

United States Senate

COMMITTEES:
BANKING, HOUSING
AND URBAN AFFAIRS
FOREIGN RELATIONS
SPECIAL COMMITTEE ON AGING

September 24, 2013

President Barack Obama
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear President Obama,

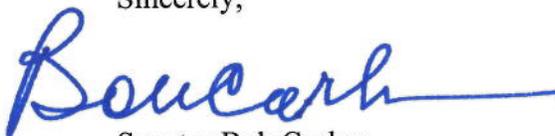
It is my understanding that Secretary of State John Kerry will sign the United Nations Arms Trade Treaty (ATT) on behalf of the United States. The ATT raises significant legislative and constitutional questions. Any act to implement this treaty, provisionally or otherwise, before the Congress provides its advice and consent would be inconsistent with the United States Constitution, law, and practice.

As you know, Article II, Section 2 of the United States Constitution requires the United States Senate to provide its advice and consent before a treaty becomes binding under United States law. The Senate has not yet provided its advice and consent, and may not provide such consent. As a result, the Executive Branch is not authorized to take any steps to implement the treaty.

Moreover, even after the Senate provides its advice and consent, certain treaties require changes to United States law in the form of legislation passed by both the House and Senate. The ATT is such a treaty. Various provisions of the ATT, including but not limited to those related to the regulation of imports and trade in conventional arms, require such implementing legislation and relate to matters exclusively reserved to Congress under our Constitution.

Because of the concerns discussed above, as well as the fundamental issues the ATT raises with respect to the individual rights protected by the Second Amendment of the United States Constitution, as the Ranking Member of the Senate Foreign Relations Committee, it is my view that you may not take any executive action to implement this treaty, provisionally or otherwise, unless and until: (1) the United States Senate has provided its constitutionally required advice and consent to its ratification; and (2) the Congress has passed any and all required legislation to bring this treaty into effect under United States domestic law.

Sincerely,



Senator Bob Corker
Ranking Member