



Congress of the United States
House of Representatives
Washington, DC 20515

April 2, 2014

President Barack Obama
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear President Obama:

On the first anniversary of the majority-rule adoption by the U.N. General Assembly of the United Nations Arms Trade Treaty, I write to express my continued concern and regret at your decision to sign the treaty, at your failure to respond to the bipartisan letter which I led last fall, and at your efforts to implement the treaty without first obtaining the advice and consent of the Senate and implementing legislation, as required, by the full Congress.

On October 15, 2013, I led 181 members of the House of Representatives in a letter to you pledging to oppose ratification of the treaty, and giving notice that we do not regard the U.S. as bound to uphold its object and purpose. In that letter, we set out six substantive concerns for this position, and invited your response.

Though Assistant Secretary of State Tom Countryman stated in November that the administration is “ready to discuss [the treaty] with people who don’t agree with us . . . and have offered to do so . . . repeatedly with very little response,” we have not received even the courtesy of an acknowledgement.

I must conclude from this fact that your administration is not interested in responding substantively to the concerns we have raised. Particularly in view of the House of Representatives’ particular responsibility over the power of the purse, and of your proclaimed intention to rely on executive actions to achieve your policy objectives, I find this troubling.

Since October, both the House of Representatives and the Senate have made it clear that they oppose the implementation of the treaty until it passes through the full ratification process, including the passage of implementing legislation. The Senate sent a parallel letter in October, and, in December, you signed into law the 2014 National Defense Authorization Act, which contains a provision, based on an amendment I authored, prohibiting the Department of Defense from expending any funding to implement the treaty prior to its full ratification.

The views of the House having been made clear, I was concerned when your administration announced a new conventional arms export control policy on January 15. While Assistant Secretary Countryman stated in November that "becoming a party to the treaty would not require any additional export or import controls for the United States, full stop," the new policy, announced only two months later, bears a strong similarity to the criteria and standards in the treaty.

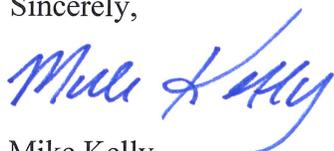
I therefore regard this new policy as an effort on the part of your administration to implement the treaty without obtaining the advice and consent of the Senate and the full ratification process requiring the full Congress. I do not regard this policy as required by the treaty's object and purpose: I view it as a voluntary effort to implement the treaty. I am disturbed both by the secrecy of the process that produced this new policy and the disregard it shows for the role of the Senate, in particular. I therefore call upon you to withdraw this policy and to consult fully with relevant committees and concerned offices as you revise it.

Finally, I note with regret the recent passing of Ambassador (retired) Donald A. Mahley, Special Negotiator on Nonproliferation, who served on the U.S. delegation to the U.N. that negotiated the Arms Trade Treaty. While we differ on the merits of the treaty, I am sure that you join me in expressing our condolences to his widow, Julianna Mahley, at the death of this tough-minded and plain-speaking servant of the nation in war and peace.

As in October, I urge you to notify the treaty depository that the U.S. does not intend to ratify the Arms Trade Treaty, and is therefore not bound by its obligations. I reiterate my pledge to lead my colleagues in opposing the ratification of this treaty, and I repeat our previous notice that we do not regard the U.S. as bound to uphold its object and purpose. Lastly, I now urge you to end any and all efforts to implement the treaty before it passes completely through the entire U.S. ratification process, and thereby to show the respect for the constitutional processes that you are sworn to uphold.

I appreciate your consideration on this issue and look forward to your response.

Sincerely,



Mike Kelly
Member of Congress