

conventional weapons around the world, which creates instability and supports some of the world's most violent regimes, terrorists, and criminals. The Treaty commits States Parties to establish and maintain a national system for the international transfer of conventional arms and to implement provisions of the Treaty that establish common international standards for conducting the international trade in conventional arms in a responsible manner. The Treaty is an important first step in bringing other countries up towards our own high national standards that already meet or exceed those of the Treaty.

The Treaty will strengthen our security without undermining legitimate international trade in conventional arms. The Treaty reflects the realities of the global nature of the defense supply chain in today's world. It will benefit U.S. companies by requiring States Parties to apply a common set of standards in regulating the defense trade, which establishes a more level playing field for U.S. industry. Industry also will benefit from the international transparency required by the Treaty, allowing U.S. industry to be better informed in advance of the national regulations of countries with which it is engaged in trade. This will provide U.S. industry with a clearer view of the international trading arena, fostering its ability to

make more competitive and responsible business decisions based on more refined strategic analyses of the risks, including risks of possible diversion or potential gaps in accountability for international arms transfers, and the associated mitigation measures to reduce such risks in a given market.

The Treaty explicitly reaffirms the sovereign right of each country to decide for itself, pursuant to its own constitutional and legal system, how to deal with conventional arms that are traded exclusively within its borders. It also recognizes that legitimate purposes and interests exist for both individuals and governments to own, transfer, and use conventional arms. The Treaty is fully consistent with the domestic rights of U.S. citizens, including those guaranteed under the U.S. Constitution.

I recommend that the Senate give early and favorable consideration to the Treaty, and that it give its advice and consent to ratification of the Treaty, subject to the understandings and declarations set forth in the accompanying report.

BARACK OBAMA

The White House,  
December 9, 2016.

## Message to the Senate Transmitting the United Nations Convention on Transparency in Treaty-Based Investor-State Arbitration *December 9, 2016*

*To the Senate of the United States:*

With a view to receiving the advice and consent of the Senate to ratification, subject to certain reservations, I transmit herewith the United Nations Convention on Transparency in Treaty-Based Investor-State Arbitration (Convention), done at New York on December 10, 2014. The report of the Secretary of State, which includes an overview of the Convention, is enclosed for the information of the Senate.

The Convention requires the application of the modern transparency measures contained

in the United Nations Commission on International Trade Law (UNCITRAL) Transparency Rules to certain investor-state arbitrations occurring under international investment agreements concluded before April 2014, including under the investment chapters of U.S. free trade agreements and U.S. bilateral investment treaties. These transparency measures include publication of various key documents from the arbitration proceeding, opening of hearings to the public, and permitting non-disputing parties and other interested third persons to make submissions to the tribunal. As the UNCIT-

RAL Transparency Rules by their terms automatically apply to arbitrations commenced under international investment agreements concluded on or after April 1, 2014, and that use the UNCITRAL Arbitration Rules (unless the parties to such agreements agree otherwise), there is no need for the Convention to apply to international investment agreements concluded after that date.

Transparency in investor-state arbitration is vital, given that governmental measures of interest to the broader public can be the subject matter of the proceedings. The United States has long been a leader in promoting transparency in investor-state arbitration, and the 11 most recently concluded U.S. international investment agreements that contain investor-state arbitration already provide for modern transparency measures similar to those made applicable by the Convention. However, 41 older U.S. international investment agreements lack all or some of the transparency measures. Should the United States become a party, the Convention would require the transparency measures to apply to arbitrations under U.S. international investment agreements concluded before April 2014, to the extent that

other parties to those agreements also join the Convention and to the extent the United States and such other parties do not take reservations regarding such arbitrations. The Convention would also require the transparency measures to apply in investor-state arbitrations under those agreements when the United States is the respondent and the claimants consent to their application, even if the claimants are not from a party to the Convention.

The United States was a central participant in the negotiation of the Convention in the UNCITRAL. Ratification by the United States can be expected to encourage other countries to become parties to the Convention. The Convention would not require any implementing legislation.

I recommend, therefore, that the Senate give early and favorable consideration to the Convention and give its advice and consent to ratification by the United States, subject to certain reservations.

BARACK OBAMA

The White House,  
December 9, 2016.

## The President's Weekly Address *December 10, 2016*

Hi, everybody. It is the most wonderful time of the year, and not just because it's the holiday season, but because it's also open enrollment season over at [healthcare.gov](http://healthcare.gov).

And I know that was a dad joke. But this weekend, I hope seriously that you will take a moment to do something really important for yourself and your family: make sure you'll have health insurance for 2017.

If you're not covered yet, now is the time to sign up. Go to [healthcare.gov](http://healthcare.gov) and shop for the plan that is right for you. Like most Americans who get coverage through [healthcare.gov](http://healthcare.gov), there's a good chance you'll find a plan that costs less than \$75 a month. And while the enrollment period lasts until the end of January, as long as you sign up by this Thursday, De-

ember 15, you'll be covered starting January 1.

Now, this doesn't apply to the roughly 250 million Americans who already get insurance through the workplace or thanks to Medicare or Medicaid. But here's what does. Every American with insurance is now covered by the strongest set of consumer protections in history: a true patients' bill of rights. You now have free preventive care, like mammograms and contraception. There are no more annual or lifetime limits on the essential care you receive. Women can't get charged more just for being a woman. Young people can stay on a parent's plan until they turn 26. And seniors get discounts on their prescriptions. Every American can rest free from the fear that one illness or accident will derail your dreams,