a right in that same market. That is exactly what George Bush said when he said it very clearly in 1992 in an Executive order requiring all Federal agencies to use an open competitive process for all Federal contracts. President Clinton's executive order would revoke this basically. That was revoked in 1983, and this would go even further to narrow it and define who could bid. It just so happens that only a limited few could bid. Last year, if this Executive order, as we understand it, were in place—I guess it is a contract for fiscal year 1993—it would have been well over 13 percent more of them at about $182 billion.

In addition to contracts with major corporations, a study identified with contracts with Duke University, with Loyola University, and others, would fall subject to them and could well shut them off from their kind of contracts for research and development in the area of AIDS research in one and biomedical research in another.

Mr. President, what our President proposes and what the Vice President has openly talked about to be expected this next week is in itself, in my opinion, a travesty of the way Government works and the way the executive and the legislative branch come together to build good public policy. This is special interest group legislating in the worst form. It is very bold, and it is very open. But, then again, hundreds of millions of dollars worth of campaign contributions later, I guess they can figure they can be that bold and that open because, certainly, in the shadow of what has occurred in the last election, this appears to be a response to those kinds of levels of participation.

I thank my colleague and the Senator from Georgia for bringing this issue to the floor. It must be talked about. It must be understood openly by the American people. And, as I say, what the American people want for their tax dollar, its expenditure for and purchase of Government services and the need for capital expenditure within the Government is a fair and open bidding process and a good product in the end. Certainly, the President at this moment may well be accused of attempting to skew that into less competitive and most assuredly a less open process.

I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I thank the Senator from Idaho for his usual contribution. He has contributed substantively to this discussion.

PRIVILEGE OF THE FLOOR—S. 495

Mr. President, I ask unanimous consent that Jeanine Esperna, staff member, and David Stephens, fellow for Senator KYL, be granted privileges of the floor this afternoon during consideration of S. 495.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, I want to first make it clear—and I think Senator CRAIG alluded to this—that this is a constitutional confrontation. There is a growing propensity on the part of the administration, faced with a Congress that the people elected that are of a majority of the other party, to try to obviate the legislative branch through two courses: By Executive order or decree—and we have certainly seen the abuses of that throughout the world, which is why the Republic is so carefully constructed; and by regulation, which is something that has become unique in our own development in this country, where more and more regulators are lawmakers. You can't blame this administration alone for that kind of activity, but it has certainly accelerated.

I want to point out that I have already pointed out that the U.S. appellate court struck down the President's last attempt at this kind of reconstruction of the Republic. But there are other judicial precedents.

Mr. President, I am going to yield the remainder of my time in just a moment. I see my good friend from Alabama. They are dealing with the logistics of time here in terms of trying to deal with the Chemical Weapons Convention.

I will close by simply saying there is a growing outrage in the Congress with regard to these attempts to reconstruct lawmaking. Lawmaking in America cannot be done in an isolated room with just special interests. Obviously, all interests have a rising ability to contribute their thoughts so long as they are debated and aired ultimately in the people's body and not bypassed. This is a clear attempt to bypass the legislature, and I do not believe it will be successful. Perhaps the administration needs to take counsel with itself with regard to the suggestions they have put forward—that major labor law would be written somewhere other than the Congress of the United States.

Mr. President, I yield back all remaining time to the Senator from Alabama.

Mr. SHELBY addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

CHEMICAL AND BIOLOGICAL WEAPONS THREAT REDUCTION ACT

Mr. SHELBY. Mr. President, I rise in support of the Chemical and Biological Weapons Threat Reduction Act.

With the end of the cold war, we live in a much safer, but still unstable, world. Without the bi-polar domination of two superpowers, we now face a world comprised of many nations that have gained power on the world stage by producing a relatively inexpensive means of war.

Among the most deplorable methods of war-making known to the world, chemical and biological weapons are horrific tools of mass destruction.

Long ago, the United States discontinued and dismantled its biological weapons program and is currently unilaterally destroying its stockpile of poison gas. We would hope that other nations would follow suit, and destroy these weapons as well.

However, there are rogue States that are pursuing dangerous weapons programs contrary to international norms against the use and stockpiling of biological and chemical weapons.

Some countries are even suspected of pledging to ratify international agreements, while secretly continuing to develop and stockpile these lethal weapons.

One significant problem in the fight against chemical and biological weapons is the stunning lack of enforcement of existing international protocols.

