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United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, DC 20510-6225

September 17, 2008

The Honorable Condoleezza Rice
Secretary of State
Washington, DC 20520

Dear Secretary Rice:

We write regarding the Defense Trade Cooperation Treaties with the United Kingdom and Australia. While we support the objectives of these treaties and the Administration's efforts to enhance cooperation with these important allies, we have reluctantly concluded that there are too many unresolved questions in connection with the treaties to achieve their approval this year.

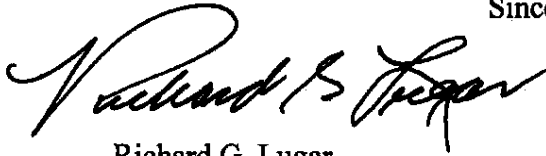
At the Committee's hearing on these treaties on May 21, Members of the Committee raised a number of questions about how these treaties would be implemented and enforced, and how they would relate to the existing U.S. regulatory regime for arms exports. In addition, Members raised concerns about aspects of the treaties that have serious implications for the Senate's role with respect to the making of treaties and Congressional oversight of arms exports.

Following the hearing, it was our hope and expectation that Members' questions and concerns would be resolved in time to allow the Senate to act on the treaties during the current session. At our direction, Committee staff has made extensive efforts in this regard, working closely with your Department over the past several months.

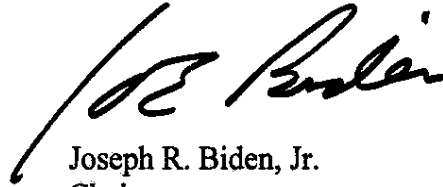
We greatly appreciate the significant work that has been undertaken by the Executive Branch in responding to questions from the Committee. Unfortunately, the information provided by the Administration to date, much of which has only been received in the last several weeks, is insufficient to resolve Members' concerns. The Administration did not provide the Committee with draft amendments to the International Traffic in Arms Regulations needed to implement the treaties until August 26, eleven months after the President stated, in submitting the treaty with the United Kingdom, that the Administration was "prepared to provide" the proposed amendments to the Senate for its information. After a briefing session with Committee staff in late August, the Executive Branch reviewed several matters relating to these draft amendments, and then just yesterday submitted an entirely new and substantially different proposal for amending the International Traffic in Arms Regulations. These delays and shifting approaches to implementation have made it impossible for the Committee to conduct a responsible review of the treaties and resolve Members' concerns during the short time remaining in the Senate's current session.

We continue to support the objectives of these treaties— to facilitate defense trade with two of our closest allies. We will continue to work with the Administration in the coming months to resolve the Committee’s outstanding questions, with the objective of ensuring – whatever office each of us holds – that the Committee can act early in the 111th Congress to address this important matter.

Sincerely,



Richard G. Lugar
Ranking Member



Joseph R. Biden, Jr.
Chairman