint Statement, the United States pledged it “has no intention to attack or invade [North Korea] with nuclear or conventional weapons.”¹⁰ Former National Security Council official Victor Cha compiled a list of over twenty U.S. security assurances to North Korea in a 2009 study.¹¹

The Trump administration made similar pledges, including then Secretary of State Rex Tillerson’s declaration that the United States “will not seek a regime change, a collapse of the regime, an accelerated reunification of the peninsula, or an excuse to send [U.S.] military north of the 38th parallel.”¹²

Economic Aid Did Not Work. Pyongyang has indicated that no amount of economic benefits can address the security concerns the regime cites as justification for its nuclear weapons programs. North Korea perceives nuclear weapons as the only way to prevent it from becoming another Iraq, Yugoslavia, or Libya.

Similarly, since North Korean nuclear weapons are purported to be a response to the U.S. “hostile policy,” no South Korean offers of economic assistance or security measures can dissuade Pyongyang from continuing with its nuclear programs. South Korea provided billions of dollars in economic benefits. Still, it did not induce North Korea to undertake political or economic reform or moderate its quest for nuclear weapons.

Pyongyang’s provocative antics and threats are not merely negotiating ploys, but instead are designed to achieve international acceptance of North Korea’s status as a nuclear power. North Korean officials have repeatedly indicated that that is precisely their intention.

What Can Be Tried?

An End of War Declaration.¹³ In the Singapore statement, the two countries agreed to “join their efforts to build a lasting and stable peace regime on the Korean Peninsula.” The North Korean Ministry of Foreign Affairs declared that “the issue of announcing the declaration of the end of the war at an early date is the first process of defusing tension and establishing a lasting peace regime on the Korean Peninsula [and] constitutes a first factor in creating trust between [North Korea] and the

⁹ US Department of State, “Agreed Framework between the United States of America and the Democratic People’s Republic of Korea,” October 21, 2004, <https://2001-2009.state.gov/t/ac/rls/or/2004/31009.htm>.

¹⁰ “Joint Statement of the Fourth Round of the Six-Party Talks,” September 19, 2005, <http://www.atomicarchive.com/Reports/Northkorea/JointStatement.shtml>.

¹¹ Victor Cha, “What Do They Really Want: Obama’s North Korean Conundrum,” *Washington Quarterly*, October 2009, <https://www.tandfonline.com/doi/full/10.1080/01636600903224837>.

¹² Christy Lee, “Can Trump Guarantee Kim Will Stay if North Korea Denuclearizes?” *VOA*, May 23, 2018, <https://www.voanews.com/usa/can-trump-guarantee-kim-will-stay-if-north-korea-denuclearizes>.

¹³ Also referred to as a peace declaration. It would be a symbolic political document which, unlike a formal peace treaty, has no legal impact on the armistice ending the Korean War or the United Nations Command. The six-party talks had a working group devoted to striving for a peace treaty, until North Korea walked away from the negotiations in 2008.

U.S.”¹⁴ Pyongyang claims that Trump already committed to signing a peace declaration during the Singapore summit.¹⁵

Advocates of declaring an end to the Korean War downplay concerns over the ramifications by highlighting that the document would be only symbolic, without any real effect or consequences. On the other hand, they have yet to identify any tangible benefits to signing a peace declaration—a specific quid pro quo from the regime or a change in North Korean policy or behavior resulting from the regime feeling less threatened.

Yet, a peace declaration could have serious negative ramifications for alliance security. Even a limited declaration could create domino-effect advocacy for prematurely signing a peace treaty, reducing U.S. deterrence and defense capabilities and abrogating the mutual defense treaty before reducing the North Korean threat that necessitated U.S. involvement.

Beyond security ramifications, a peace declaration could also lead to advocacy of reducing UN and U.S. sanctions and providing economic largesse to North Korea even before it takes significant steps toward denuclearization.

A Freeze Rather than Denuclearization. There has been much debate amongst experts on the utility of a “freeze” on North Korea’s nuclear weapons production. Some freeze proponents argue that the United States should abandon unrealistic expectations of total denuclearization and accept a capping of North Korea’s arsenal through a freeze on future production. Others argue that a production freeze, requiring some reciprocal U.S. actions, would be an interim step toward eventual denuclearization.