International agreements, such as the 1925 Geneva Protocol and the 1972 Biological and Toxin Weapons Convention, ban the use of poison gas in war and prohibit the acquisition, development, production, and stockpiling of biological weapons. However, they have not been used as an effective deterrent.

For example, as the world watched with horror and disbelief when Iraq used poison gas against its own nationals, the community of nations failed to punish the perpetrators of this act.

In addition, there is currently no U.S. law which provides criminal or civil penalties relating to the use of these weapons in the United States.

Therefore, with the hope of reinforcing U.S. international leadership on chemical and biological weapons, I am proud to be a cosponsor of the Chemical and Biological Weapons Threat Reduction Act.

This legislation demonstrates our firm commitment to destroy U.S. chemical weapons, setting a strong example for other countries to follow.

Further, this initiative reinvigorates U.S. efforts to enforce existing international prohibitions against chemical weapons, provides strong deterrence, and sends a clear message to nations around the world that the United States will not tolerate the use of these weapons.

Specifically, the Chemical and Biological Weapons Threat Reduction Act sets out civil and criminal penalties for the acquisition, possession, transfer, and use of chemical and biological weapons.

This legislation mandates the death penalty where the use of these weapons leads to the loss of life and provides for a $100,000 penalty for civil violations.

The Chemical and Biological Weapons Threat Reduction Act requires enhancements to U.S. chemical and biological defenses to protect our military men and women. Further, it would require U.S. sanctions, termination of foreign assistance, and suspension of diplomatic relations against any country that uses chemical and biological weapons against another country or its own people.

The Chemical and Biological Weapons Threat Reduction Act provides

concrete and achievable measures to reduce the threat of these abhorrent weapons. It is the best thing we can do to protect our country, our allies, and our world from any future atrocities caused by the use of chemical and biological weapons.

I yield the floor. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, first I want to go ahead and speak on the legislation, S. 495, the Chemical and Biological Weapons Threat Reduction Act of 1997, in the interest of time. I think this is very important legislation, and I wanted to comment on it. But while we are in the final efforts to get an agreement on the unanimous consent agreement on how to consider the completion of this legislation, then when and how to take up the Chemical Weapons Convention next week, and how issues that are still in disagreement would be handled and how the motions to strike would be ordered—all of that is in the final phases of negotiation at this time.

I would like to thank, at the beginning, Senator KYL for the work he has put into this legislation and for his effort to come up with a fair and reasonable unanimous consent agreement as to how we would proceed. I thank Senator HELMS for his cooperation and the highly respectable and respectful manner in which he has dealt with this issue in the very important hearings he had.

Also, Senator DASCHLE has been persistent, but he has been reasonable in allowing us to have time to work through all the details. I think with an agreement of this importance and with as many parts to it as there is, you never could get it worked out to where it would just be 100 percent what everybody wants. But I think we have gotten it now to where it is fair, and I hope we can go ahead and close the loop, complete consideration of the legislation and then be prepared next week to move to the treaty itself.

I see the Democratic leader is on the floor.

Mr. President, before I begin my remarks on the bill, in anticipation of entering into a unanimous-consent agreement, I will first observe the absence of a quorum.

I withhold. Does the Senator from Texas wish to proceed at this time?

Mrs. HUTCHISON. Mr. President, I was going to proceed if there was no business in the Chamber, subject to the Senator from Arizona saying I would not encroach on his time.

Apparently that is the case.

Mr. LOTT. I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Texas will need to extend morning business for the time she wishes to speak.

Mrs. HUTCHISON. I thank the Chair.

I thank the Senator from Arizona because, in fact, I do want to talk about the bill that will be in the Chamber very shortly. The bill is sponsored by the junior Senator from Arizona, the Chemical and Biological Weapons Threat Reduction Act. I am an original cosponsor of this bill. I think it is very important that we pass this bill. This bill provides the most strength that we will ever be able to get to deal with the real chemical and biological weapons issues.

I like this bill because it has real teeth. It permits the U.S. military to use tear gas, for instance, when it is necessary to rescue a downed pilot or for the control of prisoners, which has been done, because tear gas is basically harmless. I would much prefer that we be able to use tear gas rather than shoot people. It would make more sense.

That is one of the problems, Mr. President, I have with the chemical weapons treaty. This bill deals with my concerns in a positive way by assuring that we are not going to unilaterally disarm ourselves from a weapon such as tear gas. So this solves one of the problems that I have with the Chemical Weapons Convention that we will have in the Chamber a few days from now.

