



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

March 12, 2018

The Honorable Kay Granger  
Chairwoman  
Committee on Appropriations  
Subcommittee on Defense  
U.S. House of Representatives  
Washington, D.C. 20515

The Honorable Pete Visclosky  
Ranking Member  
Committee on Appropriations  
Subcommittee on Defense  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Chairwoman Granger and Ranking Member Visclosky:

As you prepare the FY 2019 Defense Appropriations Bill, I respectfully request that you include language prohibiting funding for the UN Arms Trade Treaty (ATT) that updates and strengthens the language of Public Law No: 115-31, the Consolidated Appropriations Act, 2017, as well as Public Law No: 115-91, the National Defense Authorization Act for FY 2018.

The ATT entered into force for those nations that have ratified it on December 24, 2014. The next step in the treaty process was for the nations that have signed or ratified the treaty – including the United States – to hold a Conference of States Parties (CSP) to the treaty, to create and fund a Treaty Secretariat, and to make arrangements for the funding and organization of future CSPs and other treaty events. The latest CSP was held in Geneva, Switzerland on September 11-15, 2017.

I continue to have serious concerns with both the substance of the ATT and the process by which it was adopted. I am deeply concerned that the ATT does not expressly recognize, in the body of the treaty text, the fundamental, individual right to keep and 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 are thus concerned that the treaty risks encouraging infringements on freedoms protected by the Second Amendment.

I am concerned that the ATT could hinder the U.S. 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, and that the ATT's supporters have already repeatedly sought to use it to end U.S. arms transfers to Israel.

I am equally concerned that that the ATT risks imposing costly regulatory burdens on U.S. businesses, for example by creating onerous reporting requirements that could damage the domestic defense industrial base and related firms. Finally, I note with regret that the ATT 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.

Finally, the outcome of the 2015 CSP causes us further concern, because it sets out a schedule of assessed payments that will apply to the United States. The Cancun CSP decided that all signatory and observer states – including the U.S. – would be assessed on the basis of a modified U.N. scale of assessments for the costs attending future CSPs and subsidiary body meetings. The U.S. will be assessed 22 percent of the costs of these meetings. The Cancun CSP further allows nations to make voluntary contributions to “support the participation of delegations from developing countries to attend the CSP or other meetings under the Treaty.”

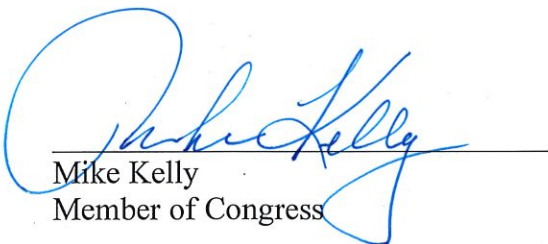
Congress has consistently banned the appropriation of funds “to implement the Arms Trade Treaty,” and at the Cancun CSP, the Treaty Secretariat was charged with providing “technical advice on the implementation of the Treaty.” Accordingly, the U.S. should not make any payments to the Treaty Secretariat, or any voluntary contributions to Treaty institutions.

For the above reasons, I respectfully request that you include the following language in opposition to ATT funding in the FY 2019 Defense Appropriations Bill:

*Sec. \_\_\_\_ (a) None of the funds made available by this Act may be obligated or expended to fund a Secretariat, a Conference of States Parties, any subsidiary body to the Treaty, or any other international organization created to support the implementation of the Arms Trade Treaty except insofar as such payments reflect the reasonable costs of hosting a U.S. delegation ; to sustain domestic prosecutions based on any charge related to the Treaty; or to implement the Arms Trade Treaty, until the Senate approves a resolution of ratification for the Treaty and the House and Senate adopt implementing legislation for the Treaty.*

Thank you for your consideration of this request.

Sincerely,



Mike Kelly  
Member of Congress