JERRY MORAN
KANSAS

361A RUSSELL SENATE OFFICE BUILDING
WASHINGTON, DC 20510-1606
P: (202) 224-6521
F: (202) 228-6966

moran.senate.gov

United States Senate

COMMITTEES:
APPROPRIATIONS

BANKING, HOUSING, AND URBAN AFFAIRS

VETERANS' AFFAIRS

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.

On October 15, 2013, 50 members of the Senate delivered 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 as 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 our constitutional responsibility for providing advice and consent on treaties, and of your proclaimed intention to rely on executive actions to achieve your policy objectives, I find this troubling.

Since October, both the Senate and the House of Representatives 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 House sent a parallel letter in October, and, in December, you signed into law the 2014 National Defense Authorization Act, which contains a provision prohibiting the Department of Defense from expending any funding to implement the treaty prior to its full ratification.

The views of the Senate 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

HAYS OFFICE
1200 MAIN STREET
SUITE 402
HAYS, KS 67601

MANHATTAN OFFICE
923 WESTPORT PLACE
SUITE 210
MANHATTAN, KS 66502

OLATHE OFFICE
23600 COLLEGE BOULEVARD
SUITE 201
OLATHE, KS 66061

PITTSBURG OFFICE
306 N. BROADWAY STREET
SUITE 125
PITTSBURG, KS 66762

WICHITA OFFICE
3450 N. ROCK ROAD, BLDG 200
SUITE 209
WICHITA, KS 67226

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. 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 us 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 pledge to continue leading my colleagues in opposing the ratification of this treaty, and wish to 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,

Jerry Moran
U.S. Senator