

Congress of the United States
Washington, DC 20510

September 21, 2022

The Honorable Anthony Blinken
U.S. Department of State
2201 C Street, NW
Washington, DC 20520

The Honorable Lloyd Austin
U.S. Department of Defense
1300 Defense Pentagon
Washington, DC 20301-1300

General Mark Milley
Office of the Joint Chiefs of Staff
9999 Defense Pentagon
Washington, DC 20318-9999

Dear Secretary Blinken, Secretary Austin, and General Milley:

We are writing to you today to express our concerns regarding the June 21, 2022, announcement regarding changes to the United States Anti-Personnel Landmine policy.

Specifically, we are concerned that the review process described by the administration failed to adequately account for the likely negative impacts to U.S. military operational effectiveness; used overly-optimistic assumptions in evaluating the projected costs and timeline estimates associated with the destruction and replacement of existing Department of Defense equipment inventories; and ultimately sought to implement the provisions of the Ottawa Convention, a treaty to which the United States Senate has not provided advice and consent.

As we have seen in the recent conflict in Ukraine, landmines remain an important tool in modern warfare – one that the United States military should not unilaterally relinquish in the absence of a readily accessible alternative capability. During his testimony before the Senate Armed Services Committee in April 2022, Chairman of the Joint Chiefs of Staff General Mark Milley noted:

I do think landmines are important, especially if you're in the defense, but also in any other capability in order to shape enemy operations... We need to look no further than what's happening actually in Ukraine. Landmines are being effectively used...to shape the avenues of approach by Russian armored forces...So that's one of the reasons why you see column after column of Russian vehicles that are destroyed. So anti-tank or anti-personnel mines are very effective use in combat.

Considering the obvious operational benefits of anti-personnel landmines, the United States should not unnecessarily issue a policy depriving U.S. troops access to anti-personnel landmines currently in DoD stocks simply to pursue an ideal that our adversaries will not follow. Implementing such a blanket policy seems particularly questionable when one considers that all landmines currently in the U.S. operational inventory already incorporate technologically

advanced safeguards limiting harm to noncombatants – safeguards that exceed the standards outlined in the Convention on Certain Conventional Weapons.

In addition to our concerns regarding the impact of this newly-implemented landmine policy on U.S. military effectiveness, we are also deeply troubled by the ends the administration purports to achieve through issuance of this policy.

The White House press release outlined an objective to make the United States “...compliant with and ultimately acced[e] to the Ottawa Convention...” However, the administration has not indicated any intention or plans to submit the *Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction* (the “Ottawa Convention”) to the United States Senate for advice and consent. Such actions appear to be an attempt to circumvent the Senate’s exclusive Article II, section 2 constitutional authority and bind the United States to the requirements of an unratified treaty. Such actions threaten to erode the vital system of checks and balances upon which our democracy depends.

For these reasons, we request that the Secretary of Defense provide our committees with:

- A description of any Department of Defense policies or regulations derived from the administration’s new landmine policy announced on June 21, 2022, regarding the use of landmines covered under said policy, including methods, if any, for commanders to seek waivers to use such munitions outside of the Korean peninsula;
- A 10-year projection of the inventory levels for all landmine munitions that takes into account future production of such munitions, any plans for demilitarization of such munitions, the age of the munitions, storage and safety considerations, and other factors that will impact the size of the inventory;
- A 10-year projection of the cost to achieve the inventory levels projected above, including the cost for demilitarization or disposal of such munitions; and
- A 10-year projection of the cost to develop and produce new landmine munitions the Department of Defense determines are necessary to meet the demands of current operational plans.

We further request the Chairman of the Joint Chiefs of Staff provide an assessment of the effects of the elimination of the existing anti-personnel landmine inventory, to include the family of scatterable mines that contain anti-personnel or anti-handling submunitions, on current U.S. operational plans and our ability to provide effective support to allies and partners in shaping enemy operations, such as in the current situation in Ukraine.

Finally, we request the Secretary of State provide our committees with:

- A description of consultations with the government of the Republic of Korea since Ambassador Linda Thomas-Greenfield announced the administration had begun a policy review on April 8, 2021 of the prior landmine policy;
- An assessment of whether the Russian Federation, the People’s Republic of China or the Democratic People’s Republic of Korea have taken steps toward accession to the

Ottawa Convention as of June 21, 2022 and if the administration's new landmine policy announced on June 21, 2022 will incentivize any of these governments to take such steps;

- An assessment of the ability to effectively verify State parties' compliance to the Ottawa Convention;
- An assessment of the Department's bilateral discussions with States party to the Ottawa Convention regarding the implications of remaining compliant to the terms of the Convention as Russia's unprovoked war of aggression in Ukraine continues unabated;
- A description of all consultations with allies and partners about the timeline, military effectiveness and cost of transferring treaty-compliant anti-personnel landmines, including with Ukraine and the NATO Alliance; and
- A description of consultations with the President of the Ottawa Convention regarding his statement from April 5, 2022 regarding the use of anti-personnel mines in Ukraine.

We thank you for your prompt reply to these important matters of national security.

Sincerely,



Senator James M. Inhofe
Ranking Member
Senate Armed Services Committee



Congressman Mike Rogers
Ranking Member
House Armed Services Committee



Senator James E. Risch
Ranking Member
Senate Foreign Relations Committee



Congressman Michael T. McCaul
Ranking Member
House Foreign Affairs Committee