This bill also preserves the Australia Group. The Australia Group is an effective international export control organization that really has done the most, the very most, to restrict the transfer of biological and chemical materials and technology. It is the one thing that is working and would be vitiated by the chemical weapons treaty.

So I am very pleased that this preserves the Australia Group because this is the one thing we have that works. This will strengthen U.S. biological and chemical defense programs. It does require Russian cooperation and, of course, it is very important that we work together with Russia in the dismantling of their chemical and biological weapons. S. 495 has a requirement that we cooperate with Russia. So I think it is a very important, positive step that we must take. Frankly, if we can pass this bill, it will take away many of the fears that many of us have about the chemical weapons treaty.

What this bill does not do is require the sharing of chemical defense capabilities with countries like Iran. That is one of the concerns many people have with the Chemical Weapons Convention, the treaty we will be taking up toward the end of next week. S. 495 does not require such sharing. So we would not have to sit down with a country like Iran—knowing that they will not abide by the treaty as we do—and share our chemical weapons capabilities or secrets with them. We do not produce chemical weapons, but we certainly have the technologies to do so in this country. In that case, of course, we should know what is going on with chemical weapons in other countries.

This bill does not require the expansion of trade in chemicals. This is another concern that we have with the chemical weapons treaty that S. 495 addresses. We are not going to expand the trade.

We are not going to circumvent the United States Constitution with this bill. S. 495 will not take away the fourth amendment right against unreasonable searches and seizures, which many of us believe is inherent in the chemical weapons treaty. It certainly does not permit an intrusive inspection of U.S. businesses by international inspection teams, which is another concern that we have with the chemical weapons treaty. Small businesses that are making chemical-related products should not suddenly be faced with a surprise inspection by an international team of experts. And who knows for what kind of intelligence those groups would be looking? Who knows who would even be in the groups? What kind of protection would a small company making fertilizer or cleaning products have against unwarranted intrusion by an international group that might include someone from the Government of Iran or the Government of China? Who could really tell exactly who would be in those groups?

I think the Senator from Arizona has fashioned a very good bill. It is a positive bill. It does alleviate many of the concerns that others have expressed about the reliability, the verifiability and the negative impact of the chemical weapons treaty, but it also makes this country stronger in its ability to enforce restrictions against the actual export of products that could be used in producing chemical weapons. The Australia Group is the best avenue that we have, and S. 495 would preserve it.

So I commend the Senator from Arizona. I am very pleased to be an original cosponsor of this bill. I am pleased that he is gaining cosponsors by the minute. I think people are beginning to see that we do have an alternative to stiffen the penalties, to stiffen our resolve against chemical and biological weapons and at the same time, make sure that we have laws with real teeth that would disallow the export of products that could be used to produce chemical weapons from our country or other countries in the Australia Group. This is the kind of legislation that I think will help make America stronger and will help protect this great country even more from the future use of chemical or biological weapons.

I thank the Chair. I yield the floor.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona.

Mr. KYL. I thank the Senator from Texas for a brilliant statement. I really appreciate that very much.

I ask unanimous consent that Senator ASHCROFT be added as a cosponsor of S. 495.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, on behalf of the Democratic leader and I, we just want to announce again that what we are about to do within the next 10 minutes or so is offer a unanimous-consent agreement on the Chemical Weapons Convention. We are still working to make sure we have a mutual understanding of exactly what is in it, and we want all Senators to be aware that we are preparing to do that.

I would be glad to yield at this point to the Senator.

Mr. DASCHLE. I appreciate the majority leader's yielding.

I heard him thank a number of people, and I want to express my gratitude as well to the majority leader and so many others who have brought us to this point. We have hot-lined this unanimous-consent request.

Let me just urge all of my Democratic colleagues to respond as favorably and as quickly as they possibly can. I have very closely examined once more this request, and I must say I think it is fair to all sides. It is not everything we would like, but it is not everything that the Republicans would like either. It is important for purposes of completing our work on time that we get this agreement today, this afternoon.

So I urge my Democratic colleagues to support the request and to allow us to enter into an agreement no later than 2:15 this afternoon. So again I thank the majority leader, all of those on our side of the aisle for their great work in bringing us to this point.

I yield the floor.

Mr. LOTT. I thank the Senator.

