Congress of the United States
Washington, DC 20515

April 18, 2013

The Honorable Kay Granger
Chairman
House Appropriations Committee
Subcommittee on State, Foreign Operations
Room HT-2, The Capitol
Washington, D.C. 20515

The Honorable Nita Lowey
Ranking Member
House Appropriations Committee
Subcommittee on State, Foreign Operations
1016 Longworth House Office Building
Washington, D.C. 20515

Dear Chairman Granger and Ranking Member Lowey:

As you prepare the Fiscal Year 2014 State, Foreign Operations, and Related Programs Appropriations bill, we respectfully request that you include language prohibiting funding for the United Nations Arms Trade Treaty (ATT) that updates and strengthens similar language included in the Fiscal Year 2013 State, Foreign Operations, and Related Programs Appropriations bill banning funds for the ATT.

Recently, the UN General Assembly voted to approve a resolution to adopt the ATT. We have a number of grave substantive concerns with this treaty, which poses significant risks to the national security, foreign policy, and economic interests of the United States as well as to the constitutional rights of United States citizens and United States sovereignty, and we set forth some of these concerns below.

We are concerned by the ATT's failure to expressly recognize the fundamental, individual right to keep and to bear arms and the individual right of personal self-defense, as well as the legitimacy of hunting, sports shooting, and other lawful activities pertaining to the private ownership of firearms and related materials, and thus risks infringing on freedoms protected by the Second Amendment. Moreover, we are concerned by the ATT's call for all nations to keep records of arms transfers, and its suggestion that these records include information on "end users," e.g. private firearms owners, which are to be sent to a newly-created "international secretariat."

Furthermore, we are concerned that the ATT could hinder the United States from fulfilling its strategic, legal, and moral commitments to provide arms to key allies such as the Republic of China (Taiwan) and the State of Israel, noting that the ATT's criteria for assessing the potential consequences of arms transfers are vague and easily politicized, that the ATT's model for using these criteria is incompatible with the decision-making model employed by the United States.

Moreover, we are concerned that the Arms Trade Treaty risks imposing costly regulatory burdens on United States businesses, for example, by creating onerous reporting requirements that could damage the domestic defense manufacturing base and related firms.

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Finally, we are concerned that the Arms Trade Treaty places free democracies and totalitarian regimes on a basis of equality, recognizing their equal right to transfer arms, and is thereby dangerous to the security of the United States.

In addition to the substantive concerns raised above, we also have serious process-based concerns with the adoption of the ATT. By voting in support of adopting the ATT through the General Assembly by a majority vote rather than by consensus-based agreement, the State Department abandoned its stated "key U.S. redline,'" that the "ATT negotiations must have consensus decision making to allow us to protect U.S. equities" and to "ensure that all countries can be held to standards that will actually improve the global situation." We are concerned that this departure from consensus undermines our efforts to protect U.S. interests in future treaty negotiations, particularly when the U.S. is in the minority or when it stands alone.

Lastly, we are highly concerned that the ATT is not merely a treaty but an ongoing process of expansion and reinterpretation that will create further problems for the U.S. As Ambassador Peter Woolcott of Australia, the president of the March ATT conference stated, the ATT "is a very good framework to build on … but it is only a framework." Moreover, supporters of the ATT have already begun to argue that the treaty ought to constrain the U.S. even if the U.S. does not sign or ratify the treaty by declaring the ATT a binding international norm.

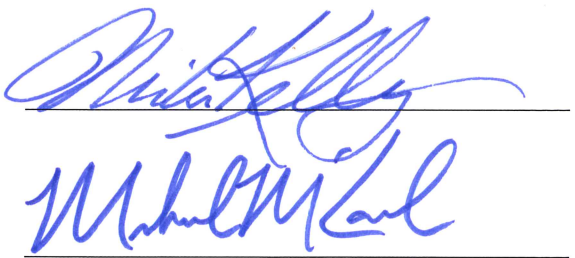
For the above reasons, we respectfully request that you include the following language in opposition to funding in the Fiscal Year 2014 State, Foreign Operations Appropriations bill:

