Congress of the United States
Washington, DC 20515

June 29, 2012

President Barack Obama
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

Secretary of State Hillary Clinton
2291 C St., NW
Washington, D.C. 20520

Dear President Obama and Secretary Clinton:

We write to express our concerns regarding the negotiation of the United Nations Arms Trade Treaty (ATT), the text of which is expected to be finalized at a conference to be held in New York during the month of July. Your administration has voted in the U.N. General Assembly to participate in the negotiation of this treaty. Yet the U.N.'s actions to date indicate that the ATT is likely to pose significant threats to our national security, foreign policy, and economic interests as well as our constitutional rights. The U.S. must establish firm red lines for the ATT and state unequivocally that it will oppose the ATT if it infringes on our rights or threatens our ability to defend our interests.

The U.S. must not accept an ATT that infringes on our constitutional rights, particularly the fundamental, individual right to keep and to bear arms that is protected by the Second Amendment, as well as the right of personal self-defense on which the Second Amendment is based. Accordingly, the ATT should not cover small arms, light weapons, or related material, such as firearms ammunition. Further, the ATT should expressly recognize 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.

The U.S. must also not accept an ATT that would interfere with our nation's national security and foreign policy interests. The ATT must not accept that free democracies and totalitarian regimes have the same right to conduct arms transfers: this is a dangerous piece of moral equivalence. Moreover, the ATT must not impose criteria for determining the permissibility of arms transfers that are vague, easily politicized, and readily manipulated. Specifically, the ATT must not hinder the U.S. from fulfilling strategic, legal, and moral commitments to provide arms to allies such as the Republic of China (Taiwan) and the State of Israel. Indeed, the State Department acknowledged in June 2010 that the ATT negotiations are expected to introduce such regional, country-specific challenges. Finally, the ATT should not contain any language that legitimizes the arming of terrorists – for example, by recognizing any right of resistance to "foreign occupation" – or implies that signatories must recognize the jurisdiction of the International Criminal Court.

PRINTED ON RECYCLED PAPER

Furthermore, the U.S. must not agree to an ATT that would damage U.S. economic interests. The ATT must not create costly regulatory burdens on law-abiding American businesses, for example, by creating new onerous reporting requirements that could damage the domestic defense manufacturing base and related firms. Furthermore, the ATT must not pressure the U.S. to alter either the criteria or the decision-making system of its current arms export control system, which Secretary Clinton has called the "gold standard" of export controls. The ATT should not in any way skew domestic debate on export control reforms, as the U.S. continues to modernize export controls to increase U.S. global competitiveness, create jobs for American workers, and strengthen our allies.

Lastly, regardless of negotiated text, the Administration must make clear in its reservations, understandings, and declarations that the ATT places no new requirements for action on the U.S., because U.S. law is already compliant with the treaty regime or that the treaty cannot change the Bill of Rights or the constitutional allocation of power between the federal and state governments. Moreover, the U.S. must not accept the creation of any international agency to administer, interpret, or add to the ATT regime because it might represent the delegation of federal legal authority to a bureaucracy that is not accountable to the American people.

We urge this Administration to uphold the principles outlined above in the ATT negotiations at the July conference and any future venues for discussion. Should the final ATT text run counter to these principles or otherwise undermine our rights and our interests, we urge this Administration to break consensus and reject the treaty in New York. Further, the Constitution gives the power to regulate international commerce to Congress alone, and the ATT will be considered non-self-executing until Congress enacts any legislation to implement the agreement. As members of the House of Representatives, we reserve and will maintain the power to oppose the appropriation or authorization of any taxpayer funds to implement a flawed ATT, or to conduct activities relevant to any ATT that has been signed by the President but has not received the advice and consent of the Senate.

Sincerely,

Members of Congress

Tim Johnson

Renee L. Ellmers

Ed Royce

Jerry F. Costello

Jenny Rehberg

Michael H. Michaud

Rick Crawford

Lynn Jenkins

Michael McCaul

Ed Royce

Tim Cole

Anna Marie Buckley

Kathleen C. Hochul

Charles W. Dent

Lou Barletta

Adrian Smith

Sam Rigell

Duncan Hunter

[illegible]

Jeff Miller SC-03

Bill Huizenga

Tim [illegible]

C.W. Bouslaney Jr.

