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United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, DC 20510-6225

March 15, 2002

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LEGISLATIVE AFFAIRS

The Honorable Colin L. Powell
Secretary of State
Washington, DC 20520

Dear Mr. Secretary:

Your February 5 testimony before the Committee on Foreign Relations indicates that the Administration has decided to negotiate a legally-binding agreement with the Russian Federation on further strategic arms reductions. Various subsequent reports left the same impression.

Clearly, any such agreement would most likely include significant obligations by the United States regarding deployed U.S. strategic nuclear warheads. We are therefore convinced that such an agreement would constitute a treaty subject to the advice and consent of the Senate.

With the exception of the SALT I agreement, every significant arms control agreement during the past three decades has been transmitted to the Senate pursuant to the Treaty Clause of the Constitution. Mr. Secretary, we see no reason whatsoever to alter this practice, especially since it clearly appears that a legally binding bilateral agreement with Russia would in all likelihood incorporate (or continue) certain aspects of the START I Treaty.


Indeed, the question of Senate prerogative regarding international arms control agreements has been previously addressed by the Senate. In Declaration (5) of the START I Treaty resolution of ratification, the Senate stated its intent to consider for approval all international agreements obligating the United States to reduce or limit its military power in a significant manner, pursuant to the treaty power set forth in Article II, Section 2, Clause 2 of the Constitution.

Mr. Secretary, it is therefore clear that no Constitutional alternative exists to transmittal of the concluded agreement to the Senate for its advice and consent.

We will, of course, work closely with the Executive Branch on this matter, and we respectfully expect close consultation with the Senate Committee on Foreign Relations as negotiations with Russia proceed.

Sincerely,


Jesse Helms
Ranking Member


Joseph R. Biden, Jr.
Chairman