

ELIOT L. ENGEL, NEW YORK
CHAIRMAN

JASON STEINBAUM
STAFF DIRECTOR



MICHAEL T. McCAUL, TEXAS
RANKING REPUBLICAN MEMBER

BRENDAN P. SHIELDS
REPUBLICAN STAFF DIRECTOR

One Hundred Sixteenth Congress
U.S. House of Representatives
Committee on Foreign Affairs
2170 Rayburn House Office Building
Washington, DC 20515
www.foreignaffairs.house.gov

May 28, 2020

The Honorable Michael R. Pompeo
Secretary
U.S. Department of State
2201 C St. NW
Washington, DC 20520

Dear Secretary Pompeo:

We write to strongly condemn the Administration's decision to submit the notice of intent to withdraw from the Open Skies Treaty and to reject the Administration's shortsighted justifications for doing so. This decision undermines America's security and the security of our allies and partners in Europe. Additionally, contrary to the Administration's overly broad claims of sole executive power, submitting intent to withdraw from the Treaty without prior notification to Congress is a violation of the law under section 1234 of the Fiscal Year 2020 National Defense Authorization Act (FY20 NDAA).

First and foremost, we do not believe the decision to withdraw is in the best interest of the United States, the American people, and our allies and partners. By withdrawing, the United States will lose one of the last remaining arms control agreements that holds Russia accountable and a tool that provides critical transparency to prevent miscalculations and uncertainty that could lead to a major war. We will lose access to shareable intelligence that, for example, has been critical to monitoring Russian military aggression against Ukraine and allowed the United States and Ukraine to monitor the 2018 Kerch Strait hostage crisis.

Second, while we certainly agree that U.S. taxpayer dollars should be spent effectively and responsibly, to suggest that the Administration is withdrawing due to concerns over cost – which make up a fraction of a percent of the defense budget while providing significant value –

The Honorable Michael R. Pompeo
May 28, 2020
Page Two

is laughable. There is little doubt this Administration's systematic dismantling of conventional and nuclear arms control regimes will prove far more costly in the long term.

Third, we reject the Administration's claim that the Constitution entitles the President to violate statutory law by refusing to submit advance notification of this withdrawal to Congress. The House and Senate rejected this claim of unchecked executive authority through bipartisan passage of section 1234 of the FY20 NDAA. With passage of this law, Congress made clear that it would need adequate notice of withdrawal from this longstanding treaty to effectively carry out its responsibilities under Article I of the Constitution. The Administration's lack of transparency with Congress only underscores the degree to which the withdrawal decision was poorly considered and detrimental to our interests. If the President was confident in his decision, he would have presented it to Congress and the American people in advance.

Finally, we reject the assertion that this decision was made through adequate consultation with our allies and partners. It is particularly troublesome that the Administration has tried to conflate allied concerns about Russian conduct with support for a decision to withdraw. In fact, our allies are already widely condemning the decision – as is evidenced by a joint statement from the Foreign Ministries of Belgium, the Czech Republic, Finland, France, Germany, Italy, Luxemburg, the Netherlands, Spain, and Sweden stating: “We regret the announcement by the US Government of its intention to withdraw from the Open Skies Treaty.” This public rebuke by some of our closest allies demonstrates a failure of diplomacy and leadership on the world stage. The President has undermined America's security interests and gained nothing in return.

With these concerns in mind, please provide our committee with detailed, written responses (with a classified annex, if necessary), followed by a briefing, no later than June 5, 2020:

- Communications from NATO allies and partners through diplomatic and military channels expressing their viewpoints on the U.S. withdrawal from the Treaty;
- An analysis of the flights conducted by the United States and its allies over the past three years under the Treaty as well as a description of the diplomatic, military, and intelligence utility of the data collected;
- An analysis of the data that will be lost as a result of the United States' withdrawal from the Open Skies Treaty;

The Honorable Michael R. Pompeo
May 28, 2020
Page Three

- A proposal for how to replicate the ability to share the data the United States has previously been able to share with allies under the Open Skies Treaty; and
- A full explanation of the purported detriment to U.S. national security that would have been caused by waiting an additional 120 days after congressional notification.

Sincerely,



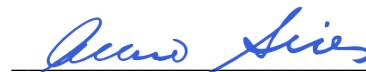
ELIOT L. ENGEL
Chairman



BRAD SHERMAN
Member of Congress



GREGORY W. MEEKS
Member of Congress



ALBIO SIRES
Member of Congress



GERALD E. CONNOLLY
Member of Congress



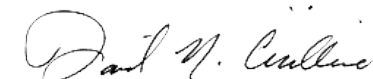
TED DEUTCH
Member of Congress



VICENTE GONZALEZ
Member of Congress



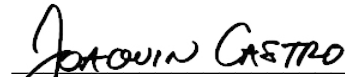
WILLIAM R. KEATING
Member of Congress




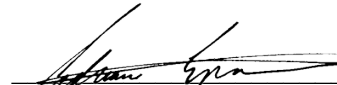
DAVID N. CICILLINE
Member of Congress

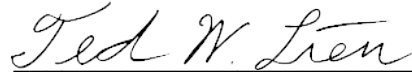



AMI BERA
Member of Congress


JOAQUIN CASTRO
Member of Congress

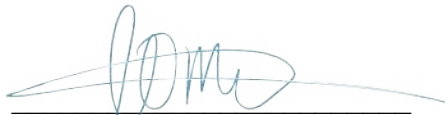

DINA TITUS
Member of Congress



ADRIANO ESPAILLAT
Member of Congress

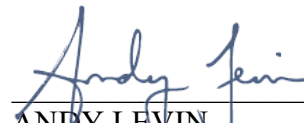

TED LIEU
Member of Congress



SUSAN WILD
Member of Congress



DEAN PHILLIPS
Member of Congress


ILHAN OMAR
Member of Congress


COLIN ALLRED
Member of Congress

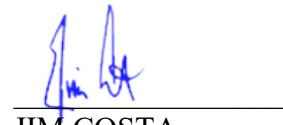

ANDY LEVIN
Member of Congress



ABIGAIL D. SPANBERGER
Member of Congress



CHRISSY HOULAHAN
Member of Congress


TOM MALINOWSKI
Member of Congress


DAVID TRONE
Member of Congress


JIM COSTA
Member of Congress


JUAN VARGAS
Member of Congress


KAREN BASS
Member of Congress