A freeze agreement could include capping production of fissile material, a moratorium on nuclear and missile testing, and a pledge not to export nuclear technology. The freeze proposals share a common theme in calling for yet more U.S. concessions to encourage Pyongyang to commit to undertaking a portion of what it is already obligated to do under numerous UN resolutions.

A nuclear freeze was negotiated in the February 2012 Leap Day Agreement, in which Washington offered Pyongyang 240,000 tons of nutritional assistance and a written declaration of no hostile intent. In return, North Korea pledged to freeze nuclear reprocessing and enrichment activity at the Yongbyon nuclear facility, not to conduct any nuclear or missile tests, and to allow the return of International Atomic Energy Agency (IAEA) inspectors to Yongbyon. Indeed, all previous denuclearization agreements with North Korea were variants on a freeze, and all failed.

A freeze could be seen as de facto recognition and acceptance of North Korea as a nuclear state, which would undermine the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and send the wrong signal to other nuclear aspirants: that the path is open to nuclear weapons. North Korea would be allowed to retain its nuclear threat to South Korea and Japan, as well as U.S. forces, bases, and civilians throughout Asia.

¹⁴ “FM Spokesman on DPRK-US High-level Talks,” Korea Ryugilo Editorial Bureau, September 15, 2018, <http://www.uriminzokkiri.com/index.php?lang=eng&ftype=document&no=12300>.

¹⁵ Alex Ward, “Exclusive: Trump Promised Kim Jong-un He’d Sign an Agreement to End the Korean War,” Politico, August 29, 2018, <https://www.vox.com/2018/8/29/17795452/trump-north-korea-war-summit-singapore-promise>.

This, in turn, could exacerbate allied concerns about the reliability of the U.S. extended deterrence guarantee and increase advocacy within South Korea for an independent indigenous nuclear weapons program and greater reliance on preemption strategies.

Risking Allied Security Posture

President Donald Trump is demanding a five-fold increase in South Korea's annual reimbursement for the cost of stationing U.S. troops overseas, with all signs pointing to a similar demand coming on Japan.

The U.S. has long sought greater allied compensatory costs and involvement in overseas operations. But all allies are not the same. South Korea and Japan should be recognized for their significant contributions.

South Korea spends 2.6% of its gross domestic product on defense; that's more than any of our European allies. By 2022, South Korea will be among the world's top five or six highest spenders on defense.

Seoul provides nearly half of the cost of stationing U.S. forces in South Korea. Not counted in Seoul's contribution is land provided for U.S. bases at no cost and tax free. Seoul paid 92% of the \$11-billion cost for building Camp Humphreys, the largest U.S. base on foreign soil, and over the last four years, South Korea has purchased \$13 billion in arms from the United States.

South Korea has also been a stalwart ally beyond its shores. Seoul sent 300,000 troops to the Vietnam War, and 5,000 of its soldiers were killed. At one point, it fielded the third-largest troop contingent in Iraq after the United States and Britain. It has also conducted anti-piracy operations off Somalia and participated in peacekeeping operations in Afghanistan, East Timor and elsewhere.

Japan covers approximately 75 percent of the cost of deployed U.S. forces as well as nearly all of the construction costs of new large U.S. facilities at Futenma and Iwakuni, and one-third of the cost of new Marine Corps facilities in Guam. Japan does not spend as much as a percentage of GDP as South Korea. But it is a larger economy, and in dollar terms, it spends more. Tokyo also purchases 90 percent of its defense equipment from the United States.

The Importance of U.S. Forces Overseas. Attaining and defending American national interests in Asia requires U.S. bases and access, sufficient forward-deployed military forces to deter aggression, robust follow-on forces, and strong alliances and security relationships with South Korea, Japan and other countries in that part of the world. The U.S. military presence in Asia is also an indisputable signal of Washington's commitment to defend its allies and maintain peace and stability in the region.

As President Ronald Reagan eloquently proclaimed during a D-Day remembrance ceremony in Normandy, "We in America have learned bitter lessons from two World Wars: It is better to be here ready to protect the peace, than to take blind shelter across the sea, rushing to respond only after freedom is lost.... The strength of America's allies is vital to the United States, and the American security guarantee is essential.... We were with you then; we are with you now. Your hopes are our hopes, and your destiny is our destiny."

The administration's monetary demands are at odds with its strong advocacy of alliances, as detailed in the National Security and National Defense Strategies. Those documents stress how alliances magnify U.S. power, extend American influence and form the "backbone of global security." Trump's demands also run counter to the strong congressional and public support for these Asian alliances.