Steve Womack

Robert J. Wittman

[illegible]

L. N. Clark

Rodney Alexander

Cory Gardner

Pat Tiberi

Bill Posey

[illegible]

Alan Nunnelee

Dan Flor

Stephen Fincher

Ralph M. Hall

Mo Brooks

Sam Graves MO-06

Virginia Foxx

H. Morgan Griffith

Geoff Davis

Eric Ernis

Jeff Miller

Anfard D. Bishop Jr.

J Rady Yorkes

Sirk Rahall

Sue C Latourette

Tom Latham

Donald Manzullo

Howard Coble

Michael G. Grimm

John S

Kevin Yoder (KS-3)

Joe Heck

Mike Pompeo

Mike Rogers - AL

Tim Murphy

Cynthia M Lummis

Wally Herger

Pete Olson

Bill Johnson

Leonard Lance

Steve Scalise

Phil Bingaman

Gus M. Bilirakis

Dan Walberg

David P. Roe

Randy Hunter

Bill Owens

Joe Walsh

Doug Lambert

Steve Austin

Tom Marino

Paul A. Gosar, DDS

Steve Pearce

Bill Kelly

Joe Boston

Judy Biggert

Joe Wilson

Charles F. Bass

John Culberson

Walter B. Jones

Ron Paul

Lynn A. Westmoreland

Cathy McMorris Rodgers

K. Michael Conaway

Trent Franks

Doug Lamborn

Candice S. Miller

Steve King

Lamar Smith

W. Gold Olin

Glenn GT Thompson

Jeff Lundy

Marsha Blackburn

Bob Gibbs

Jason Altmire

Greg Lancaster

Rob Bishop

Tim Huelskamp

Sandy Adams

Paul C Broun

[illegible]

Austin Scott

Larry Kissell

Rep.	Sandy	Adams	(FL-24)
Rep.	Robert	Aderholt	(AL-04)
Rep.	Todd	Akin	(MO-02)
Rep.	Rodney	Alexander	(LA-05)
Rep.	Jason	Altmire	(PA-04)
Rep.	Steve	Austria	(OH-07)
Rep.	Spencer	Bachus	(AL-06)
Rep.	Lou	Barletta	(PA-11)
Rep.	John	Barrow	(GA-12)
Rep.	Joe	Barton	(TX-06)
Rep.	Charles	Bass	(NH-02)
Rep.	Judy	Biggert	(IL-13)
Rep.	Brian	Bilbray	(CA-50)
Rep.	Gus	Bilirakis	(FL-09)
Rep.	Rob	Bishop	(UT-01)
Rep.	Sanford	Bishop	(GA-02)
Rep.	Marsha	Blackburn	(TN-07)
Rep.	Charles	Boustany	(LA-07)
Rep.	Mo	Brooks	(AL-05)
Rep.	Paul	Broun	(GA-10)
Rep.	Larry	Bucshon	(IN-08)
Rep.	Ann Marie	Buerkle	(NY-25)
Rep.	Dan	Burton	(IN-05)
Rep.	Dave	Camp	(MI-04)
Rep.	Francisco "Quico"	Canseco	(TX-23)
Rep.	Howard	Coble	(NC-06)
Rep.	Tom	Cole	(OK-04)
Rep.	Michael	Conaway	(TX-11)
Rep.	Jerry	Costello	(IL-12)
Rep.	Chip	Cravaack	(MN-08)
Rep.	Rick	Crawford	(AR-01)
Rep.	John	Culberson	(TX-07)
Rep.	Geoff	Davis	(KY-04)
Rep.	Peter	DeFazio	(OR-04)
Rep.	Jeff	Denham	(CA-19)
Rep.	Charles	Dent	(PA-15)
Rep.	Scott	DesJarlais	(TN-04)
Rep.	Jeff	Duncan	(SC-03)
Rep.	Renee	Ellmers	(NC-02)
Rep.	Stephen	Fincher	(TN-08)
Rep.	Jeff	Flake	(AZ-06)
Rep.	Bill	Flores	(TX-17)
Rep.	Randy	Forbes	(VA-04)
Rep.	Virginia	Foxx	(NC-05)

