

# United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, DC 20510-6225

January 26, 2024

The Honorable Antony Blinken  
Secretary  
Department of State  
2201 C Street, N.W.  
Washington, D.C. 20451

Dear Secretary Blinken:

I write in response to President Biden's January 24th letter informing me of the administration's intent to formally notify the sale of F-16s to Turkey. This letter ignored the long-standing congressional notification process for arms sales and once again demonstrated significant challenges as the administration repeatedly circumvents congressional prerogatives and statutory requirements.

As you well know, the proposed F-16 sale to Turkey had not cleared the informal review process that Congress uses to ensure a particular arms sale supports U.S. foreign policy objectives, and the administration did not consult with the committees before the president issued his letter. Yet, this is one example in a pattern that included withholding formal notification of Greece's F-35 sale last May despite it clearing informal review.

The administration's unwillingness to adhere to the congressional notification process, which has been in place since 1976 and was reformed in 2012, is concerning. This process was expressly designed to help Congress and the executive work through concerns about a particular arms sales before the sale became public. This was done to avoid undue harm to our relations with America's allies, but your administration has repeatedly departed from this practice.

The initial informal notification of Turkey's F-16 sale was submitted in conjunction with the Greek F-35 case, giving an unhelpful impression of linkage between the two cases – something the administration strenuously denied at the time. This decision was compounded by the failure to formally notify the Greek F-35 case after it cleared informal review in May 2023 – a process that is supposed to takes days, not more than six months. We have also seen unusual behavior in the Direct Commercial Sales process in cases involving Mexico and Israel among others.

We saw similar issues with the July 2022 sale of Harpoons and air launched munitions to Taiwan. Here again, the administration used extralegal procedures to notify an arms sale with the express purpose of obscuring public notification in advance of former Speaker Pelosi's trip. This politicized decision arguably violated the Arms Export Control Act, was at cross purposes with transparency requirements, and, worse, appeared to bow to Beijing's interests.

The emergency notification procedures used to notify some arms sales to Israel constitute yet another example of failing to adhere to normal order on arms sales. While I support the use of the emergency notification because of the gravity of the terrorist attack on Israel, the initial

decision to informally notify these arms sales and then pull them back after being cleared is not in keeping with long-standing procedures.

The failure to respect congressional notification prerogatives – in particular with regard to the informal review process – undermines what is historically a cooperative process to ensure the proper foreign policy checks and balances are performed on weapons sales. The more this process is undermined, there will be less confidence that sales support broader U.S. foreign policy interests. It is well past time that we return to regular order.

As we discussed, I said I would clear the F-16 sale to Turkey provided: 1) a confirmation from the Department that you have received the instruments of ratification from Turkey and 2) a commitment from you that the Department will return to regular order as it relates to the informal and formal weapons notification processes.

Having received both the notification and the commitment, I have approved the sale. It is now incumbent upon the administration to return to regular order. I look forward to working with you to ensure this return.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Risch". The signature is stylized and cursive.

James E. Risch  
Ranking Member  
Senate Foreign Relations Committee