



(Original Signature of Member)

112TH CONGRESS
2^D SESSION

H. RES.

Expressing the sense of the House of Representatives regarding the conditions for the United States becoming a signatory to the United Nations Arms Trade Treaty, or to any similar agreement on the arms trade.

IN THE HOUSE OF REPRESENTATIVES

Mr. KELLY submitted the following resolution; which was referred to the Committee on _____

RESOLUTION

Expressing the sense of the House of Representatives regarding the conditions for the United States becoming a signatory to the United Nations Arms Trade Treaty, or to any similar agreement on the arms trade.

Whereas in October 2009, the United States voted in the United Nations General Assembly to participate in the negotiation of the United Nations Arms Trade Treaty;

Whereas in July 2012, the United Nations Conference on the Arms Trade Treaty convened to negotiate the text of the Arms Trade Treaty;

Whereas in November 2012, the First Committee of the United Nations General Assembly voted to hold a final

negotiating conference on the Arms Trade Treaty in March 2013, on the basis of the text of July 2012;

Whereas the Arms Trade Treaty 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;

Whereas the Arms Trade Treaty fails 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;

Whereas 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;

Whereas the Arms Trade Treaty's criteria for assessing the potential consequences of arms transfers are vague, easily politicized, and readily manipulated;

Whereas the Arms Trade Treaty's model for using these criteria is incompatible with the decision-making model for arms transfers employed by the United States under Presidential Decision Directive 34, which dates from 1995;

Whereas the Arms Trade Treaty will create opportunities to engage in "lawfare" against the United States via the misuse of the treaty's criteria in foreign tribunals and international fora;

Whereas the Arms Trade Treaty could hinder the United States from fulfilling its strategic, legal, and moral commitments to provide arms to allies such as the Republic of China (Taiwan) and the State of Israel;

Whereas the creation of an international secretariat to administer and assist in the implementation of the Arms Trade Treaty risks the delegation of authority to a bureaucracy that is not accountable to the people of the United States;

Whereas the Arms Trade Treaty urges the provision of capacity building assistance from signatory nations to implement the Arms Trade Treaty, which could create a source of permanent funding to a new international organization that would be susceptible to waste, fraud, and abuse;

Whereas 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;

Whereas an Arms Trade Treaty that has not been signed by the President and received the advice and consent of the Senate should not bind the United States in any respect as customary international law, jus cogens, or any other principle of international law that bypasses the treaty power in article II, section 2, clause 2 of the Constitution;

Whereas an Arms Trade Treaty that has merely been signed by the President but has not received the advice and consent of the Senate should not bind the United States in any respect, including any obligation to refrain from de-

feating the object and purpose of the Arms Trade Treaty, under any provision of the Vienna Convention on the Law of Treaties, to which the United States is not a party;

Whereas an Arms Trade Treaty that has merely been signed by the President but has not received the advice and consent of the Senate should not bind the United States in any respect, as an international agreement other than a treaty, as a sole executive agreement, or in any other way; and

Whereas an Arms Trade Treaty that has been signed by the President and has received the advice and consent of the Senate, is a non-self-executing treaty that has no domestic legal effect within the United States, unless and until it has been adopted by the enactment of implementing legislation by the Congress: Now, therefore, be it

1 *Resolved*, That it is the sense of the House of Rep-
2 resentatives that—

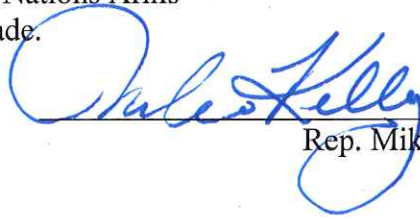
3 (1) the President should not sign the Arms
4 Trade Treaty, and that, if he transmits the treaty
5 with his signature to the Senate, the Senate should
6 not ratify the Arms Trade Treaty; and

7 (2) until the Arms Trade Treaty has been
8 signed by the President, received the advice and con-
9 sent of the Senate, and has been the subject of im-
10 plementing legislation by the Congress, no Federal
11 funds should be appropriated or authorized to imple-
12 ment the Arms Trade Treaty, or any similar agree-

- 1 ment, or to conduct activities relevant to the Arms
- 2 Trade Treaty, or any similar agreement.

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Original Co-Sponsors

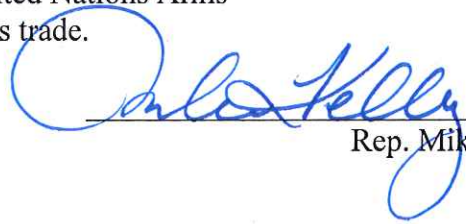


Rep. Mike Kelly

1. Walter Jones
2. Lamar Smith
3. Larry Kissell
4. Steve Chabot
5. Michael Conaway
6. Cory Gardner
7. Jason Altmire
8. Rob Bishop
9. Tim Huelskamp
10. Scott Garrett
11. Glenn Thompson
12. John Duncan Jr.
13. Lynn Westmoreland
14. Adrian Smith
15. Pete Olson
16. Charles Boustany
17. Sam Graves
18. Ann Marie Buerkle
19. Francisco Canseco
20. Vicky Hartzler
21. Alan Nunnelee
22. Gus Bilirakis

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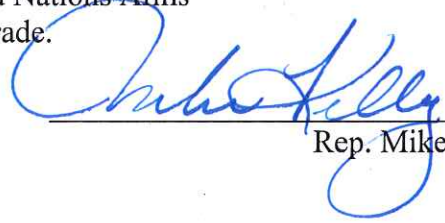


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23. Bob Gibbs
24. Bill Johnson
25. Fred Upton
26. Steve Southerland
27. Tom Marino
28. Brett Guthrie
29. Mick Mulvaney
30. Jeff Denham
31. Don Young
32. Tim Griffin
33. Lou Barletta
34. Marsha Blackburn
35. Randy Forbes
36. Paul Gosar
37. David Rivera
38. Doug Lamborn
39. Randy Hultgren
40. Chuck Fleischmann
41. Phil Gingrey
42. Donald Manzullo
43. Renee Ellmers
44. Paul Broun

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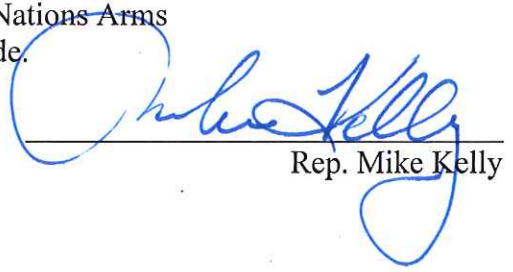


Rep. Mike Kelly

45. Jim Jordan
46. David McKinley
47. Michael McCaul
48. Andy Harris
49. Tom Reed
50. Dan Burton
51. Morgan Griffith
52. Jeffrey Landry
53. Mike Pompeo
54. Ted Poe
55. Mike Rogers (MI)
56. Patrick McHenry
57. Pete Sessions
58. Jeff Miller
59. Dennis Ross
60. Bill Owens
61. David Schweikert
62. Michele Bachmann
63. Scott Tipton
64. Jeff Duncan
65. Lynn Jenkins
66. Mo Brooks

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Original Co-Sponsors



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67. Frank LoBiondo

68. Trent Franks

69. Bill Flores

70. Joe Barton

71. Bill Huizenga

72. Robert Aderholt

73. Louie Gohmert

74. Michael Michaud

75. Robert Hurt

76. Tom Graves