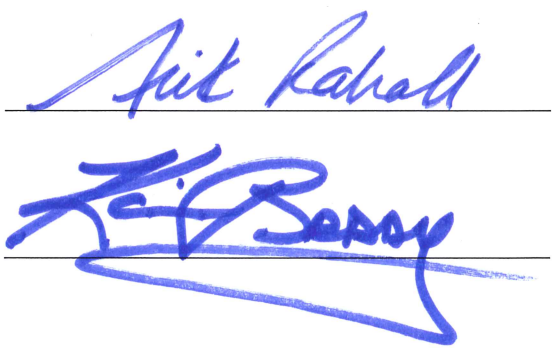
> *None of the funds appropriated in this Act may be obligated or expended to implement the Arms Trade Treaty, or any similar agreement, or to conduct activities relevant to the Arms Trade Treaty, or any similar agreement, unless the Arms Trade Treaty has been signed by the President, received the advice and consent of the Senate, and has been the subject of implementing legislation by the Congress.*

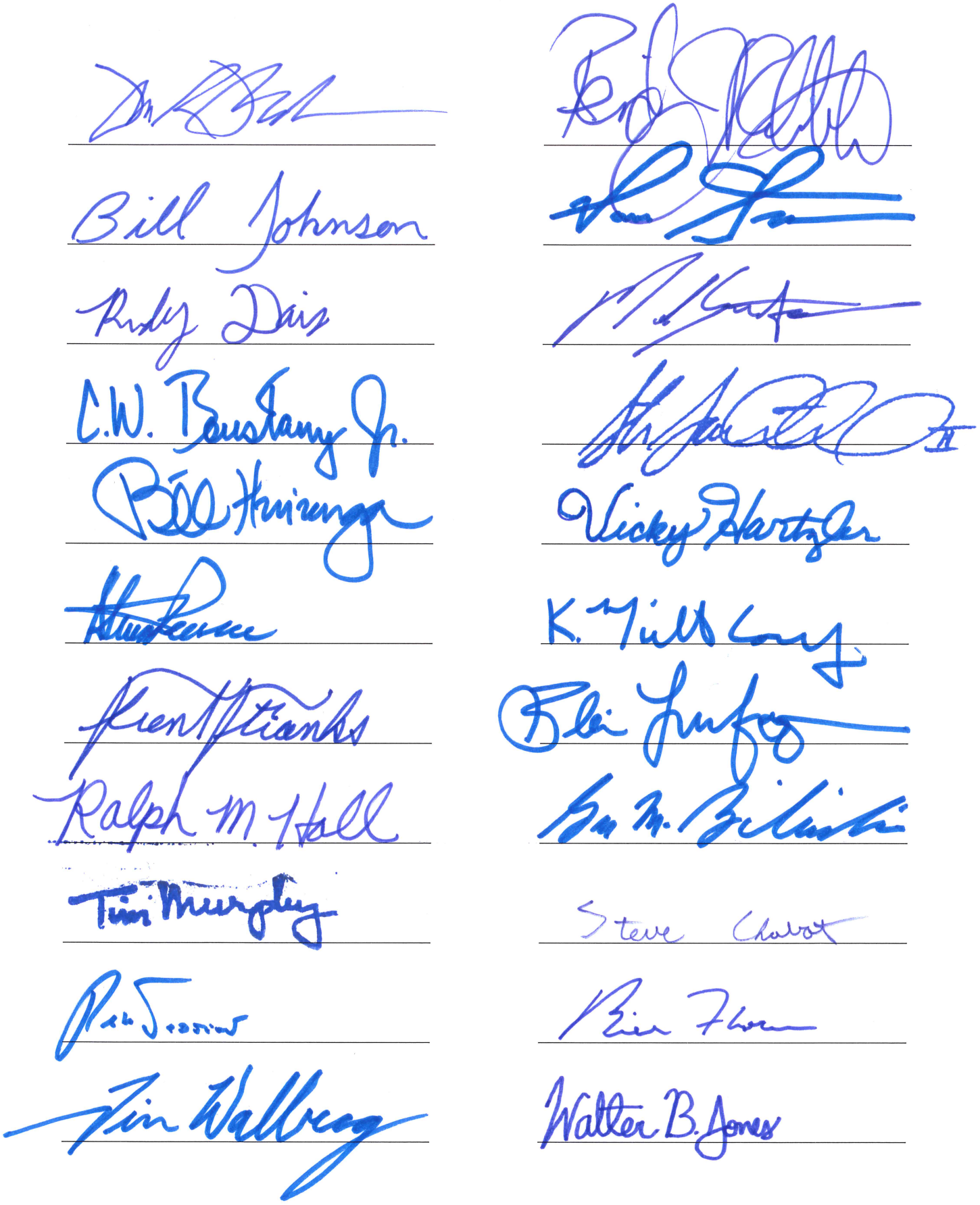
Thank you for your consideration of this request.