EXTENSION OF MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that morning business time be extended for an additional 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHEMICAL AND BIOLOGICAL WEAPONS THREAT REDUCTION ACT

Mr. LOTT. Mr. President, I am pleased to speak in support of this legislation that has been drafted by Senator KYL and joined in with cosponsorship from Senators HELMS, NICKLES, MACK, COVERDELL, SHELBY, HUTCHISON, and myself, as well as others. We introduced this legislation on March 21. This is important legislation. I know there are a lot of people who are trying to assess will this legislation favorably or unfavorably affect the final vote on the Chemical Weapons Convention. I do not think you can really judge that. Senators that will vote on both sides of the issue on this bill and that bill will view it in different ways depending on their own personal perspective. The most important thing is this is a bill we should have passed. We should already have passed it irrespective of what might happen on the Chemical Weapons Convention.

As I have gotten into this issue and studied this bill, I am amazed that we do not already have laws on the books dealing with sanctions against any country that uses chemical and biological weapons against another country or its own nationals, that we do not allow a range of chemical and biological weapons within the United States. I cannot believe we have not already done it.

This is very good legislation. I hope action on this legislation will put one myth to rest once and for all: No one supports chemical weapons in the United States. Everyone is opposed to them. We all know they are terrible things. Whether they are used in a military situation or civilian situation like we have seen in recent instances in other parts of the world, they are a horrendous thing and they should be eliminated from the face of the Earth in any way we can do it.

As a matter of U.S law, our chemical weapons stockpile will be destroyed by 2004. No matter what happens on the chemical weapons treaty, we already made a commitment and in fact are in the process of destroying our own stockpiles by 2004. Whether or not we pass this bill or whether or not we ratify the Chemical Weapons Convention, the weapons in the United States are being destroyed.

Next week, when we get this UC agreement worked out, the Senate will debate and vote on the Chemical Weapons Convention. I have a number of key concerns about the convention which have not yet been resolved, but to the credit of the proponents and the administration, they have been working with us, I believe, in good faith. We have had a number of minor and some major improvements. We are still working on that language at this very moment. But fundamental issues exist, some of which have not been resolved.

I do think that requiring search warrants for involuntary searches is essential. Protecting United States intelligence information is vital; ensuring United States chemical defensive technology and equipment, making sure it is not shared with Iran or other countries that could possibly under this convention get access to United States information or information from other parts of the world in terms of how chemical technology can be utilized for chemical weapons or also how that technology or equipment could be used in defense capability. We do not want that kind of information spread throughout the globe to those rogue countries that in fact have already been using chemical weapons, have that capability and have indicated they either will be in the convention or may not.

But serious concerns remain. Whether the convention is verifiable enough, whether Russia is taking steps to perhaps violate the treaty and, most importantly, whether provisions in the convention actually increase the likelihood of chemical weapons proliferation, those are all very important questions and we will vote on those issues next week in one form or another through a motion to strike or on final passage. I know all Senators are weighing the information very seriously. To the credit of our committee, the Foreign Relations Committee, in the hearings they have been having, we have been hearing testimony from very distinguished Americans on both sides of the issue.

It is being analyzed and critiqued in articles and editorials. I believe the Senate now is focusing on this issue, and that is as it should be. This bill will help to do that.

Today, though, the Senate will have an opportunity to take real enforceable and effective action to address the threat of chemical weapons. The Chemical and Biological Weapons Threat Reduction Act includes comprehensive domestic and international steps to act against these horrible weapons.

Domestically, this bill provides for civil and criminal penalties for the acquisition, possession, transfer or use of chemical or biological weapons. Again, it is amazing we do not already have this on the books.

It designates the FBI as the lead domestic agency to address chemical weapons threats.

Our bill provides for a Federal death penalty in cases when the use of weapons results in the loss of life. Swift and certain punishment can help ensure that terrorists do not use chemical weapons against America, and ending bureaucratic struggles can help ensure any terrorists get caught quickly.

Internationally, this legislation directs the administration to add enforcement provisions to existing international bans on the use of chemical weapons. Use of chemical weapons has been banned since 1925 in the Geneva Protocol, but the world knows this ban has not been effective. In fact, in the 1980's, after clear evidence—clear evidence—of Iraq's use of chemical weapons against its own people, the international community did nothing—did nothing. It is time to add enforcement mechanisms to that Geneva Protocol.

S. 495 includes a number of provisions to stem chemical and biological weapons proliferation around the world. It requires mandatory sanctions on countries which use these weapons.

It mandates enhancements to our chemical and biological defenses.

It requires the administration to name names in an annual report to identify the people and the countries