Rep.	Trent	Franks	(AZ-02)
Rep.	Scott	Gardner	(CO-04)
Rep.	Bob	Gibbs	(OH-18)
Rep.	Phil	Gingrey	(GA-11)
Rep.	Paul	Gosar	(AZ-01)
Rep.	Sam	Graves	(MO-06)
Rep.	Tim	Griffin	(AR-02)
Rep.	H. Morgan	Griffith	(VA-09)
Rep.	Michael	Grimm	(NY-13)
Rep.	Ralph	Hall	(TX-04)
Rep.	Andy	Harris	(MD-01)
Rep.	Joe	Heck	(NV-03)
Rep.	Martin	Heinrich	(NM-01)
Rep.	Wally	Herger	(CA-02)
Rep.	Kathy	Hochul	(NY-26)
Rep.	Tim	Holden	(PA-17)
Rep.	Tim	Huelskamp	(KS-01)
Rep.	Bill	Huizenga	(MI-02)
Rep.	Randy	Hultgren	(IL-14)
Rep.	Duncan	Hunter	(CA-52)
Rep.	Robert	Hurt	(VA-05)
Rep.	Lynn	Jenkins	(KS-02)
Rep.	Bill	Johnson	(OH-06)
Rep.	Tim	Johnson	(IL-15)
Rep.	Walter	Jones	(NC-03)
Rep.	Jim	Jordan	(OH-04)
Rep.	Mike	Kelly	(PA-03)
Rep.	Steve	King	(IA-05)
Rep.	Adam	Kinzinger	(IL-11)
Rep.	Larry	Kissell	(NC-08)
Rep.	Doug	Lamborn	(CO-05)
Rep.	Leonard	Lance	(NJ-07)
Rep.	Jeff	Landry	(LA-03)
Rep.	James	Lankford	(OK-05)
Rep.	Tom	Latham	(IA-04)
Rep.	Steven	LaTourette	(OH-14)
Rep.	Cynthia	Lummis	(WY-AL)
Rep.	Donald	Manzullo	(IL-16)
Rep.	Kenny	Marchant	(TX-24)
Rep.	Tom	Marino	(PA-10)
Rep.	Michael	McCaul	(TX-10)
Rep.	Tom	McClintock	(CA-04)
Rep.	Thaddeus	McCotter	(MI-11)
Rep.	Mike	McIntyre	(NC-07)

Rep.	Cathy	McMorris Rogers	(WA-05)
Rep.	Michael	Michaud	(ME-02)
Rep.	Candice	Miller	(MI-10)
Rep.	Gary	Miller	(CA-42)
Rep.	Jeff	Miller	(FL-01)
Rep.	Tim	Murphy	(PA-18)
Rep.	Kristi	Noem	(SD-AL)
Rep.	Alan	Nunnelee	(MS-01)
Rep.	Pete	Olson	(TX-22)
Rep.	Bill	Owens	(NY-23)
Rep.	Ted	Poe	(TX-02)
Rep.	Mike	Pompeo	(KS-04)
Rep.	Bill	Posey	(FL-15)
Rep.	Ben	Quayle	(AZ-03)
Rep.	Nick	Rahall	(WV-03)
Rep.	Denny	Rehberg	(MT-AL)
Rep.	Scott	Rigell	(VA-02)
Rep.	Phil	Roe	(TN-01)
Rep.	Mike	Rogers	(AL-03)
Rep.	Mike	Rogers	(MI-08)
Rep.	Ileana	Ros-Lehtinen	(FL-18)
Rep.	Edward	Royce	(CA-40)
Rep.	Steve	Scalise	(LA-01)
Rep.	Bobby	Schilling	(IL-17)
Rep.	Kurt	Schrader	(OR-05)
Rep.	Austin	Scott	(GA-08)
Rep.	Pete	Sessions	(TX-32)
Rep.	Adrian	Smith	(NE-03)
Rep.	Steve	Stivers	(OH-15)
Rep.	John	Sullivan	(OK-01)
Rep.	Glenn	Thompson	(PA-05)
Rep.	Patrick	Tiberi	(OH-12)
Rep.	Fred	Upton	(MI-06)
Rep.	Tim	Walberg	(MI-07)
Rep.	Greg	Walden	(OR-02)
Rep.	Joe	Walsh	(IL-08)
Rep.	Lynn	Westmoreland	(GA-03)
Rep.	Joe	Wilson	(SC-02)
Rep.	Robert	Wittman	(VA-01)
Rep.	Steve	Womack	(AR-03)
Rep.	Kevin	Yoder	(KS-03)
Rep.	Don	Young	(AK-AL)