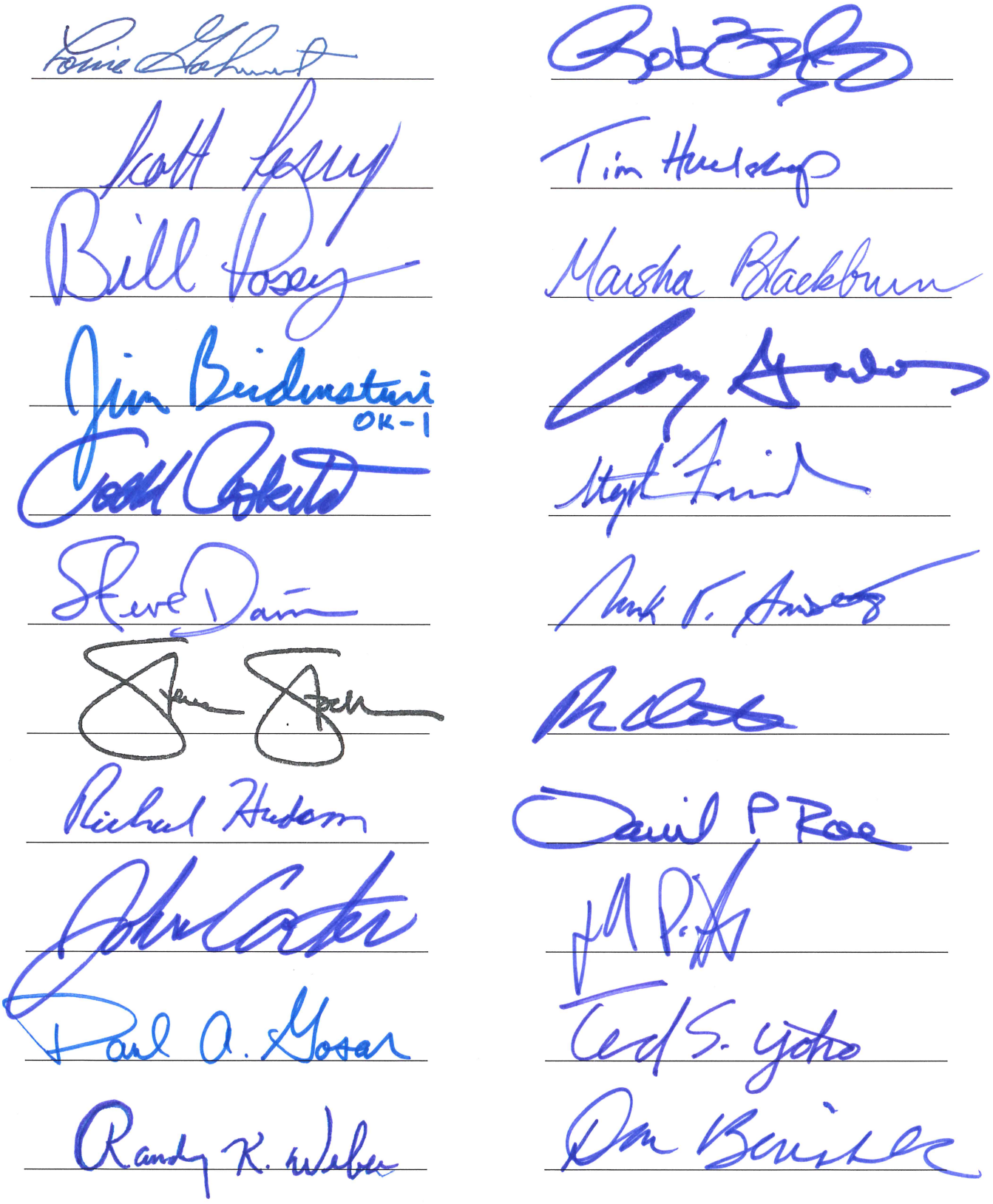
Sincerely,

Members of Congress





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