The Honorable,
Bob Corker, Chairman
Committee on Foreign Relations
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

This letter addresses steps the Administration is taking on the subject of the Comprehensive Test Ban Treaty (CTBT).

The Administration fully respects the Senate's constitutional role in treaty ratification and the actions currently being considered at the United Nations are consistent with that role. We remain committed to securing the Senate’s advice and consent to U.S. ratification of CTBT, the entry into force of which would result in a durable, legally binding test ban and bring into full force the treaty's vital verification mechanisms. The actions we are pursuing with the Nuclear Non-Proliferation Treaty (NPT) nuclear-weapon states and separately in the United Nations Security Council are in no way a substitute for entry into force of the treaty. As you know, the President made CTBT ratification a U.S. priority in his 2009 Prague speech and I have also been clear on this point. Although the policy of the last Administration was not to pursue U.S. ratification of the CTBT, that has not been the current Administration’s policy.

We are not proposing and will not support the adoption of a UN Security Council Resolution (UNSCR) imposing a legally binding prohibition on nuclear testing. Rather, we are pursuing a political statement of the NPT’s nuclear-weapon states, all of whom are CTBT signatories, affirming their view that a nuclear test would defeat the object and purpose of the CTBT. As a matter of international law, treaty signatories are obliged to refrain from acts which would defeat the object and purpose of a treaty, unless they make their intention clear not to become
a party to the treaty. A future Administration could make clear that the United States no longer intends to become a party to the treaty, in which case the United States would no longer have such obligations. This is a well-established principle of treaty law and is consistent with the constitutional role of the Senate in U.S. treaty practice.

The Resolution we propose would take note of this political statement by the NPT's nuclear-weapon states; it would not impose that view as a legal matter, or place any other legal prohibition on nuclear testing on UN member states. At the same time, such a statement could encourage other countries that have not yet signed or ratified the CTBT to take steps to do so. The proposed Resolution also seeks to reinforce the existing moratoria on nuclear testing and strengthen the CTBT's verification regime.

The UNSCR text is evolving as our consultations proceed, but I want to assure you that it will not cite Chapter VII of the UN Charter or impose Chapter VII obligations. It will be a non-binding resolution that advances our interests by affirming the existing nuclear testing moratoria, while highlighting support for the CTBT and its verification regime. These goals are widely shared, including among our closest treaty allies, all of whom ratified the CTBT years ago. I am committed to keeping you informed of the progress of the discussions on the Resolution.

This Administration considers U.S. ratification of the CTBT to be strongly in our national security interest. We continue to welcome a full and substantive discussion on the Treaty's technical, military and political merits with Congress and with the American public. As it has been seventeen years since the Senate vote on the Treaty, we believe that ratification should not be rushed. We have no doubt that the nation would be best served by expanding the discussion on why the CTBT's global ban on nuclear explosive testing, which would expand on the Limited Test Ban Treaty that was approved by the Senate over 50 years ago, is in the national security interest of the United States.
I hope this information proves helpful and stand ready to discuss it at any time.

Sincerely,

[Signature]

John Kerry
Secretary of State