

Renegotiating Arms Control Agreements: A Brief Review

September 2, 2015 (IN10353)

-|

-|

Amy F. Woolf, Specialist in Nuclear Weapons Policy (awoolf@crs.loc.gov, 7-2379)

On July 14, 2015, Iran, the United States, the United Kingdom, France, Russia, China, and Germany finalized a Joint Comprehensive Plan of Action (JCPOA)—an [agreement](#) that restricts Iran's nuclear program in an effort to ensure that it can only be used for peaceful purposes. The Obama Administration and others who support this agreement have argued that the JCPOA represents the most effective tool available to block Iran's path to a nuclear weapon. They contend that further negotiations [would not produce](#) a better agreement and that, if Congress were to reject or alter the agreement, it would prevent a diplomatic solution. Some Members of Congress and others who oppose the agreement contend, however, that if Congress rejected the agreement and insisted on further negotiations the United States could conclude a better agreement. [Some have claimed](#) that, in the past, "Congress has rejected or altered hundreds of international agreements, many of them multilateral." Specifically, according to [one analyst](#), throughout U.S. history, Congress has voted to reject 22 treaties and blocked another 108 by refusing to vote.

Many of the treaties and agreements included in this tally addressed economic and commercial activities, and were negotiated with partners seeking to outline future, cooperative relationships. A far smaller number sought to limit existing weapons programs or regulate ongoing military activities among potential adversaries. This Insight focuses on this latter type of agreement.

Arms Control Examples

In the past 60 years, the United States has signed around 20 arms control agreements that affected U.S. weapons programs or military activities. In this period, the Senate has voted against giving its advice and consent to ratification of a treaty only once. It has, on three other occasions, not voted on treaties when it likely would have rejected the treaty. In only one of these three cases did the United States return to the negotiating table and modify the agreement to address the Senate's concerns. These four cases are summarized here:

(1) *The [Comprehensive Test Ban Treaty](#) (CTBT)*: President Clinton signed the CTBT in 1996 and submitted it to the Senate for advice and consent in 1997. The Senate voted to reject the treaty in October 1999, by a vote of 48 for, 51 against. The treaty has not entered into force. It identifies 44 states that must ratify before entry into force, and although 183 nations have ratified the treaty, only 36 of the specified 44 have done so. Although the parties hold biannual conferences to facilitate entry into force, they have taken no steps, and have no plans, to reopen negotiations or alter the substance of the treaty.

(2) *[SALT II](#)*: The United States and Soviet Union signed the second Strategic Arms Limitation Treaty (SALT II) in June 1979. Critics pointed to numerous perceived weaknesses in the treaty provisions, which, when combined with concerns about the continuing Soviet build-up of strategic nuclear forces, raised questions about the value of the Treaty. Support in the Senate was likely not strong enough to produce the votes needed to consent to its ratification. After the Soviet Union invaded Afghanistan in December 1979, President Carter withdrew the treaty from the Senate's consideration. The United States and Soviet Union never reopened negotiations on the treaty. Nevertheless, although he opposed the treaty, President Reagan pledged not to deploy forces that would undercut its central limits. This policy remained in place until 1985, when the treaty would have expired.

The United States and Soviet Union pursued new negotiations on strategic arms control during the 1980s and completed the Strategic Arms Reduction Treaty (START) in 1991. The Reagan Administration did not view START as a modification of SALT II because the United States significantly altered its goals and negotiating positions. While the Soviet Union initially rejected the new approach, changes in Soviet leadership and improvements in the U.S.-Soviet relationship allowed the two sides to complete the treaty. The Senate consented to ratification in 1992, and it entered into force in 1994.

(3) [*Chemical Weapons Convention \(CWC\)*](#): The United States signed the CWC in early 1993, and President Clinton submitted it to the Senate for advice and consent in November 1993. The Senate held a number of hearings on the treaty between 1994 and 1996, and had planned to address a resolution of ratification in September 1996. However, its supporters were uncertain of whether they had sufficient votes to ensure its passage, so they postponed its consideration until after the 1996 presidential election. The Senate eventually approved the treaty, by a vote of 74-26, in April 1997. In the interim, the United States did not seek to reopen negotiations or alter the provisions in the agreement. Instead, when the Senate approved the resolution of ratification, it adopted nearly 30 conditions that affected U.S. implementation of the treaty.

(4) [*Threshold Test Ban Treaty \(TTBT\)*](#): The TTBT represents the one case where the United States resumed negotiations on a treaty after the Senate expressed its disapproval. The United States and Soviet Union signed the TTBT in 1974 and the companion Peaceful Nuclear Explosions Treaty (PNET) in 1976. These agreements limited underground nuclear weapons tests and peaceful nuclear explosions to 150 kilotons. The Ford Administration submitted these to the Senate for advice and consent in 1976. During hearings on the TTBT, many Senators expressed concerns about the U.S. ability to determine the yield of Soviet tests with seismic monitoring techniques. The Senate did not vote and, instead, called for negotiations to allow more direct, on-site monitoring. Nevertheless, the United States and Soviet Union both pledged to observe the testing limit. They eventually resumed negotiations in 1987 and signed new verification protocols in 1990. The Senate then gave its advice and consent to ratification.

Most analysts agree the new verification protocols provided the United States with higher confidence in its ability to verify compliance with the treaty. However, the new negotiations delayed entry into force by nearly 15 years.