Cotton, Wilson Introduce Bill to Deter the President from Bypassing Congress on the Comprehensive Nuclear Test Ban Treaty

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Office of Senator Tom Cotton

http://www.cotton.senate.gov/files/documents/DAV16G13.pdf

Senator Tom Cotton (R-Arkansas) and Congressman Joe Wilson (R-South Carolina) along with Senators Marco Rubio (R-Florida), Jeff Sessions (R-Alabama), Thom Tillis (R-North Carolina), Orrin Hatch (R-Utah), Ted Cruz (R-Texas), Deb Fischer (R-Nebraska), Jerry Moran (R-Kansas), Roger Wicker (R-Mississippi), James Lankford (R-Oklahoma), Jim Inhofe (R-Oklahoma) and Steve Daines (R-Montana) and Congressman Mike Rogers (R-Alabama) today introduced a bill to deter the president from end-running Congress on the Comprehensive Nuclear Test Ban Treaty. The legislation would restrict funding for the Comprehensive Test Ban Treaty Organization Preparatory Commission if a United Nations Security Council Resolution is passed committing the United States to refrain from taking any actions that would “defeat the object and purpose” of the Comprehensive Test Ban Treaty.

“It appears that President Obama is going to the United Nations Security Council to attempt to bind the United States to the rules of a flawed multilateral treaty that the Senate has already rejected,” said Senator Cotton. President Obama has already ignored the Constitution and circumvented Congress when he opted to go to the United Nations for approval of his disastrous Iran nuclear deal.  We cannot sit by as he does so again with the Comprehensive Nuclear Test Ban Treaty.  Decisions regarding our ability to deter nuclear war, protect Americans, and stand up for our allies should be left to the U.S. Congress, not the United Nations.”

“Time and time again President Obama has shown a willingness to ignore the Constitution, bypassing Congress and the American people,” said Congressman Wilson. “Our ability to deter nuclear war is the hallmark of peace through strength. This legislation makes it clear—protecting American families is the job of Congress, not an unaccountable, international body. Nuclear deterrence is the basis for preserving peace.”

Background: The “object and purpose” language is contained in Article 18 of the Vienna Convention on the Law of Treaties and has become customary international law guiding international treaty obligations.  A Security Council Resolution, especially a Chapter VII resolution, containing this language could be interpreted by some as committing the United States to the terms and conditions of the Comprehensive Test Ban Treaty.