Alliances are not valued in dollars and cents, and American service members are not mercenaries. Excessive U.S. monetary demands degrade alliances based on shared principles and goals into mere transactional relationships.

Maintain alliance solidarity. Cost-sharing negotiations are always contentious, but the Trump Administration has made excessive demands in a combative manner, needlessly straining relations with allies at a time when we should be standing shoulder to shoulder in the face of common threats. The administration should drop its demands for massive increases in funding and shift instead to more moderate, incremental increases that maintains allied cohesion.

The U.S.–South Korean alliance was forged in blood during the Korean War. Its enduring motto is *katchi kapshida* ("we go together.") The motto cannot become "we go together, if we are paid enough." As Winston Churchill sagely advised, "There is only one thing worse than fighting with allies and that is fighting without them."

How the U.S. Should Respond to North Korea

The United States should continue diplomatic attempts to reduce the North Korean nuclear threat. The failure of all previous denuclearization agreements with North Korea does not preclude additional attempts at negotiations.

US diplomats should determine the conditions under which North Korea would comply with the eleven UN resolutions that require the regime to abandon its nuclear, missile, and biological/chemical warfare weapons and program in a complete, verifiable, irreversible manner.

The Trump Administration must chart a course between the twin flaws of over-reacting and under-reacting to any North Korean provocation. While the U.S. should remain vigilant and resolute against any North Korean attack, it should not return to the "fire and fury" rhetoric of threatening a preventive strike.

Nor should the U.S. initiate an attack on North Korea for crossing a technological threshold, since that would risk precipitating a full-scale war with a nuclear nation, leading to massive casualties. The more prudent course of action is to reserve a pre-emptive attack for a situation in which the Intelligence Community has strong evidence of imminent strategic nuclear attack on the U.S. or its allies.¹⁶

The Trump Administration should also resist entreaties to lower the negotiating bar to achieve progress. President Trump should reject calls for relaxing sanctions in return for only a partial, flawed agreement that does not include a clearly defined endpoint of North Korean abandonment of its nuclear and missile production facilities and arsenal, as well as rigorous verification protocols.

¹⁶ Bruce Klingner, "Save Preemption for Imminent North Korean Attack," Heritage Foundation Backgrounder No. 3195, March 1, 2017, <https://www.heritage.org/missile-defense/report/save-preemption-imminent-north-korean-attack>.

In response to North Korean intransigence and continued defiance of the international community, Washington should announce it will resume canceled military exercises with South Korea. America's self-imposed military concession did not lead to diplomatic progress nor reduce the North Korean military threat.

The Trump Administration should also end its self-imposed constraints on enforcing UN resolutions and U.S. laws. Law enforcement should be used as a negotiating chip. Washington must take action against any entity that violates UN sanctions or U.S. legislation. US sanctions are responses to North Korean actions. As long as the sanctioned behavior continues, then Washington should maintain its targeted financial measures. Reducing US sanctions is subject to legal constraints.

The Trump Administration should ratchet up pressure on North Korea and foreign enablers of its prohibited nuclear and missile programs. Washington should sanction the 300 North Korean entities referenced by President Trump in June 2018, penalize Chinese financial institutions engaged in money laundering and other crimes, impose secondary sanctions against entities aiding North Korean evasion of sanctions, return to the previous level of military exercises, repair strained relations with its Asian allies, and uphold human rights principles

Washington must also uphold human rights principles. Downplaying North Korean human rights violations and embracing a purveyor of crimes against humanity to gain diplomatic progress runs counter to U.S. values and sets a poor precedent for negotiations. The North Korea Sanctions and Policy Enhancement Act § 104(a)(5) mandates sanctions against any person who knowingly facilitates severe human rights abuses.¹⁷

Conclusion

It is not surprising that there has been no progress in denuclearization talks. North Korea has been pursuing nuclear weapons since the 1960s and has been obfuscating about promises to abandon them for decades.

While the United States should continue to strive for a diplomatic solution to the North Korean nuclear threat, it is far more likely that North Korea will remain a challenge that requires a bipartisan policy of deterrence, containment, and compellence.

The best US policy is a comprehensive strategy of diplomacy, upholding UN resolutions and US laws, and deterrence until the nuclear, missile, and conventional force threat is reduced.

¹⁷ North Korea Sanctions and Policy Enhancement Act of 2016, Public Law 114–122.

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