

Appendix 5



THE SECRETARY OF DEFENSE
WASHINGTON, THE DISTRICT OF COLUMBIA

The Honorable Benjamin A. Gilman
Chairman, Committee on International Relations
U. S. House of Representatives
Washington, D.C. 20515-6128

June 28, 2000

Dear Mr. Chairman:

I am writing to express my deep concern over legislative proposals that can adversely impact the security of the United States. I refer specifically to proposals that would prohibit or significantly constrain the United States from negotiating with the United Kingdom and Australia measures to strengthen their export control procedures and better protect U.S. technology in exchange for an exemption to the U.S. International Traffic in Arms Regulation (ITAR) for the export to them of certain unclassified items.

As you are aware, on May 24th the Secretary of State announced at a meeting of NATO's North Atlantic Council an important U.S. initiative for the first major post-Cold War adjustment to the U.S. Defense Export Control system. The Defense Trade Security Initiative (DTSI) has at its heart the enhancement of U.S. national security and that of our allies through the improvement of export controls to ensure that advanced technology and other critical items do not reach unsafe hands in a globalized and interconnected world of asymmetrical threats. Needless to say, these export control changes also are essential to furthering interoperability with our allies in support of coalition operations.

One of the key initiatives is focused on allies who meet U.S. criteria for commonality and reciprocity in export controls and industrial security; have long-standing and successful cooperation in intelligence sharing and law enforcement; and guarantee reciprocal market access. Such an ally will be eligible for bilateral discussions on legally binding agreements to ensure their export control and technology security regimes are congruent to our own. In exchange for these ironclad arrangements, we are prepared to offer an exemption to the ITAR similar to that long-provided to Canada. While this exemption would apply only to certain unclassified technology and information, it would greatly facilitate closer defense industrial cooperation with the United States and improved interoperability of our combat forces.

The UK and Australia are two countries that have very good export control systems in terms of laws, procedures and actual practices. With a few, but important improvements, such as binding agreements on re-transfer and end use, export control of "intangibles," and the closing of other small gaps, both the UK and Australia would have control systems very similar and comparable in effectiveness to that of the United States. We believe the only way to achieve this commonality of control principles and enforcement standards is to negotiate a Canada-style exemption to the ITAR with the UK and Australia. This effort would effectively couple the largest economy in the world and the fourth largest economy plus Australia with congruent export control systems and provide for a dramatic increase in our global technology security.

Efforts to block or restrict this initiative to tighten the effectiveness of export controls would also harm our national security interests by blocking the powerful incentive our initiative creates for other allied governments to want to improve their export controls and technology security to match the United States. In addition to continuing to improve the effectiveness of our own export control system, we must effectively motivate our allies to improve their export controls. Regrettably, our track record to date using the traditional methods of setting the example and applying persuasion shows very little success.

In sum, I am very worried about any legislative actions that have the potential of preventing or unduly restricting the United States from negotiating improvements in the export control systems of our closest allies. Any statutory initiative that would do so would also remove an essential tool from our hands in our efforts to come to grips with one of the most vital security issues facing us today—how to protect advanced technology from reaching those who would do us harm while at the same time sharing that same technology with those who would help protect us. I solicit your support on this important security matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jack Edwards". The signature is fluid and cursive, with a long horizontal stroke at the end.

Copy to:
The Honorable Sam Gejdenson